

MINUTES of **REGULAR** Meeting #2012-16 of the Council of the City of Whitehorse called for 7:30 p.m. on Monday, September 10, 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 Stan Westby  
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**

**2012-16-01**

It was duly moved and seconded THAT the agenda be adopted as amended with the addition of Janna Swales, Taryn Parker and Joelle Hodgins as delegates speaking on behalf of the Museum Collective.

**AGENDA**

- Carried Unanimously -

**2012-16-02**

It was duly moved and seconded THAT the minutes of regular Council Meeting #2012-15 dated August 27, 2012 be adopted as presented.

**MINUTES**

August 27, 2012

- Carried Unanimously -

Business Arising from the Minutes

Council asked for information on the denial of signage for Annie Lake Trucking.

Signage for Annie Lake Trucking

**DELEGATIONS**

Janna Swales, Taryn Parker and Joelle Hodgins addressed Council on behalf of the Museum Collective. They outlined the purpose for which the funding was requested and advised that they were present to answer any questions that Council might have regarding their application for funding. Ms. Swales noted that the work being undertaken may lead to national exposure in following years.

MUSEUM COLLECTIVE  
For Information Only

Ms. Swales indicated that when they explored funding options the Heritage Fund seemed to be a better fit for their purposes than the Recreation Grant process, and confirmed that the group has been working on the project for almost a year. They have received some but not all of the funding applied for from other agencies, and Ms. Swales indicated that scaling back at this stage due to lack of funding would be unfortunate in terms of the future of the three museums.

MUSEUM COLLECTIVE  
For Information Only  
(Continued)

Council requested copies of any work resulting from the strategic planning process, and congratulated the groups on their collaboration.

Groups Congratulated

## **PUBLIC HEARING**

Mayor Buckway called three times for anyone to appear to address Bylaw 2012-35, a bylaw to amend the Official Community Plan to allow for temporary remediation activities and quarrying in the Upper Tank Farm Area.

### **BYLAW 2012-35**

OCP AMENDMENT  
Upper Tank Farm

Sheilagh Carberry raised a number of concerns including the moving of the watermain, where the contaminated soil is being dumped, and out-gassing of contaminated materials. She indicated a desire to eliminate quarrying from the proposal, and suggested that the dump site is too permanent. Ms. Carberry also expressed concerns regarding costs.

SHEILAGH CARBERRY

Linda Cameron questioned the YESAB process and asked how the project would be regulated. She expressed concern about potential impacts on surrounding neighbourhoods, and noted that quarries are very noisy and there is no plan in place to say how long it will remain.

LINDA CAMERON

Heather Swystun addressed Council to ask for an extension on the decision for the Tank Farm project. She noted that Hillcrest residents have a number of questions regarding the process, including concerns about noise, blasting and odours. She also expressed concern regarding the trails and green space in the area.

HEATHER SWYSTUN

Christina MacDonald, representing the Yukon Conservation Society, advised that the Society generally supports the development. She noted that there are questions that need to be answered regarding the environmentally sensitive areas.

CHRISTINA MACDONALD

Paul Inglis raised concerns regarding the OCP and YESAB process. He suggested that quarrying is a very intrusive activity and stated the opinion that allowing this activity in a residential area is very alarming.

PAUL INGLIS

Garry Hamilton of Golder Associates advised Council that he was present to answer questions. He stated that there would not be any harmful fumes and the site would be cleaned to proper standards.

GARRY HAMILTON

Cam Bower expressed concern regarding the crushing of the contaminated soil and asked if there were other materials that are going to be crushed in the quarrying operation.

CAM BROWN

Carrie Dawe of Golder Associates advised that she was present to answer concerns about the planning side of the project. She stated that the remediation program is required to allow for the restoration that they are proposing. She noted that the contamination is very extensive and will take two to five years to be cleaned up. The intention is that this will be a restoration project and not a quarry. Ms. Dawe also noted that the existing trail will still be accessible to the public, but some sections of it may be cordoned for safety reasons.

