CITY OF ELLIOT LAKE

CITY COUNCIL - REGULAR MEETING
AGENDA

Monday, September 9, 2019

7:00 pm

COUNCIL CHAMBERS

Pages

1. CALL TO ORDER

2. ROLL CALL

3. DECLARATIONS OF CONFLICT OF INTEREST

4. ADOPTION OF PREVIOUS MINUTES

   4.1 August 26, 2019 - Regular. 3

   4.2 Reading of resolutions passed following the closed session of the August 26, 2019 Council meeting,

5. PUBLIC PRESENTATIONS

6. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

   6.1 September 3, 2019. Letter from the Director of Recreation & Culture 12

   re: Community Volunteer Appreciation Dinner - declare Municipally Significant Event

   6.2 September 5, 2019. Report from the Director of Public Works 13

   re: Asphalt Pavement Crack Sealing

   6.3 September 3, 2019. Report from the Director of Public Works 16

   re: IT Department Vehicle Procurement

7. PRESENTATION OF COMMITTEE REPORTS

   7.1 Recommendation from the Public Services Commitee 18

   re: speed bumps on Nordic Mine Road

   7.2 Recommendation from the Bylaw & Planning Committee 20

   re: amendment to the procedural by-law item 60(2) - Motion to Defer

7.3 Recommendation from the By-Law & Planning Committee 21
re: proposed amendments to parking bylaw - Elizabeth Walk

8. UNFINISHED BUSINESS

9. PETITIONS

10. CORRESPONDENCE

11. NOTICES OF MOTION

12. PUBLIC QUESTION PERIOD

13. INTRODUCTION AND CONSIDERATION OF BY-LAWS

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14. COUNCIL REPORTS AND ANNOUNCEMENTS

15. ADDENDUM

16. CLOSED SESSION (if applicable)

17. ADJOURNMENT

THE CORPORATION OF THE CITY OF ELLIOT LAKE

Minutes of a regular meeting of the Council of The Corporation of The City of Elliot Lake

Monday, August 26, 2019
7:00 PM
COUNCIL CHAMBERS

Present
D. Marchisella, Mayor
L. Cyr, Councillor
E. Pearce, Councillor
N. Mann, Councillor
S. Finamore, Councillor
C. Patrie, Councillor
T. Turner, Councillor
D. Gagnon, Chief Administrative Officer
T. Dunlop, Director of Recreation and Culture
A. Vlahovich, Economic Development Coordinator
D. Halloch, Director of Public Works
J. Thomas, Director of Protective Services
N. Bray, City Clerk

1. CALL TO ORDER

2. ROLL CALL

3. DECLARATIONS OF CONFLICT OF INTEREST

Councillor Mann declared a direct pecuniary conflict of interest on item 7.3 as his employer holds the specialized transit contract

4. ADOPTION OF PREVIOUS MINUTES

4.1 August 12, 2019 - Regular

Res. 299/19
Moved By: E. Pearce
Seconded By: C. Patrie

That the following minutes be adopted:

August 12, 2019 - Regular

Carried

5. PUBLIC PRESENTATIONS

6. INTRODUCTION AND CONSIDERATION OF CORPORATE REPORTS

6.1 August 22, 2019. Memo from City Clerk

re: appointment to Miner's Memorial Name Selection Committee

As this matter deals with personal matters about an identifiable individual it may be discussed in closed session as per Section 239.(2)(b) of the Municipal Act

Res. 300/19
Moved By: L. Cyr
Seconded By: S. Finamore

That this matter be discussed in closed session

Carried

6.2 August 22, 2019. Memo from City Clerk

re: request for extension on covenant for a waterfront lot on Quirke Lake

As this matter deals with personal information about identifiable individuals and potential acquisition of property by the Municipality it may be discussed in closed session under Section 239.(2)(b) and (c) of the Municipal Act.

Res. 301/19
Moved By: N. Mann
Seconded By: S. Finamore

That this matter be discussed in closed session

Carried

6.3 July 26, 2019. Report of the Coordinator of Arts & Culture and the Coordinator of Special Events

re: 2019 Uranium Heritage Days Street Dance

Res. 302/19
Moved By: S. Finamore
Seconded By: C. Patrie

That Staff Report RC2019-7 - Uranium Heritage Days Street Dance of the Coordinator of Arts & Culture and Coordinator of Special Events dated July 26, 2019 be received.

