

CITY OF WHITEHORSE
REGULAR Council Meeting #2014-14

DATE: Monday, June 9, 2014

TIME: 5:30 p.m.

Mayor Dan Curtis
Deputy Mayor Jocelyn Curteanu
Reserve Deputy Mayor Mike Gladish

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA: Adoption

PROCLAMATION: Air Cadet League of Canada Days, June 12 -14, 2014

MINUTES: Regular Council Meeting #2014-13 dated May 26, 2014

DELEGATIONS:

PUBLIC HEARING:

COMMITTEE

REPORTS:

City Planning – *Councillors Gladish & Curteanu*

City Operations – *Councillors Curteanu & Stockdale*

Community Services – *Councillors Cameron & Gladish*

CCMARD Advisory Committee Recommendation

Public Health & Safety – *Councillors Stockdale & Cameron*

Development Services – *Councillors Irwin & Streicker*

Controlling Clean Wood Waste

Corporate Services – *Councillors Streicker & Irwin*

NEW & UNFINISHED

BUSINESS:

Contract Award – Urban Containment Boundary Expansion Areas
Pre-Feasibility Assessment

Stand Still Agreement – Mt. Sima

BYLAWS: 2014-24 – Building and Plumbing Bylaw Amendments

2014-26 – Waste Management Bylaw Amendments

3rd Reading

1st & 2nd Reading

ADJOURNMENT:



PROCLAMATION

AIR CADET LEAGUE OF CANADA DAYS

June 12 – 14, 2014

WHEREAS the Air Cadet League of Canada, in partnership with the Department of National Defence, provides leadership, support and a multitude of training opportunities for Canadian youth between 12 and 19 years of age; and

WHEREAS representatives of the thousands of volunteers across Canada meet annually to plan their continued leadership and direction of the organization's good works, and to determine a winner of the annual National Effective Speaking Contest; and

WHEREAS the Pan-Territorial Air Cadet Committee, serving 110 youth in Nunavut, Northwest Territories and Yukon, has been chosen to host the Air Cadet League of Canada's 73rd Annual General Meeting in Whitehorse, Yukon, marking the first time this event is taking place North of 60; and

WHEREAS the delegates, guests, partners and youth of the Air Cadet League of Canada are welcome and appreciated in the City of Whitehorse;

NOW THEREFORE I, Mayor Dan Curtis, do hereby proclaim June 12th to 14th, 2014 to be Air Cadet League of Canada Days in the City of Whitehorse.

Dan Curtis
Mayor

MINUTES of **REGULAR** Meeting #2014-13 of the council of the City of Whitehorse called for 5:30 p.m. on Monday, May 26, 2014, in Council Chambers, City Hall.

PRESENT: Mayor Dan Curtis
Councillors Kirk Cameron
Jocelyn Curteanu
Mike Gladish
Betty Irwin
Dave Stockdale
John Streicker

ALSO PRESENT: City Manager Christine Smith
Director of Community and Recreation Services Linda Rapp
Director of Corporate Services Robert Fendrick
Director of Development Services Mike Gau
Director of Infrastructure and Operations Brian Crist

Mayor Curtis called the meeting to order at 5:30 p.m.

CALL TO ORDER

2014-13-01

It was duly moved and seconded
THAT the agenda be adopted as presented.

AGENDA

Carried Unanimously

Mayor Curtis proclaimed June 1 2014 to be Intergenerational Day
Canada in the City of Whitehorse.

PROCLAMATIONS

Mayor Curtis proclaimed June 1st to 7th, 2014 to be Disability
Awareness Week in the City of Whitehorse.

2014-13-02

It was duly moved and seconded
THAT the minutes of the regular council meeting dated May 12, 2014
be adopted as presented.

MINUTES

May 12, 2014

Carried Unanimously

2014-13-03

It was duly moved and seconded
THAT the minutes of the special council meeting dated May 20, 2014
be adopted as presented.