CARRIE DAWE

14 written submissions were received, two opposed, one with no objections, and eleven expressing concerns.

Submissions Received

Mayor Buckway called three times for anyone to appear to address Bylaw 2012-36, a bylaw to amend the zoning of Lot 1244 in the Fish Lake Road Area to allow for the development of a single country residential parcel.

**BYLAW 2012-36**

ZONING AMENDMENT  
Lot 1244, Fish Lake Road

John Carney expressed concern about the lack of information available to the public from the proponent. Mr. Carney's main concerns are the power lines needed to service the lot and the road access required. He stated the opinion that a power line across a park is unacceptable.

JOHN CARNEY

Cameron Eckert of the Yukon Bird Club expressed concern about the potential impacts on birds and wildlife in the area. He urged Council to turn down the development.

CAMERON ECKERT

Michael Bendall stated that the area is a wildlife corridor and the proposed power line across the creek is unacceptable.

MICHAEL BENDALL

Christina MacDonald of the Yukon Conservation Society indicated that the environmental, recreational and educational values of McIntyre Creek have been well documented. The road proposed is along the McIntyre Creek corridor and will have many impacts. There are many questions that need to be answered by YESAB.

CHRISTINA MACDONALD

Rosh Govindasamy raised concerns with the development disrupting wildlife in the corridor. She suggested that the power line will strongly detract from the park-like setting and will be a major hazard to the birdlife in the area. Another concern was the size of the roadway to the property. Ms. Govindasamy suggested that this area should be protected.

ROSH GOVINDASAMY

Peter Long informed council that McIntyre Creek is a park and stated that a road and power line should not be permitted to go through it.

PETER LONG

Linda Cameron raised concerns about the power line and the affect on the birds, and stated that McIntyre Creek is an inappropriate people place.

LINDA CAMERON

Celeste Sundquist-Bendall addressed Council to reiterate the concerns about the wildlife and to protect the area

C. SUNDQUIST-BENDALL

Eric Nyland, proponent, addressed Council to answer concerns regarding the access road that was approved by YESAB. The road was constructed before the park designation came into effect. The power line coming over McIntyre Creek was suggested by Yukon Electric. If this is not an acceptable option, another option is self-generation. He stated that there will be no impact on the birds in the area, and there is no shortage of habitat. He also state that he was unaware of the concerns of the residents.

ERIC NYLAND

14 written submissions were received, 6 opposed, one with no issues, four expressing concern and three commenting on the proposal.

Submissions Received

Council agreed to a five minute recess.

Recess

Mayor Buckway reconvened the meeting at 9:55 p.m.

Reconvene

**2012-16-03**

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

EXTEND MEETING  
PAST 10:30 P.M.

- Carried Unanimously -

Mayor Buckway called three times for anyone to appear to address Bylaw 2012-37, a bylaw to amend the zoning of four lots on Hillcrest Drive to allow for townhouse development.

**BYLAW 2012-37**  
ZONING AMENDMENT  
Hillcrest Drive Townhouses

Jim Gilpin expressed his views on the improvements that have taken place in the Hillcrest neighbourhood over the years, and suggested that the proposed development will fundamentally change the nature of this community. Mr. Gilpin urged Council to turn down the Zoning Amendment.

JIM GILPIN

Laura Markel addressed Council to oppose the application for rezoning. She stated the opinion that this application goes against the Official Community Plan and will have a negative impact on the residents. She also stated that the infrastructure in this neighbourhood needs upgrading before such development occurs, and suggested that this development will significantly change the character of this historical section of Hillcrest.

LAURA MARKEL

Paul Inglis stated that he is opposed to this development and advised Council of his concerns regarding the size and design of the buildings. He also suggested that additional parking requirements for this project would be a major concern.

PAUL INGLIS

Heather Swystun spoke against the development, suggesting that approving this zoning application would set a bad precedent.

