

MINUTES of **REGULAR** Meeting #2012-03 of the council of the City of Whitehorse called for 7:30 p.m. on Monday, February 13, 2012, in Council Chambers, City Hall.

PRESENT: Mayor Bev Buckway
Councillors Dave Austin
Kirk Cameron
Betty Irwin
Ranj Pillai
Florence Roberts
Dave Stockdale

ALSO PRESENT: City Manager Dennis Shewfelt
Director of Administrative Services Robert Fendrick
Director of Operations Brian Crist

Mayor Buckway called the meeting to order at 7:30 p.m.

CALL TO ORDER

2012-03-01

It was duly moved and seconded
THAT the agenda be adopted as amended with the addition of Dale Best as a delegate speaking to the rezoning application for 18 Azure Road.

AGENDA

- Carried -

2012-03-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated January 30, 2012 be adopted as presented.

MINUTES

January 30, 2012

- Carried -

DELEGATIONS

Dale Best addressed council in support of the rezoning application for 18 Azure Road. He expressed concern regarding the requirements with respect to surface drainage and questioned the need for an environmental assessment. He also questioned the fee schedule for development cost charges, and suggested that it should be revisited until the housing market in Whitehorse is corrected. Mr. Best also questioned why this development will be required to provide ten percent of the land or pay a ten percent fee with respect to public use land dedication, and suggested that the ten metre drainage ditch corridor should be considered as part of the required green space.

DALE BEST
REZONING AT
18 AZURE ROAD

PUBLIC INPUT

Mayor Buckway called three times for anyone to appear to address the proposed amendments to the 2007 Trail Plan.

TRAIL PLAN
AMENDMENTS

Peter Long suggested that walking features such as stairs on the escarpment in the vicinity of the dam would support a walking culture in Whitehorse, and encouraged council to explore walking initiatives and programs in other jurisdictions. Mr. Long also expressed concern regarding the implementation of the Trail Committee contemplated in the Trail Plan and suggested that there was not adequate consultation with local residents about the proposed amendments to the Trail Plan.

PETER LONG

Keith Lay encouraged council to defeat the proposed amendments to the Trail Plan with respect to the implementation of the Trail Committee. He suggested that there has not been enough public input in the development of the proposed amendments, and expressed concern regarding the proposed makeup of the Trail Committee.

KEITH LAY

Jeff Marynowski addressed council on behalf of the Porter Creek Community Association and suggested that the proposed Trail Committee will not adequately represent the public if it is implemented as it is being proposed. He stated the opinion that user groups should be allowed to sit on the Trail Committee.

JEFF MARYNOWSKI

Christina Macdonald, representing the Yukon Conservation Society, cited the Official Community Plan's vision for walk-ability and the importance of trails. She expressed concern regarding the process and the transparency on trail development and encouraged a public process. Ms. Macdonald indicated that the Yukon Conservation Society supports the creation of a trails advocacy group to work with the City, stating that there is role for motorized, non-motorized and multi-use trails in Whitehorse.

CHRISTINA MACDONALD

Lyle Lynn stated his support for good trail making in the community and encouraged council to not bury the issue in bureaucracy that puts in rules that divide the community. He also stated his support for multi-use trails in Whitehorse.

LYLE LYNN

Gerd Mansberger stated his support for multi-use trails, observing that building tolerance on trail use is what is required so that a variety of users can co-exist. He encouraged council to be mindful of allowing opportunities for adults to mentor young users in proper trail use, keeping in mind both safety and environmental consciousness.

GERD MANSBERGER

Paul Goudy expressed support for the concept of multi-use trails and encouraged council to involve users in a cooperative effort for future trail development. He stated the opinion that there are sufficient motorized trails in place and no new ones are needed. He also noted that a few users who abuse the trails have a wide impact on the majority of users who use the trail system with care and respect.

PAUL GOUDY

Kristina Calhoun expressed concern with the process used to bring forward the proposed amendments to the Trail Plan, and suggested that the original Plan participants should be contacted any time that amendments to the Trail Plan are contemplated in the future.