Carried

6.4 August 20, 2019. Report from the Director of Recreation and Culture

re: 2019 Uranium Heritage Days Festival

Res. 303/19
Moved By: N. Mann
Seconded By: T. Turner

That the staff report from the Director of Recreation and Culture regarding the Uranium Heritage Days Festival dated August 20, 2019 be received

Carried

6.5 August 22, 2019. Memo from the Manager of Human Resources

re: Library Contract Negotiations

As this matter deals with personal matters about identifiable individuals and employee negotiations it may be discussed in closed session under Section 239.(2)(b) and (d) of the Municipal Act

Res. 304/19
Moved By: N. Mann
Seconded By: L. Cyr

That this matter be discussed in closed session

Carried

7. PRESENTATION OF COMMITTEE REPORTS

7.1 August 20, 2019. Recommendation from Public Services Committee

re: Infrastructure Update

Res. 305/19
Moved By: L. Cyr
Seconded By: E. Pearce

That the memo from the Director of Public Works re: Infrastructure Update be received

Carried

7.2 August 20, 2019. Recommendation from Public Services Committee

re: Safe Sharp Disposal Program

Res. 306/19
Moved By: L. Cyr
Seconded By: E. Pearce

That the report from the Director of Public Works regarding Safe Sharps Disposal Program be received;

And that the bin location be placed on Phillip Walk.

Carried

Councillor Mann Left his Chair

7.3 July 31, 2019. Recommendation from the Accessibility Advisory Committee

re: Transit Service

Moved By: T. Turner
Seconded By: L. Cyr

That the transit schedule be reviewed in order to improve and provide accessible service for the residents of the City of Elliot Lake and to ensure compliance with the *Accessibility for Ontarians with Disabilities Act* and the Ontario Human Rights Commission

An amendment was introduced

Moved by C. Patrie
Seconded by: E. Pearce

That the recommendation from the Accessibility Advisory Committee be received.

At the call of the Mayor, the following roll call vote was recorded:

<u>In Favour</u>
S. Finamore
E. Pearce
C. Patrie
<u>Opposed</u>
T. Turner
L. Cyr
D. Marchisella

Defeated

Main Motion

Res. 307/19
Moved By: T. Turner
Seconded By: L. Cyr

That the transit schedule be reviewed in order to improve and provide accessible service for the residents of the City of Elliot Lake and to ensure compliance with the *Accessibility for Ontarians with Disabilities Act* and the Ontario Human Rights Commission

At the request of the Mayor, the following roll call vote was recorded

In Favour
T. Turner
S. Finamore
L. Cyr
D. Marchisella
Opposed
E. Pearce
C. Patrie

Carried

Councillor Mann returned to his Chair

7.4 July 31, 2019. Recommendation from the Accessibility Advisory Committee

re: Municipal Assets and Buildings Audit Review - Stone Ridge Golf Course

Res. 308/19
Moved By: T. Turner
Seconded By: L. Cyr

That Stone Ridge Golf Course be directed to respond within thirty (30) days with a plan for compliance regarding the items noted in the Municipal Assets and Building Audit Review conducted in August 2017.

Carried

7.5 July 31, 2019. Recommendation from Accessibility Advisory Committee

re: new boat launch/pier

Res. 309/19
Moved By: T. Turner
Seconded By: L. Cyr

That the site plan, for the new Boat Launch/Pier, including landscaping, be provided to the Accessibility Advisory Committee for review

Carried

8. UNFINISHED BUSINESS

9. PETITIONS

10. CORRESPONDENCE

10.1 August 22, 2019. Report of the Integrity Commissioner

re: Conflict of Interest Complaint - Mayor Marchisella

Res. 310/19
Moved By: E. Pearce
Seconded By: C. Patrie

That the Report of the Integrity Commissioner re: Conflict of Interest Complaint - Mayor Marchisella be received