HEATHER SWYSTUN

Jan Brault addressed Council to oppose the development. She stated the opinion that before anything is planned the infrastructure needs to be upgraded.

JAN BRAULT

Linda Cameron reiterated her opposition to the zoning amendment and asked Council to turn down the application.

LINDA CAMERON

Jean-Paul Molgat addressed concerns about inadequate parking.

JEAN-PAUL MOLGAT

Peter Long commented about the character of the neighbourhood and the zoning of the area and suggested that the steel lox area should be zoned differently because of its historical values.

PETER LONG

44 written submissions were received, 40 opposed, one in favour, and three expressing concerns.

Submissions Received

## **COMMITTEE REPORTS**

### **Tourism & Economic Development Committee**

An activity report for the month of August was received from Tourism and Economic Development Services.

ACTIVITY REPORTS  
For Information Only

Councillor Stockdale presented a Notice of Motion as follows:

TAKE NOTICE THAT I, Councillor Dave Stockdale, will bring forward at the next regular meeting of Council on Monday, September 10, 2012, a motion to reconsider resolution 2012-15-03 that was passed by Council on August 27, 2012.

NOTICE OF MOTION  
Councillor Stockdale  
Reconsider Funding for  
Museum Collective

The motion to be reconsidered is:

"THAT the request for funding for a strategic planning workshop for the Old Log Church Museum, the Yukon Transportation Museum and the Copperbelt Railway and Mining Museum be denied".

**Administrative Services Committee**

**2012-16-04**

It was duly moved and seconded THAT the Standing Committee meeting scheduled for October 15, 2012 and the Regular Council meeting scheduled for October 22, 2012 be cancelled; and

CANCEL MEETING  
CYCLES SCHEDULED  
FOR ELECTION PERIOD  
AND CHRISTMAS  
SEASON

THAT a Special Council Meeting be scheduled for October 29, 2012; and

THAT the Standing Committee meeting scheduled for December 17, 2012 and the Regular Council meeting scheduled for December 24, 2012 be cancelled.

- Carried Unanimously -

Activity reports for the month of August 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

Administration confirmed:

- the photo contest is for stock photos of local people, places and scenery.
- the roll out of a new phone list will take place this week, and all staff will have access to an accurate and up-to-date listing.
- process changes means the yearly changes to the budget process as recommended by the Budget Task Force.
- the eScribe implementation is proceeding, but progress is slow due to capacity restraints. The intent is that the system will be fully in place for the incoming Council.
- the Arctic Winter Games Board of Management will meet to review the final audited financial statements and the proposed Legacy Plan on September 7, 2012

Various Issues

The Committee asked administration to put back on the cover page of each agenda the reminder to each Committee Chairperson to ask if there is anyone present who wishes to speak to the Committee.

**City Planning Committee**

Kirn Dhillon, proponent for the proposed rezoning of four lots on Hillcrest Drive to allow for townhouse development, addressed the Committee to advise that he will not be available for the Public Hearing next week, and therefore was present to provide an overview of the project and answer any questions that Council might have. He advised that the proposal is consistent with Official Community Plan, will be more sustainable than the existing buildings, and the increased density is consistent with sustainability concepts. The current housing stock dates from the 1950's and is becoming outdated and not suitable for renovation and renting. Mr. Dhillon advised that he has consulted with area residents and the community association, and that many of the concerns raised are being addressed, including parking and landscaping. He suggested that shadowing created by this development will not be greater than other stock in the area.

KIRN DHILLON  
PROPONENT FOR  
HILLCREST DRIVE  
REZONING  
For Information Only

Mr. Dhillon confirmed that the proposed sales will be open market opportunities and that other rental stock owned by the developer can be offered to renters, including existing renters in the eight units that will be demolished to make way for this development. Detailed design and final pricing will be done if the rezoning application is approved. He reiterated that the development plans have already been amended to account for parking and privacy concerns, and stated that he is willing to continue to hear and address concerns raised by area residents.