KRISTINA CALHOUN

Gerard Din spoke in support of multi-use trails, and cautioned council about putting too many rules on trail use. He also stated that the trail maps being provided are very useable.

GERARD DIN

Heidi Neufeld stated that she is an advocate of multi use trails, noting that most users are polite and respectful. She encouraged more trail maintenance in the community. Ms. Neufeld noted that many people are very passionate about the trail network, and encouraged council to solicit public input into trail development and multi-use issues.

HEIDI NEUFELD

Mayor Buckway called three times for anyone to appear to address the proposed Snowmobile Bylaw.

SNOWMOBILE BYLAW

Peter Long expressed concern regarding the improper use of motorized vehicles on the trail network, and suggested that the snowmobile bylaw should be deferred until the proposed provisions of the All-Terrain Vehicle Bylaw are known, as there may be some contradictions between the two. Mr. Long also suggested that the Snowmobile Bylaw process did not adequately address the concerns of local residents, and that there are general concerns about trail use.

PETER LONG

Reese Miller spoke in support of multi-use trails and education on trail use. He also expressed support for the registration and plating of vehicles intended for off-road use. However, he expressed concern that there are too many rules governing use.

REESE MILLER

Gabrielle Watts confirmed that the *Motor Vehicles Act* requires off-road vehicles to be used by persons who have a Driver's License. She encouraged more education and possibly more enforcement for snowmobile use.

GABRIELLE WATTS

Dorothy LeBel stated a concern regarding the impact of snowmobiles and other motorized vehicles on the environment, and stated that the proposed bylaw does not do enough to protect the green spaces in the community. She encouraged council to amend the bylaw to restrict motorized vehicles to areas outside the urban containment boundary. Ms. LeBel also expressed concern that the bylaw does not do enough to protect residential areas, and suggested that it should specify an age limit for users.

DOROTHY LABEL

Trevor Braun expressed concern regarding the requirement for a safe snowmobiler card, questioning how implementing this will actually increase safety. He also questioned the requirement for a rigid tow bar, noting that some flexibility in this regard should be included. He also suggested that the bylaw is too vague about what creates an annoyance, suggesting that setting a decibel level for snowmobiles would be stronger. He also suggested that the boundaries of prohibited areas need to be signed and that the period for a special permit is too long. In addition, Mr. Braun stated the opinion that the voluntary fines proposed are very high. He indicated support for the requirement for helmets, but noted that the fine for not using a helmet is much higher in this bylaw than it is for the same offence is in the Bicycle Bylaw.

TREVOR BRAUN

Peter von Gaza stated that eight out of ten encounters with motorized vehicles on multi-use trails are good, but there have been some that were very dangerous. He suggested that something needs to be done about these dangerous users, and encouraged more trail enforcement. He also suggested that the maps need a lot of work, and stated that he would like to see some dedicated trails, especially in Riverdale.

PETER VON GAZA

Jeff Marynowski of the Porter Creek Community Association commended the enforcement and education provisions in the bylaw. He suggested that etiquette on the trails should be equitable for all parties.

JEFF MARYNOWSKI

Thomas de Jager stated that he operates a snowmobile rental business and all his machines are properly registered in accordance with Territorial requirements. He advised that less than ten percent of the sleds used in the Yukon are registered, and if a snowmobile is not registered it cannot be identified. He noted that the City rents machines for various events such as the Arctic Winter Games, and such machines are not properly registered. Mr. De Jager also suggested that parents need to be more responsible for their children's use of snowmobiles and other machines.

THOMAS DE JAGER

Gerard Din noted that the current noise provisions of the maintenance bylaw apply to all users and therefore special restrictions on snowmobile noise are unnecessary. He also noted that toboggans with a fixed tow will be illegal under the proposed bylaw, and restricting such use to daylight hours is unreasonable. He also suggested that the proposed fines are excessive and could promote fleeing and possible accidents. He also questioned the restriction on age limits for users and wondered by the bicycle bylaw rules are so much less restrictive than those proposed for snowmobiles. Mr. Din encouraged more work on training with use to promote better use.