Carried

11. NOTICES OF MOTION

12. PUBLIC QUESTION PERIOD

Councillor Finamore left her seat

13. INTRODUCTION AND CONSIDERATION OF BY-LAWS

13.1 By-Law No. 19-41

Being a bylaw to authorize the acceptance of an Offer of Purchase respecting certain lands within the Municipality

Res. 311/19
Moved By: N. Mann
Seconded By: L. Cyr

That By-law No. 19-41 be passed

Carried

13.2 By-Law No. 19-42

Being a by-law to authorize the entering into of an agreement for the supply of two heavy duty service trucks

Res. 312/19
Moved By: E. Pearce
Seconded By: T. Turner

That By-Law No. 19-42 be passed

Carried

13.3 By-Law N0. 19-43

Being a by-law to authorize the entering into of an agreement for supply and installation of weatherproofing with respect to the roof at Centennial Arena

Res. 313/19
Moved By: L .Cyr
Seconded By: E. Pearce

That By-Law No. 19-43 be passed

Carried

14. COUNCIL REPORTS AND ANNOUNCEMENTS

Councillor Finamore returned to her Chair

15. ADDENDUM

Res. 314/19
Moved By: C. Patrie
Seconded By: L .Cyr

That we deal with the addendum to the agenda

Carried

15.1 August 26, 2019. Memo from the Economic Development Coordinator

re: update - potential disposition of land on Esten Drive North

As this matter deals with the potential disposition of land owned by the municipality it may be discussed in closed session under Section 239.(2)(c) of the Municipal Act

Res. 315/19
Moved By: N. Mann
Seconded By: L. Cyr

That this matter be discussed in closed session

Carried

15.2 August 26, 2019. Memo from the Economic Development Coordinator

re: update - request to lease space at the Elliot Lake Airport

As this matter deals with a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board, it may be discussed in closed session under Section 239.(2)(k)

Res. 316/19
Moved By: E. Pearce
Seconded By: T. Turner

That this matter be discussed in closed session

Carried

15.4 By-Law No. 19-44

Being a by-law to authorize the entering into of a lease for space in the former Turner's location in the Pearson Plaza

Res. 317/19
Moved By: N. Mann
Seconded By: C. Patrie

That By-law No. 19-44 be passed

Carried

16. CLOSED SESSION (if applicable)

Res. 318/19
Moved By: N. Mann
Seconded By: S. Finamore

That we proceed into closed session at the hour of 9:21 PM

Carried

Res. 319/19
Moved By: N. Mann
Seconded By: T. Turner

That we come out of closed session at the hour of 10:19 PM

Carried

Res. 320/19
Moved By: C. Patrie
Seconded By: E. Pearce

That Ken Pierce and Blair Boilard be appointed to the Miner's Memorial Name Selection Committee.

Carried

17. ADJOURNMENT

Res. 321/19
Moved By: C. Patrie
Seconded By: N. Mann

That this meeting adjourn at the hour of 10:20 PM

Carried

_____

Mayor

_____

City Clerk

City of Elliot Lake

3 September 2019

Mayor & Members of Council
City of Elliot Lake
45 Hillside Drive North
Elliot Lake, ON P5A 1X5

ATTENTION: N. Bray, City Clerk

RE: Community Volunteer Appreciation Dinner

In June 2019 Council approved the budget to hold an annual volunteer appreciation dinner.

In order for the City of Elliot Lake to acquire a Liquor Licence for the upcoming Volunteer Appreciation Dinner to be held on Saturday 21st September 2019 at Collins Hall, a Council Resolution of support must accompany the application. The City of Elliot Lake considers the Volunteer Dinner to be a significant event.

The above has been submitted for your approval.

Thank you,

Teresa Dunlop

Teresa Dunlop
Director, Recreation & Culture Department

The Corporation of the City of Elliot Lake

Staff Report OPS2019-12

Report of the **Director of Public Works**
for the Consideration of Council

RE: ASPHALT PAVEMENT CRACK SEALING

OBJECTIVE

To provide Mayor and Council with information regarding the tender for asphalt pavement crack sealing.

RECOMMENDATION

THAT Staff Report OPS2019-12 dated September 5th, 2019 of the Director of Public Works be received;

AND THAT contract 2019-12 for Asphalt pavement crack sealing in the amount of $72,000.00 plus applicable taxes be awarded to Northern Contracting Ltd.