Jim Gilpin, a resident of the Hillcrest area, addressed the Committee to request that the proposed rezoning be denied. He stated that the proposal will significantly change the character of the neighbourhood and is not consistent with the rest of the residences in the area. Additionally, there are privacy concerns and shadowing concerns in all seasons, not just in the winter. Mr. Gilpin also suggested that the developer's design renderings are not accurate with respect to relative sizing. He also stated that new housing stock may be needed, but the proposal as presented is not acceptable to the neighbourhood.

JIM GILPIN  
Opposed to Hillcrest  
Drive Rezoning  
For Information Only

Ms. Laura Markel spoke against the development, stating that allowing this proposal will set an unfavourable precedent in the neighbourhood. She noted that she was here tonight because she saw that Mr. Dhillon was on the agenda and felt that both sides of the issue should be presented.

Ms. Markel advised that the public meeting held in June was not well publicized and consequently was not well attended. She stated the opinion that multi-storey high density housing is not appropriate in the proposed location, and if Council approves this application the precedent set will result in a major change in the neighbourhood. She also stated that shadowing is an important consideration that will contribute to icing on the streets and sidewalks adjacent to the proposal.

Ms. Markel advised that there is a community meeting set for this coming Thursday to discuss the proposal, and stated the opinion that full community discussion is necessary considering the impact this development would have on the neighbourhood.

Mr. Frederick Robert stated that he is the owner of one of the homes in the area that is higher in height than the steelox buildings. He questioned whether there is a market for more condo units, and asserted that cleaning up the area and renovating the existing units would be more appropriate. Mr. Robert also suggested that there are better areas in Hillcrest for this type of development, and expressed the hope that more discussion between the developer and the community might result in a development that is more suitable for the neighbourhood.

LAURA MARKEL  
Opposed to Hillcrest  
Drive Rezoning  
For Information Only

FREDERICK ROBERT  
Opposed to Hillcrest  
Drive Rezoning  
For Information Only

**2012-16-05**

It was duly moved and seconded  
THAT the Downtown Escarpment Land Use Policy dated August  
2012 be adopted as presented.

- Carried Unanimously -

DOWNTOWN  
ESCARPMENT  
LAND USE POLICY

Council thanked administration for providing the maps of the escarpment zone as requested. A council member stated that previous residents who were removed from the escarpment area should be given first right of refusal in any lottery process for escarpment area lands that are put up for sale.

Discussion

**2012-16-06**

It was duly moved and seconded  
THAT the subdivision of Lots 49 and Lot 50 (Remainder), Group 5, Plan 9540 CLSR Whitehorse, YT, for the creation of Phase 2 of the Raven's Ridge Subdivision for an additional 16 Country Residential lots, 1 Public Use Land Dedication (PULD) lot, 1 Public Utility Lot/Walkway, 1 Walkway, the extension of the War Eagle Way road right-of-way and 4 remainder lots, be approved as shown on the approved subdivision sketch and subject to the following conditions:

- (1) THAT Raven's Ridge Developments Ltd. enter into a Development Agreement with the City for development responsibilities related to the construction of Phase 2 of the Raven's Ridge Subdivision for an additional 16 country residential lots and associated road, public utility lots and walkway infrastructure;
- (2) THAT Raven's Ridge Developments Ltd. complete a geotechnical/hydro-geological site-specific study for water well and septic system feasibility for each proposed lot on the proposed subdivision sketch, including identification of constraints, requirements and/or mitigation measures for water well and septic system development;
- (3) THAT Raven's Ridge Developments Ltd. enter into a further Development Agreement with the City to include provisions for restricting development on lots near steep slopes; provision of the geotechnical/hydro-geological site-specific study and identification of the requirements and/or mitigation measures for water well and septic system development; and for the deferral of residential development cost charges;
- (4) THAT Public Use Land Dedication be taken in the form of Proposed Lot 21 equalling a total land dedication of 1.33 hectares as shown on the approved subdivision sketch; and
- (5) THAT an administrative subdivision approval be issued for the subdivision and re-survey of those portions of Lots 49 and 50 (Remainder), Group 5, Plan 9540 CLSR comprising the Phase 2 area of the Raven's Ridge Subdivision to facilitate the registration of the required Development Agreements with Raven's Ridge Developments Ltd.