MINUTES

May 20, 2014

Carried Unanimously

COMMITTEE REPORTS

City Planning Committee

2014-13-04

It was duly moved and seconded
THAT Bylaw 2014-17, a bylaw to amend the Zoning Bylaw with respect to a number of administrative edits, be brought forward for second and third reading under the bylaw process

BRING FORWARD
ZONING AMENDMENT
BYLAW 2014-17

Carried Unanimously

2014-13-05

It was duly moved and seconded
THAT the contract for the Urban Containment Boundary Expansion Areas Pre-Feasibility Assessments be awarded to Urban Systems in the amount of \$238,587.00.

CONTRACT AWARD
URBAN CONTAINMENT
BOUNDARY EXPANSION
ASSESSMENT

2014-13-06

It was duly moved and seconded
THAT the contract award for the Urban Containment Boundary Expansion Areas Pre-Feasibility Assessments be postponed to the next regular council meeting on June 9, 2014.

Motion to Postpone

Carried Unanimously

2014-13-07

It was duly moved and seconded
THAT Bylaw 2013-18, a bylaw to amend the Zoning Bylaw to provide for interim development control in the Steelox section of Hillcrest, be brought forward under the bylaw process and defeated at second reading.

BRING FORWARD
AND DEFEAT INTERIM
CONTROL BYLAW

Carried Unanimously

City Operations Committee

2014-13-08

It was duly moved and seconded
THAT the contract for the supply of 12,000 tonnes of 10mm crushed sand be awarded to Skookum Asphalt Ltd. in the amount of \$119,250.00; and

CONTRACT AWARD
WINTER ROAD
MAINTENANCE
SUPPLIES

.../continued

2014-13-08 (Continued)

THAT the contract for the supply of 450 tonnes of winter road salt be awarded to Canadian Lynden Transport Corporation in the amount of \$139,543.00.

Carried Unanimously

CONTRACT AWARD
WINTER ROAD
MAINTENANCE
SUPPLIES
(Continued)

2014-13-09

It was duly moved and seconded
THAT the contract for the supply and delivery of propane fuel for the period of July 1, 2014 to June 30, 2017 be awarded to Super Save Propane.

Carried Unanimously

CONTRACT AWARD
PROPANE

2014-13-10

It was duly moved and seconded
THAT the contract for the supply and delivery of diesel fuels, gasoline, furnace oil and stove oil for the period of July 1, 2014 to June 30, 2017 be awarded to North 60 Petro Ltd.

Carried Unanimously

CONTRACT AWARD
HEATING AND
VEHICLE FUELS

2014-13-11

It was duly moved and seconded
THAT the contract for the operation and maintenance of Recycling Operations at the City's Waste Management Facility be awarded to P & M Recycling for the period July 1, 2014 to June 30, 2019 in the amount of \$83,010.00 per annum.

Carried Unanimously

CONTRACT AWARD
RECYCLING
OPERATIONS

Administration confirmed that maintaining the Free/Re-use Store is included as part of this contract.

Discussion

2014-13-12

It was duly moved and seconded
THAT the contract for the operation and maintenance of Landfill Operations at the City's Waste Management Facility be awarded to Castle Rock Enterprises for the period July 1, 2014 to June 30, 2019 in the amount of \$431,400.00 per annum; and

.../continued

CONTRACT AWARD &
BUDGET AMENDMENT
LANDFILL OPERATIONS

2014-13-12 (Continued)

THAT the 2014 operating and maintenance budget and the 2015 and 2016 provisional budgets be amended by increasing budgeted expenditures for solid waste disposal by \$33,205.00 in 2014, \$75,038.00 in 2015 and \$83,839.00 in 2016, funded from the general reserve.

CONTRACT AWARD &
BUDGET AMENDMENT
LANDFILL OPERATIONS
(Continued)

Carried Unanimously

Administration confirmed that the budget amendment is required to ensure that funding is available to cover all aspects of operating and maintaining the Waste Management Facility.

Discussion

2014-13-13

It was duly moved and seconded
THAT the contract for the supply and delivery of one horizontal grinder, complete with extended warranty, be awarded to Vermeer Canada in the amount of \$458,500.00.