AND THAT council approves the addition cost of $7,000 from the Public Works Reserve account

Respectfully Submitted

Daryl Halloch
Director of Public Works

Approved

Daniel Gagnon
Chief Administration Officer

September 5th, 2019

BACKGROUND

Tender OPS2019-12 was released to request bids for approximately 40,000 linear meters of hot rubberized crack sealing for use on various asphalt paved surfaces within the Municipality. The sealant material is MTO approved for all district use (acceptable for use in Northern and Southern Ontario).

Annual sealing of cracks in asphalt pavement reduces the impact of freeze/thaw cycles and helps preserve municipal roadways.

This work was completed in 2018 by Northern Contracting & Maintenance Limited at a price of $1.55 per meter applied.

The tender was advertised on the City of Elliot Lake website and through the Merx website. Only one firm responded to the tender.

ANALYSIS

The pricing received through the tender responses was as follows:

- Northern Contracting and Maintenance Limited - $1.^{80} per meter totalling $72,000.^{00}

No bid irregularities were noted during the tender review process.

FINANCIAL IMPACT

There was a total of $65,000.^{00} designated for Asphalt pavement crack sealing in the 2019 road maintenance budget. Total amount for the work, inclusive of applicable taxes is $62,000.^{00}. Council would need to approve the additional cost of $7,000 from the Public Works Reserve that has a balance of $475,000.

LINKS TO STRATEGIC PLAN

Approval of this request will uphold the commitment of Mayor and Council toward “Continued Investment into Infrastructure”. This report serves to assist in “educating the public on infrastructure operations, repair and replacement”.

SUMMARY

It is recommended that the amended submission received from Northern Contracting Ltd., in the amount $72,000.^{00} plus applicable taxes for Asphalt pavement crack sealing services be accepted.

The Corporation of the City of Elliot Lake

Staff Report OPS2019-11

Report of the **Director of Public Works**
for the Consideration of Council

RE: IT DEPARTMENT VEHICLE PROCUREMENT

OBJECTIVE

To provide Mayor and Council with information regarding the proposed contract between Algoma Chrysler and the City of Elliot Lake for the purchase of one (1) passenger van for use within the IT Department.

RECOMMENDATION

That Staff Report OPS2019-11 dated September 3, 2019 of the Manager of Director of Public Works be received;

and that Contract No. 2019-11, for the purchase of one (1) passenger van, in the amount of $32,994.^{00} plus applicable taxes be awarded to Algoma Chrysler Incorporated.

Respectfully Submitted

Approved

_____
Daryl Halloch
Director of Public Works

_____
Daniel Gagnon
Chief Administrative Officer

September 3, 2019

BACKGROUND

The IT Department relies on a vehicle to travel throughout the City to perform tasks involved with the job. Since majority of the work involved requires transporting computer equipment, a van is the most practical source of transportation. This vehicle is also utilized by other departments when sending staff out of town for conferences and training, making the 7 passenger capability a must feature.

For the 2019 year, the department budgeted for (1) vehicle to be purchased as part of our ongoing fleet management program. The proposed unit is intended to replace the current 2007 unit which is well past its duty cycle.

The tender was advertised on the City of Elliot Lake website with (1) local firm expressing interest.

ANALYSIS

Bidders for this contract were requested to submit complete pricing for the work as outlined in Section IV of the tender document.

One local firm submitted a bid. Pricing was received as noted below:

- Algoma Chrysler - $32,994.^{00} exclusive of taxes;

No bid irregularities or deviations from the procurement policy were noted during the evaluation of the tender packages.

FINANCIAL IMPACT

This expenditure of $32,994 plus applicable taxes is within the 2019 budgeted amount of $36,600.

LINKS TO STRATEGIC PLAN

These vehicles are critical tools in the delivery of necessary services consistent with Goal 9 of the Strategic Plan, which states that we will “maximize opportunities for intra-municipal mobility through the continued maintenance and further improvement and development of municipal infrastructure.”

SUMMARY

Approving the recommendations presented in this report will assist in the maintenance of reliable fleet service vehicles for use in the ongoing operation and maintenance of our City infrastructure.