SUBDIVISION APPROVAL  
WITH CONDITIONS  
RAVEN'S RIDGE  
PHASE 2 DEVELOPMENT

- Carried Unanimously -

Administration confirmed that the new road development will mean additional operating and maintenance costs for the City.

Discussion

An activity report for the month of August, 2012 was received from the Planning and Development Services Department.

Issues Arising from Report

Administration confirmed that the Porter Creek D planning process is just beginning and concepts may be available this winter. The work will concentrate on the stakeholders' values for the area, and this values work will form the foundation for area planning which will be presented in a charrette process. As established in the Land Development Protocol, the Government of Yukon is the principal funder and allocates costs to the development and holds them on the books until eventual sale, whenever that may be. The Committee emphasized that a 'clear-cut' scenario is to be avoided at all costs for the Porter Creek D development.

Porter Creek D Issues

The Committee asked for more information on the communications infrastructure being put in on Mountainview Drive.

Mountainview Drive

New Business

Cam Kos addressed the Committee and advised that there are almost 700 lots and properties currently for sale in the Whitehorse area. He questioned the re-zoning of existing areas and encouraged Council to put a moratorium in place to prevent rental properties being converted to condominiums. He expressed concern about what will happen to renters in the event there are no spaces available to rent, and suggested that it is the City's role to ensure an adequate rental supply. He encouraged the City to protect renters and make low-cost housing available in the community with a moratorium.

CAM KOS  
Request for a Moratorium  
On Rezoning Rental  
Properties

**City Operations Committee**

Activity Reports for the month of August 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

The Committee asked for more information with respect to the water supply backup and compost operations at the waste management facility.

Various Issues

Administration was requested to restore the speed bumps on Mount Sima Road.

Administration confirmed that:

- The safety testing noted is vehicle testing;
- Council members will be included in the Emergency Measures Organization; and
- The work being done on Long Lake Road and Mount Sima Road is grading.

Various Issues

### **Community Services Committee**

Activity Reports for August 2012 were received from Parks and Recreation, Indoor Facilities, and Transit Services.

ACTIVITY REPORTS  
For Information Only

Issues Arising from Reports

Administration confirmed that:

- work is ongoing with the dog handler groups;
- work is ongoing with the Yukon Department of Education regarding Transit Passes
- Some additional sales have resulted from the Education Transit Pass pilot project that operated this spring.

Various Issues

The Committee commended the work done on the Stan McCowan park, and also commended the Transit ridership stats.

The Committee asked for more information regarding:

- membership stats collected at the Canada Games Centre
- Changes to the Ponderosa Drive bus route

The Committee reiterated the need to add additional hours to the Transit service.

Councillor Pillai indicated that he has located space for the dog handler groups.

Space for Dog Groups

### **Public Health and Safety Committee**

Activity reports for the month of August 2012 were received from Bylaw Services and the Fire Department.

ACTIVITY REPORTS  
For Information Only

Issues Arising from Reports

The Committee asked for more information on bicycle enforcement statistics. Administration confirmed that it is more desirable to obtain compliance through education rather than enforcement.

Various Issues

**NEW & UNFINISHED BUSINESS**

Councillor Roberts withdrew her motion with respect to a zoning amendment for mineral staking.

MOTION WITHDRAWN

**2012-16-07**

It was duly moved and seconded  
THAT Council reconsider Resolution 2012-15-03, which reads,  
“THAT the request for funding for a strategic planning workshop for the Old Log Church Museum, the Yukon Transportation Museum and the Copperbelt Railway and Mining Museum be denied.”