CONTRACT AWARD
HORIZONTAL GRINDER

Carried Unanimously

Administration confirmed that solar powered aerators did not work as a method to reduce odours from the lagoons. More options for odour reduction are being explored.

LAGOON ODOURS
For Information Only

Community Services Committee

Mayor Curtis congratulated the graduates at Yukon College and commended the convocation ceremonies.

The Committee invited participation in the Cycling Scavenger Hunt and noted that information on the event is available at the Canada Games Centre and on line at the City's website.

COMMUNITY EVENTS
For Information Only

Public Health and Safety Committee

There was no report from the Public Health and Safety Committee.

No Report

Development Services Committee

2014-13-14

It was duly moved and seconded
THAT Bylaw 2014-24, a bylaw to amend the Building and Plumbing Bylaw, be brought forward for due consideration under the bylaw process.

BRING FORWARD
BUILDING & PLUMBING
BYLAW AMENDMENT

Carried Unanimously

Administration confirmed that the proposed changes to the bylaw will require all types of ceilings, including cathedral ceilings, to install the same thermal insulation value.

Discussion

Corporate Services Committee

2014-13-15

It was duly moved and seconded
THAT travel and per diem expenses funded from councillor-initiated travel funds, be approved for Councillor Streicker to attend the 2014 annual conference of the Federation of Canadian Municipalities to be held in Niagara Falls, Ontario.

AUTHORIZE COUNCIL
TRAVEL (F.C.M.)

Carried Unanimously

NEW & UNFINISHED BUSINESS

2014-13-16

It was duly moved and seconded
THAT the Mayor be authorized to sign a Stand-Still Agreement between the City of Whitehorse and 535685 Yukon Inc. with respect to the Wildplay Yukon Assets located at the Mount Sima ski facility.

AUTHORIZE STAND-
STILL AGREEMENT
(Mount Sima)

Carried Unanimously

BYLAWS

2014-13-17

It was duly moved and seconded
THAT Bylaw 2014-16, a bylaw to authorize a lease agreement with the Guild Hall Society, having been read a first and second time, now be given third reading.

BYLAW 2014-16
LEASE AGREEMENT
Guild Hall Society
THIRD READING

Carried Unanimously

2014-13-18

It was duly moved and seconded
THAT Bylaw 2014-20, a bylaw to authorize the sale and transfer of property located at 1 Ear Lake Road to Skookum Asphalt Ltd, having been read a first and second time, now be given third reading.

BYLAW 2014-20
LAND SALE & TRANSFER
1 Ear Lake Road
(Skookum Asphalt)
THIRD READING

Carried Unanimously

2014-13-19

It was duly moved and seconded
THAT Bylaw 2014-21, a bylaw to amend an existing lease agreement
with Tennis Yukon, having been read a first and second time, now be
given third reading.

Carried Unanimously

Council commended administration on the work being done with
Tennis Yukon to mitigate water drainage issues on the site.

BYLAW 2014-21

LEASE AMENDMENT
Tennis Yukon

THIRD READING

Discussion

2014-13-20

It was duly moved and seconded
THAT Bylaw 2014-22, a bylaw to amend the Fees and Charges Bylaw
with respect to fees for the sale of bulk compost, having been read a
first and second time, now be given third reading.

Carried Unanimously

BYLAW 2014-22

FEES & CHARGES
AMENDMENT

THIRD READING

2014-13-21

It was duly moved and seconded
THAT Bylaw 2014-23, a bylaw to adopt collective agreements with
Public Service Alliance of Canada Locals Y022 and Y023, having been
read a first and second time, now be given third reading.

Carried Unanimously

BYLAW 2014-23

COLLECTIVE AGREEMENTS
P.S.A.C. Locals Y022 & Y023

THIRD READING

Council commended the satisfactory conclusion of negotiations with
two of the City's unions.