THE CORPORATION OF THE CITY OF ELLIOT LAKE
MUNICIPAL OFFICE
45 HILLSIDE DRIVE NORTH
ELLIOT LAKE, ON P5A 1X5

August 20, 2019

Mayor and Members of Council
City of Elliot Lake
45 Hillside Drive North
Elliot Lake, ON P5A 1X5

ATTENTION: N. Bray, City Clerk

Your Worship and Members of Council:

RE: Speed bumps on Nordic Mine road for Golf Cart Crossing

We wish to advise that at a meeting of the Public Services Committee held Thursday, August 15, 2019, the Committee passed the following resolution:

Res#: 19-16

> "THAT the memo of "Speed Bumps on Nordic Mine Road for Golf Cart Crossing" be received and be forwarded to Council."

A copy of the Memo is attached and the foregoing is respectfully submitted for your information.

Yours truly,

Daryl Halloch,
Director of Public Works

DH/sp

Memo

To: Public Service Committee

From: Daryl Halloch

CC:

Date: August 8, 2019

Re: **Speed Bumps on Nordic Mine Road for Golf Cart Crossing**

Several years ago after the completion of the City's Stone Ridge Golf Course, a decision was made by The City and Retirement Living (Manage Golf Course) to install seasonal (May-October) speed bumps on Nordic Mine Road between golf course holes 3 to 4 and 6 to 7, where they cross the road. The City also installed stop signs that require traffic in both directions to stop at both crossings.

Nordic Mine Road receives traffic mainly from people travelling to the golf course and seasonal campers travelling east of the golf course as well as Denison Mine lime trucks that travel in and out three times a week to mine site restoration areas.

Denison environmental has stated Health and Safety Concerns

- Driving over the speed bumps is physically hard on the driver, increasing risk of injury which has recently occurred with a driver reporting a WSIB injury claim directly resulting from the speed bumps on Nordic Mine Road.
- Causes unnecessary wear and tear on the tanker trucks – cracking of tanker walls, premature failure of leveling equipment, suspension systems, shock absorbers, tires, brakes and dashboards.
- Bolts to install speed bumps frequently come loose and stick up become a hazard for any vehicle that must travel over the speed bumps.

Denison Environmental believes as a public road, the interest to all using it should be considered – and that the golfers that cross it, should do so with care and attention. Likewise, drivers on the road have a responsibility to drive with care and obey appropriate signage.

A meeting was held earlier in the year between Denison Environmental, Retirement Living and the City to come up with solutions that would satisfy all parties. The City was looking to reduce the speed limit on the road which is currently not posted (making it 50km zone) to a 30 km road, adding stop signs to both golf cart paths, brushing the corner roads for better visibility and removing the speed bumps and painting in crosswalk lines. These changes seem to satisfy all parties, although Retirement Living requested a letter from the City that by removing the speed bumps, The City would assume all liability. This prompted a call to the City's Insurance broker, who strongly advised from removing the current speed bumps, stating any future accidents would be investigated – especially pertaining to any current changes. This information was shared with all parties and the current speed bumps remain in place.

City of Elliot Lake

Chief Building Official

September 5, 2019

Mayor and Members of Council
City of Elliot Lake
45 Hillside Dr. N.
Elliot Lake, ON P5A 1X5

Dear Mayor and Members of Council:

We wish to advise that at the regular meeting of the By-law and Planning Committee held Tuesday, September 3, 2019 the Committee recommended the following resolution to Council:

Res. 19/16

THAT the By-law and Planning Committee forward to Council to approve an amendment to Section 60(2) of the Procedural By-Law (Motion to Defer)

AND THAT Council amends Section 60(2) of the Procedural By-Law as follows: "Debate shall be limited to why the matter should or should not be deferred."

Yours truly,

Leo Chaloux, CBO
Secretary of Bylaw and Planning Committee

City of Elliot Lake

Chief Building Official

September 5, 2019

Mayor and Members of Council
City of Elliot Lake
45 Hillside Dr. N.
Elliot Lake, ON P5A 1X5

Dear Mayor and Members of Council:

We wish to advise that at the regular meeting of the By-law and Planning Committee held Tuesday, August 13, 2019 the Committee recommended the following resolution to Council:

Res. 19/14

THAT the By-law and Planning Committee forward to Council to approve changing to current (2) hours parking limit on Elizabeth Walk to (1) One hour parking period.