GERARD DIN

Mark Daniels, President of the Klondike Snowmobile Association, stated that there are a lot of good things in this bylaw and the Association has been actively involved in its preparation. He suggested that the Safe Snowmobiler Card is a process that both the City and snowmobilers could do without. He suggested that it could be useful for someone who does not hold a driver's license, or for under-age users if the *Motor Vehicles Act* should be changed to allow them to use snowmobiles on trails. Mr. Daniels stated that he supports environmental protection but not a blanket prohibition on green space use. He also suggested that when trails are closed provision needs to be made for alternate routes, and that special permit fees should be waived for charitable events. Mr. Daniels also stated that the fines are too high in relation to other fines.

MARK DANIELS

Keith Lay suggested that the bylaw should include an age restriction on passengers. He also expressed concern with the deletion of the staging area option, and encouraged enhanced protection of sensitive green spaces. Mr. Lay encouraged the designation of more non-motorized trails, and suggested that there is a need for more enforcement officers.

KEITH LAY

Kristina Calhoun stated that the multi-use concept is great for country residential areas, but snowmobiles are not compatible with urban residential areas. She asked who she should call if there are problems with reckless and intrusive use of snowmobiles in her neighbourhood.

KRISTINA CALHOUN

Gerd Mansberger encouraged responsible use through dialogue and commended the City on the work done to bring this bylaw forward.

GERD MANSBERGER

Heidi Neufeld suggested that snowmobiles are being unfairly targeted as offenders with respect to noise. She noted that there are a lot of other noise-makers disturbing the peace and quiet, and there is no need for the snowmobile bylaw to concentrate on this factor.

HEIDI NEUFELD

Terry Boone expressed support for multi use trails and suggested that there is too much concern with community associations and other groups dictating what others can do. He stated that he objects to being regarded as an offender for what is, to all intents and purposes, an ordinary activity.

TERRY BOONE

Mayor Buckway thanked all the delegates for their input and advised that a report on the public input received regarding both of these issues will come forward to the Standing Committee meeting on February 20.

Delegates Thanked

2012-03-03

It was duly moved and seconded
THAT the meeting continue past 10:30 p.m.

EXTEND MEETING

- Carried -

COMMITTEE REPORTS

Administrative Services Committee

2012-03-04

It was duly moved and seconded
THAT the contract for the City of Whitehorse Organizational Review be awarded to Imagine Inc. for a net cost to the City of \$73,100.00.

CONTRACT AWARD
ORGANIZATIONAL
REVIEW

- Carried -

Activity reports for December 2011 and January 2012 were received from the City Manager, the Director of Administrative Services, and the Financial Services, Human Resources, and Information Systems Departments.

ACTIVITY REPORTS
For Information Only

City Planning Committee

2012-03-05

It was duly moved and seconded
THAT the subdivision of vacant Commissioner's land for the survey of roads, force main utility, trail and greenbelt areas associated with the Whistle Bend Subdivision area be approved as shown on the approved subdivision sketches.

SUBDIVISION APPROVAL
FOR WHISTLE BEND
ROADS, UTILITIES, ETC.

- Carried -

Administration confirmed that the sanitary sewer right-of-way will allow access for service vehicles, and that there will be a gravel surface on portions of Range Road for a period of time based on the construction schedule. Council asked for further discussion on the BST budget.

Discussion

2012-03-06

It was duly moved and seconded
THAT Bylaw 2012-08, a bylaw to amend the zoning of 21
McQuesten Road in Riverdale to allow for the development of a
triplex, be brought forward for due consideration under the bylaw
process.

BRING FORWARD
ZONING AMENDMENT
21 McQUESTEN ROAD

- Carried -

2012-03-07

It was duly moved and seconded
THAT Bylaw 2012-10, a bylaw to amend the zoning at 91345 Alaska
Highway to allow for the commercial sale of quarry products on site,
be brought forward for due consideration under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
FOR 91345 ALASKA
HIGHWAY QUARRY SITE

- Carried -

Administration confirmed that this rezoning does not include a lot
expansion.