Discussion

Council advised that bringing Bylaw 2013-18 forward to be defeated is
a matter of procedure, and noted that the terms and conditions of the
bylaw were superseded by the adoption of the zoning recommended
under the Hillcrest Neighbourhood Plan.

BYLAW 2013-18

Explanation of Process

2014-13-22

It was duly moved and seconded
THAT Bylaw 2013-18, a bylaw to amend the Zoning Bylaw to provide
for interim development control in the Steelox section of Hillcrest, be
given second reading.

Defeated Unanimously

BYLAW 2013-18

ZONING AMENDMENT
(Steelox Interim Control)

SECOND READING

2014-13-23

It was duly moved and seconded
THAT Bylaw 2014-17, a bylaw to amend the Zoning Bylaw with
respect to a number of administrative edits, be given second reading.

Carried Unanimously

BYLAW 2014-17

ZONING AMENDMENT
Administrative Edits

SECOND READING

2014-13-24

It was duly moved and seconded
THAT Bylaw 2014-17, a bylaw to amend the Zoning Bylaw with
respect to a number of administrative edits, having been read a first
and second time, now be given third reading.

Carried Unanimously

BYLAW 2014-17

ZONING AMENDMENT
Administrative Edits

THIRD READING

2014-13-25

It was duly moved and seconded
THAT Bylaw 2014-24, a bylaw to amend the Building and Plumbing
Bylaw, be given first reading.

Carried Unanimously

BYLAW 2014-24

AMEND BUILDING AND
PLUMBING BYLAW

FIRST READING

2014-13-26

It was duly moved and seconded
THAT Bylaw 2014-24 be given second reading.

Carried Unanimously

SECOND READING

There being no further business, the meeting adjourned at 6:10 p.m.

ADJOURNMENT

Mayor

City Clerk

ADOPTED by resolution at Meeting #2014-



Minutes of the meeting of the City Planning Committee

Date	June 2, 2014
Location	Council Chambers, City Hall
Committee Members Present	Councillor Mike Gladish – Chair Councillor Jocelyn Curteanu – Vice Chair Mayor Dan Curtis Councillor Betty Irwin Councillor Dave Stockdale
Absent	Councillor Kirk Cameron Councillor John Streicker
Staff Present	Christine Smith, City Manager Robert Fendrick, Director of Corporate Services Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Brian Crist, Director of Infrastructure and Operations

Your Worship, the City Planning Committee respectfully submits the following report:

1. **Zoning of 706-708 Ogilvie Street** – For Information Only

Elizabeth Savoie addressed the Committee to request that Council change the zoning of the mixed-use commercial lot at 706-708 Ogilvie Street back to Old Town residential. She expressed concern regarding the impacts to the neighbourhood if the lots are sold and the new owner develops the property to maximum allowances under the current zoning. In particular, she expressed concern that the maximum height allowed would negatively impact the natural beauty of the area. Ms. Savoie suggested that Council should survey local residents with respect to future use of this property and suggested some survey questions.

Administration confirmed that the maximum height for development is 10 metres in this area, and this height limit was established with the zoning of the land. The sale of the lots was authorized by council in April, and the sale will be advertised shortly.



Minutes of the meeting of the City Operations Committee

Date	June 2, 2014
Location	Council Chambers, City Hall
Committee Members Present	Councillor Jocelyn Curteanu – Chair Councillor Dave Stockdale – Vice Chair Mayor Dan Curtis Councillor Mike Gladish Councillor Betty Irwin
Absent	Councillor Kirk Cameron Councillor John Streicker
Staff Present	Christine Smith, City Manager Robert Fendrick, Director of Corporate Services Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Brian Crist, Director of Infrastructure and Operations

Your Worship, there is no report from the City Operations Committee



Minutes of the meeting of the Community Services Committee

Date	June 2, 2014
Location	Council Chambers, City Hall
Committee Members Present	Councillor Mike Gladish – Chair Mayor Dan Curtis Councillor Jocelyn Curteanu Councillor Betty Irwin Councillor Dave Stockdale
Absent	Councillor Kirk Cameron Councillor John Streicker
Staff Present	Christine Smith, City Manager Robert Fendrick, Director of Corporate Services Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Brian Crist, Director of Infrastructure and Operations

Your Worship, the Community Services Committee respectfully submits the following report:

1. National Health and Fitness Day – For Information Only

Mayor Curtis proclaimed June 7, 2014 to be National Health and Fitness Day in the City of Whitehorse.