AND THAT the appropriate by-law be prepared to amend the current Parking By-Law and short form fine schedule.

Yours truly,

Leo Chaloux, CBO
Secretary of Bylaw and Planning Committee

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 19-46

Being a by-law to authorize the entering into of an agreement for provision of services with respect to asphalt pavement crack sealing.

The Council of The Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

1. **THAT** the Corporation enter into an agreement with Northern Contracting & Maintenace Ltd., for asphalt pavement crack sealing, a copy of which agreement is attached hereto as Schedule "A" and forms part of this by-law.

2. **THAT** the Mayor together with the City Clerk of the Corporation are hereby authorized and directed to execute the agreement on behalf of the Corporation under the corporate seal.

PASSED this 9h day of September, 2019.

_____

MAYOR

_____

CITY CLERK

SECTION III

AGREEMENT

THIS AGREEMENT made in triplicate the 8th day of August in the year Two Thousand Nineteen by and between

NORTHERN CONTRACTING & MAINTENANCE

Hereinbefore and hereinafter called the ***"Contractor"***

and

The Corporation of the City of Elliot Lake

Hereinbefore and hereinafter called the ***"Owner"***

WITNESSETH: That the Contractor and Owner for the considerations hereinafter indicated undertake and agree as follows:

ARTICLE I

The Instructions to Bidders, the Tender Form, and Specifications/Terms of Reference are to be read herewith and form part of the present Agreement as fully and completely to all intents and purposes as though all the stipulations thereof had been embodied herein.

ARTICLE II

The Contractor undertakes and agrees:

a) To provide all necessary labour, equipment and materials and perform all the works as described in the Contract Specifications entitled:

Asphalt Pavement Crack Sealing – Contract No. 2019-12

which were prepared by The Corporation of the City of Elliot Lake, Public Works Department, 3 Timber Road, Elliot Lake, Ontario.

b) To do and fulfill everything indicated by this agreement and the Instructions to Bidders and Specification/Terms of Reference.

c) To commence the work within seven days of being given written notice to proceed with the work and complete, substantially, all the work to which this agreement refers by a date mutually agreed upon by both parties.

ARTICLE III

The owner undertakes and agrees:

To pay the Contractor in lawful money of Canada for the performance of the work (subject to additions and deductions as provided in the General Conditions of the Contract) at the lump sum price of:

Seventy Two Thousand (Plus Applicable HST) ($72,000.00)

ARTICLE IV

The Contractor and the Owner for themselves, their successors, and assigns, hereby undertake and agree to the full performance of the covenant contained herein and in the General Conditions of the Contract, and that this Agreement with the General Conditions of the Contract, and the Specifications constitute the Contract and the Plans.

ARTICLE V

The Contractor agrees to carry out this Agreement in a manner calculated to avoid additional expenses and additional legal costs being incurred by the Owner and undertakes to indemnify the Owner for all such additional legal expenses and any legal costs arising from the carrying out of this Agreement including, without limited the generality of the foregoing, the Contractor agrees to indemnify the Owner for all legal expenses and legal costs that the Owner may be compelled to pay in respect of any Lien claim or claims which may be claimed or registered.

ARTICLE VI

The terms "Owner", and "City" and "Corporation" as mentioned in the Agreement, the Information for Bidders, the Tender, the General Conditions and the Special Conditions of the Contract, and Specifications, shall mean "The Corporation of the City of Elliot Lake."