Discussion

2012-03-08

It was duly moved and seconded
THAT Bylaw 2012-09, a bylaw to change the zoning at 18 Azure
Road in the Crestview Subdivision to allow for residential
development, be brought forward for due consideration under the
bylaw process.

BRING FORWARD
ZONING AMENDMENT
FOR 18 AZURE ROAD

- Carried -

Administration confirmed that the proponent's concerns that were
brought forward at this meeting will be addressed as part of the Public
Hearing report.

Discussion

An activity report for December 2011 and January 2012 was received
from Planning and Development Services

ACTIVITY REPORT
For Information Only

City Operations Committee

Activity reports for December 2011 and January 2012 were received
from the Director of Operations, Engineering Services, Environmental
Services, Maintenance and Safety Services, Public Works and
Sustainability.

ACTIVITY REPORTS
For Information Only

Issues Arising from Reports

Administration confirmed that:

- The aerators have been installed at the lagoon and preliminary results appear positive
- A report on the odour mitigation project will come back to Council in due course.
- The Environmental Department is working on the internal waste sorting program
- The Diversion Credit program is funded by the City
- The Diversion program is open to various categories of organization if the organization can prove the diversion actually happened and that they meet all the guidelines in the project
- The air handling unit has been ordered for the Canada Games Centre and will be installed in the next month or so
- The Engineering Department has prepared a draft return on investment on the heat recovery at the Canada Games Centre
- The Sustainability Coordinator is the contact person for a lot of the funding that may be used for a new Municipal Services Building, with the Director of Operations as the overall lead on the project.

Various Issues

The Committee asked administration to approach the Government of Yukon for participation in the funding for the Diversion Credit Program.

Diversion Credit Program

The Committee also asked for additional information on the outstanding insurance claim from the Canada Games Centre fire and on the preparation of a draft Request for Proposals for a new Municipal Services Building Master Plan.

Insurance Claim for
Canada Games Centre

Committee members noted that there are various locations around the community where signs have been disturbed during street ploughing.

Street Signs Disturbed

Community Services Committee

Activity reports for December 2011 and January 2012 were received from Parks and Recreation, Indoor Facilities, and the Transit Department.

ACTIVITY REPORTS
For Information Only

Issues Arising from Reports

The Committee asked for more information on the 'for profit' courses and programs being offered through Parks and Recreation. In particular, they asked if all costs are accounted for, including the cost of advertising in the Leisure Guide.

"For Profit" Courses
And Programs
For Information Only

Public Health and Safety Committee

Activity reports for December 2011 and January 2012 were received from Bylaw Services and the Fire Department.

ACTIVITY REPORTS
For Information Only

Tourism & Economic Development Committee

2012-03-09

It was duly moved and seconded THAT the allocation of \$3,500.00 to the Yukon Historical & Museums Association be authorized from the Heritage Fund for the purpose of funding the 2012 Heritage Fair, Heritage After Hours and Heritage Places Poster Contest programs.

HERITAGE FUND GRANT
Yukon Historical and
Museums Association

- Carried -

2012-03-10

It was duly moved and seconded THAT the allocation of \$6,252.75 to the Miles Canyon Historic Railway Society be authorized from the Heritage Fund for the expansion of the Trolley Interpretive Signage project.

HERITAGE FUND GRANT
Miles Canyon Historic
Railway Society

- Carried -

An activity report for December 2011 and January 2012 was received from Tourism and Economic Development.

ACTIVITY REPORT
For Information Only

NEW & UNFINISHED BUSINESS

2012-03-11

It was duly moved and seconded THAT a moratorium be placed on accepting conditional use applications for multiple family developments in the Old Town neighbourhood until the Zoning Bylaw re-write process currently under way has developed design guidelines that protect the character of Old Town while encouraging re-development; and

MORATORIUM ON
CONDITIONAL USE
APPLICATIONS FOR
MULTI-RESIDENTIAL
DEVELOPMENTS IN
THE OLD TOWN AREA

.../continued

2012-03-11 (Continued)

THAT design guidelines be established to identify compatible streetscape treatments, define compatible forms of development, and mitigate issues arising from re-development; and

THAT the moratorium be lifted once the design guidelines are adopted into the Zoning Bylaw through the bylaw process.