MOTION TO  
RECONSIDER  
RESOLUTION 2012-15-03

- Carried Unanimously -

**2012-16-08**

It was duly moved and seconded  
THAT the request for funding for a strategic planning workshop for the Old Log Church Museum, the Yukon Transportation Museum and the Copperbelt Railway and Mining Museum be denied.

RECONSIDER  
RESOLUTION 2012-15-03

- Defeated -

**2012-16-09**

It was duly moved and seconded  
THAT the allocation of \$10,000.00 to the Museum Collective be authorized from the Heritage Fund for the purpose of funding a strategic planning workshop for the Old Log Church Museum, the Yukon Transportation Museum and the Copperbelt Railway and Mining Museum.

AUTHORIZE HERITAGE  
FUND ALLOCATION TO  
MUSEUM COLLECTIVE

- Carried (5 – 2) -

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

Recorded Vote

OPPOSED: Councillors Irwin and Roberts

Council asked for a review of the Heritage Fund Bylaw.

Discussion

**2012-16-10**

It was duly moved and seconded  
THAT Bylaw 2012-23, a bylaw to enter into a lease agreement with  
The Whitehorse Curling Club, be brought forward for due  
consideration of second and third reading under the bylaw process;  
and

BRING FORWARD AND  
AMEND LEASE  
AGREEMENT FOR  
CURLING CLUB

THAT the bylaw be amended at second reading to reference a one-  
year lease from September 1, 2012 to August 31, 2013, and  
substitute a new lease agreement reflecting a one-year term, a rent  
of \$35,000.00 for the year, and 40 free hours of Grey Mountain  
Room usage during the year.

- Carried Unanimously -

Council commended the Curling Club and administration on the  
successful negotiation to achieve a new lease.

All Parties Commended

**2012-16-11**

It was duly moved and seconded  
THAT Pamela Bangart, Murray Lundberg, Tanya Mickey, Michael  
Racz, Mike Rice, Jolene Walsh, Dave White, Barbara Zaccarelli and  
Janet Zral be appointed to the 2012 Board of Revision; and

APPOINT 2012  
BOARD OF REVISION

THAT Michele Emslie and Anne Murray be appointed as alternate  
members of the 2012 Board of Revision.

- Carried Unanimously -

**BYLAWS**

**2012-16-12**

It was duly moved and seconded  
THAT Bylaw 2012-23, a bylaw to authorize a lease agreement with the  
Whitehorse Curling Club, be given second reading.

**BYLAW 2012-23**  
CURLING CLUB LEASE  
SECOND READING

**2012-16-13**

It was duly moved and seconded  
THAT Bylaw 2012-23 be amended to reference a one-year lease  
from September 1, 2012 to August 31, 2013; and

Amendment

THAT the lease agreement attached to Bylaw 2012-23 as Appendix  
“D” be deleted and replaced by a new Appendix “D” reflecting a one-  
year term, rent of \$35,000.00 for the year, and 40 free hours of Grey  
Mountain Room usage during the year

- Carried Unanimously -

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

Vote on Main Motion

**2012-16-14**

It was duly moved and seconded THAT Bylaw 2012-23, a bylaw to authorize a lease agreement with the Whitehorse Curling Club, having been read a first and second time, now be given third reading as amended.

- Carried Unanimously -

**BYLAW 2012-23**

CURLING CLUB LEASE

THIRD READING

**2012-16-15**

It was duly moved and seconded THAT Bylaw 2012-24, a bylaw to authorize a lease agreement with the Whitehorse Cross-Country Ski Club, having been read a first and second time, now be given third reading.

- Carried Unanimously -

**BYLAW 2012-24**

SKI CLUB LEASE

THIRD READING

**2012-16-16**

It was duly moved and seconded THAT Bylaw 2012-38, a bylaw to appoint a City Manager, having been read a first and second time, now be given third reading.

- Carried Unanimously -

**BYLAW 2012-38**

CITY MANAGER BYLAW

THIRD READING

There being no further business, the meeting adjourned at 11:22 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 #2012-17 dated September 24, 2012