ARTICLE VII

If and whenever either party hereto desires to give notice to the other party or in connection with this Agreement, such notice will be effectively given if sent by registered mail to:

The Contractor at: 123 March St., Suite 100, Sault Ste Marie, ON P5A 2Z5

The Owner at: Municipal Office
45 Hillside Drive North
Elliot Lake, Ontario
P5A 1X5

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

WITNESS

(THE CONTRACTOR
(
(BY _____

(AND _____ (SEAL)

(THE CORPORATION OF THE CITY OF ELLIOT LAKE
(
(BY _____
(MAYOR
(
(AND _____ (SEAL)
(CLERK

THE CORPORATION OF THE CITY OF ELLIOT LAKE

BY-LAW NO. 19-47

Being a by-law to authorize an Agreement with respect to the supply of a Cross Over/Utility Van

The Council of The Corporation of the City of Elliot Lake **ENACTS AS FOLLOWS:**

1. **THAT** the Corporation enter into an Agreement with Algoma Chrysler Inc. for the supply of one cross over utility van, a copy of which Agreement is attached hereto as Schedule "A" and forms part of this by-law.

2. **THAT** the Mayor together with the City Clerk of the Corporation are hereby authorized and directed to execute the Agreement on behalf of the Corporation under the corporate seal.

PASSED this 9th day of September, 2019.

_____

MAYOR

_____

CITY CLERK

SECTION III

AGREEMENT

THIS AGREEMENT made in triplicate the 8th day of August in the year Two Thousand Nineteen by and between

ALGOMA CHRYSLER INC.

Hereinbefore and hereinafter called the ***"Contractor"***

and

The Corporation of the City of Elliot Lake

Hereinbefore and hereinafter called the ***"Owner"***

WITNESSETH: That the Contractor and Owner for the considerations hereinafter indicated undertake and agree as follows:

ARTICLE I

The Instructions to Bidders, the Tender Form, and Specifications/Terms of Reference are to be read herewith and form part of the present Agreement as fully and completely to all intents and purposes as though all the stipulations thereof had been embodied herein.

ARTICLE II

The Contractor undertakes and agrees:

a) To provide all necessary labour, equipment and materials and perform all the works as described in the Contract Specifications entitled:

Cross Over/Utility Van Contract No. OPS2019-11

which were prepared by The Corporation of the City of Elliot Lake, Public Works Department, 3 Timber Road, Elliot Lake, Ontario.

b) To do and fulfill everything indicated by this agreement and the Instructions to Bidders and Specification/Terms of Reference.

c) To commence the work within seven days of being given written notice to proceed with the work and complete, substantially, all the work to which this agreement refers by a date mutually agreed upon by both parties.

ARTICLE III

The owner undertakes and agrees:

To pay the Contractor in lawful money of Canada for the performance of the work (subject to additions and deductions as provided in the General Conditions of the Contract) at the lump sum price of:

Thirty Two Thousand Nine Hundred and Ninety Four (Plus Applicable HST) ($32,994.00)

ARTICLE IV

The Contractor and the Owner for themselves, their successors, and assigns, hereby undertake and agree to the full performance of the covenant contained herein and in the General Conditions of the Contract, and that this Agreement with the General Conditions of the Contract, and the Specifications constitute the Contract and the Plans.

ARTICLE V

The Contractor agrees to carry out this Agreement in a manner calculated to avoid additional expenses and additional legal costs being incurred by the Owner and undertakes to indemnify the Owner for all such additional legal expenses and any legal costs arising from the carrying out of this Agreement including, without limited the generality of the foregoing, the Contractor agrees to indemnify the Owner for all legal expenses and legal costs that the Owner may be compelled to pay in respect of any Lien claim or claims which may be claimed or registered.

ARTICLE VI

The terms "Owner", and "City" and "Corporation" as mentioned in the Agreement, the Information for Bidders, the Tender, the General Conditions and the Special Conditions of the Contract, and Specifications, shall mean "The Corporation of the City of Elliot Lake."

ARTICLE VII

If and whenever either party hereto desires to give notice to the other party or in connection with this Agreement, such notice will be effectively given if sent by registered mail to:

The Contractor at: 238 Hwy 108 N, Elliot Lake, ON

The Owner at: Municipal Office
45 Hillside Drive North

Elliot Lake, Ontario
P5A 1X5

IN WITNESS WHEREOF the parties hereto have executed this Agreement the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of

WITNESS

(THE CONTRACTOR
(
(BY _____
(AND _____(SEAL)

(THE CORPORATION OF THE CITY OF ELLIOT LAKE
(
(BY _____
(MAYOR
(
(AND _____ (SEAL)
(CLERK