MORATORIUM ON
CONDITIONAL USE
APPLICATIONS FOR
MULTI-RESIDENTIAL
DEVELOPMENTS IN
THE OLD TOWN AREA
(Continued)

2012-03-12

It was duly moved and seconded

THAT the final clause be amended to read, "THAT the moratorium be lifted once the zoning amendments are adopted into the Zoning Bylaw through the bylaw process."

Amendment

- Carried -

Administration confirmed that completed applications will be grandfathered, and that the Zoning Bylaw re-write will incorporate Council's direction in this area.

Discussion

The MAIN MOTION as amended was then voted on and CARRIED.

Vote on Main Motion

IN FAVOUR: Mayor Buckway, Councillors Austin, Cameron, Irwin, and Stockdale

Recorded Vote

OPPOSED: Councillors Pillai and Roberts

BYLAWS

2012-03-13

It was duly moved and seconded

THAT Bylaw 2012-07, a bylaw to provide rules governing the proceedings of council and the transaction of the business of council, having been read a first and second time, now be given third reading.

BYLAW 2012-07
PROCEDURES BYLAW
THIRD READING

A council member suggested that the Management and Management Staff Bylaw would need to be examined if the bylaw goes ahead with the proposed change in meeting times. Council members discussed their reasons for supporting or opposing the proposed time change.

Discussion

2012-03-14

It was duly moved and seconded
THAT sections 42 and 78 of Procedures Bylaw 2012-07 be amended
to establish 7:30 p.m. as the start time for regular council meetings
and standing committee meetings.

Amendment

- Carried -

IN FAVOUR: Councillors Cameron, Irwin, Pillai, Roberts, Stockdale
OPPOSED: Mayor Buckway, Councillor Austin

Recorded Vote

The MAIN MOTION as amended was then voted on and CARRIED

Vote on Main Motion

2012-03-15

It was duly moved and seconded
THAT Bylaw 2012-11, a bylaw to provide conditions of employment
for management and management staff employees of the City of
Whitehorse, be given first reading.

BYLAW 2012-11

EMPLOYMENT BYLAW
Management & Staff

FIRST READING

- Carried -

2012-03-16

It was duly moved and seconded
THAT Management and Management Staff Bylaw 2012-11 be given
second reading.

SECOND READING

- Carried -

2012-03-17

It was duly moved and seconded
THAT Bylaw 2012-08, a bylaw to change the zoning at 21 McQuesten
Road in Riverdale to allow for the development of a triplex, be given
first reading.

BYLAW 2012-08

ZONING AMENDMENT
21 McQuesten Road

FIRST READING

- Carried -

2012-03-18

It was duly moved and seconded
THAT Bylaw 2012-09, a bylaw to change the zoning at 18 Azure Road
in Crestview to allow for multi-residential development, be given first
reading.

BYLAW 2012-09

ZONING AMENDMENT
18 Azure Road

FIRST READING

- Carried -

2012-03-19

It was duly moved and seconded
THAT Bylaw 2012-10, a bylaw to change the zoning at 91345 Alaska
Highway to allow for commercial development at a quarry site, be
given first reading.

BYLAW 2012-10

ZONING AMENDMENT
91345 Alaska Highway

FIRST READING

- Carried -

There being no further business, the meeting adjourned at 11:15 p.m.

ADJOURNMENT

ORIGINAL MINUTES SIGNED BY:

"Bev Buckway"

Bev Buckway, Mayor

"Robert I. Fendrick"

Robert I. Fendrick, FCGA, City Clerk

ADOPTED by resolution at Meeting #2012-04 dated February 27, 2012