2. Heart of Riverdale Community Centre – For Information Only

Sue Starr and Susie Anne Bartsch, representing the Heart of Riverdale Community Centre Society, addressed the Committee to express their thanks for the Recreation Grant awarded to their group this year. They provided an update on the activities and objectives of the Society and the specific project for which the grant funds will be used. They confirmed that the society's focus is on youth and intergenerational programs.

The Committee commended the society for its programs and their value to the community.

3. CCMARD Advisory Committee Recommendation

The RCMP have released a national report on missing and murdered aboriginal women across the country, and Whitehorse is a community that has been impacted by this issue. A number of aboriginal women's councils are working on developing a plan of action to address the root causes of violence against aboriginal women, and have petitioned the federal government to open a national inquiry into the issue. The Canadian Coalition of Municipalities Against Racism and Discrimination Advisory Committee has recommended that the City endorse the call for an independent national inquiry and leverage the endorsement by advising the Association of Yukon Communities and the Federation of Canadian Municipalities of their support.

Administration confirmed that passing the resolution does not commit the City to any specific action or a lead role in addressing this issue. It allows the City to use its advocacy role to raise awareness and express support for addressing the issue.

Recommendation

WHEREAS it has been clearly demonstrated that aboriginal women in Canada are disproportionately represented in statistics of murdered and missing persons, and Whitehorse as a community has been directly affected by this tragedy;

BE IT RESOLVED THAT Whitehorse City Council hereby endorses a call for an independent national enquiry into the case of missing and murdered aboriginal women; and

THAT the Mayor be authorized to request the support of the Government of Yukon in petitioning the federal government to initiate a national inquiry on this issue; and

THAT the City's support for an independent national enquiry into the case of missing and murdered aboriginal women be leveraged by advising the Federation of Canadian Municipalities and the Association of Yukon Communities of this resolution; and

THAT Whitehorse City Council supports the efforts of aboriginal women's groups and the R.C.M.P. to develop a plan of action to address the root causes of this epidemic of violence against aboriginal women and put a stop to it



**Minutes of the meeting of the
Public Health and Safety Committee**

Date June 2, 2014

Location Council Chambers, City Hall

Committee Members Present Councillor Dave Stockdale – Chair
Mayor Dan Curtis
Councillor Jocelyn Curteanu
Councillor Mike Gladish
Councillor Betty Irwin

Absent Councillor Kirk Cameron
Councillor John Streicker

Staff Present Christine Smith, City Manager
Robert Fendrick, Director of Corporate Services
Linda Rapp, Director of Community and Recreation Services
Mike Gau, Director of Development Services
Brian Crist, Director of Infrastructure and Operations

Your Worship, there is no report from the Public Health and Safety Committee



Minutes of the meeting of the Development Services Committee

Date	June 2, 2014
Location	Council Chambers, City Hall
Committee Members Present	Councillor Betty Irwin – Chair Mayor Dan Curtis Councillor Jocelyn Curteanu Councillor Mike Gladish Councillor Dave Stockdale
Absent	Councillor Kirk Cameron Councillor John Streicker
Staff Present	Christine Smith, City Manager Robert Fendrick, Director of Corporate Services Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Brian Crist, Director of Infrastructure and Operations Shannon Clohosey, Manager of Environmental Sustainability

Your Worship, the Development Services Committee respectfully submits the following report:

1. Amendments to Waste Management Bylaw

The Solid Waste Action Plan identifies wood waste as a primary target for enhanced diversion. It is bulky in a landfill and creates air pockets that increase the risk of fire. Once clean wood waste is mixed with regular construction and demolition materials, it is difficult to separate it for reuse. The key to diversion is to have the material separated at source. Consultation with the construction and demolition industry has indicated that clean wood waste is a highly used product that can be successfully diverted if source separated. Amendments to the Waste Management Bylaw are required to control clean wood waste and provide a financial incentive to construction companies to separate this material on site. The proposed changes will come into effect as of September 1st, but a phase-in period is planned to give contractors time to change current practices. During the phase-in period, warnings will be issued with respect to unsorted loads, and as of April 1st, 2015 fees for unsorted loads will be levied in accordance with changes that will be proposed to the Fees and Charges Bylaw if this amendment is approved.

Recommendation

THAT Bylaw 2014-26, a bylaw to amend the Waste Management Bylaw with respect to clean wood waste, be brought forward for due consideration under the bylaw process.



Minutes of the meeting of the Corporate Services Committee

Date	June 2, 2014
Location	Council Chambers, City Hall
Committee Members Present	Councillor Betty Irwin – Chair Mayor Dan Curtis Councillor Jocelyn Curteanu Councillor Mike Gladish Councillor Dave Stockdale
Absent	Councillor Kirk Cameron Councillor John Streicker
Staff Present	Christine Smith, City Manager Robert Fendrick, Director of Corporate Services Linda Rapp, Director of Community and Recreation Services Mike Gau, Director of Development Services Brian Crist, Director of Infrastructure and Operations

Your Worship, the Corporate Services Committee respectfully submits the following report:

1. Council Member Participation – For Information Only

Mayor Curtis commended council members for their attendance at various local events and their participation in meetings and conferences on behalf of the City. Mayor Curtis also commended Councillor Irwin on her contributions to the Association of Yukon Communities.

There being no further business, the meeting adjourned at 6:20 p.m.

ADMINISTRATIVE REPORT

TO:	Mayor and Council
FROM:	Administration
DATE:	June 9, 2014
RE:	Contract Award – UCB Expansion Areas Pre-Feasibility Assessment

ISSUE

Award of the contract for the Urban Containment Boundary (UCB) Expansion Areas Pre-Feasibility Assessment

HISTORY

At the May 26th Council meeting, Council discussed the award of the contract for the UCB Expansion Areas Pre-Feasibility Assessment. Discussion included issues raised at the previous standing committee meeting about the procedural fairness of one of the interview questions. Council postponed the issue for two weeks to allow administration time to respond to the issues raised.

During this interval, significant changes have occurred with the project teams proposed by the two companies with the highest ranking under the proposal review process. Administration feels these changes are considerable and create uncertainty in the proposal evaluation. As a result, it is difficult for administration to fairly determine a clear winner. Accordingly, administration is recommending that the City does not proceed with a contract award at this time.

The instructions to bidders included with the request for proposals provided that the City has the right to cancel the award for this contract. **As the postponed resolution recommended the award of the contract, the simple solution is to defeat the motion.**

In accordance with the Procedures Bylaw, the postponed resolution is now back on the table.

The resolution under consideration is

THAT the contract for the Urban Containment Boundary Expansion Areas Pre-Feasibility Assessments be awarded to Urban Systems in the amount of \$238,587.00.

ADMINISTRATIVE REPORT

TO: Mayor and Council
FROM: Administration
DATE: June 2, 2014
RE: Stand-Still Agreement – Mount Sima

ISSUE

Approval is required for an amended City / 535685 Stand-Still Agreement

REFERENCE

- City / 535685 Stand-Still Agreement (Agreement)

HISTORY

In 1993 the Yukon Government transferred lands to the City of Whitehorse for ski hill operations in the area known as Mount Sima. The City subsequently leased the lands to the Great Northern Ski Society for 40 years with a 40 year renewal. The Great Northern Ski Society has now assigned the lease to the Friends of Mount Sima Society. In any event, the City owns the lands, premises, equipment, and fixtures upon lease termination.

ALTERNATIVES

1. Approve the amended City / 535685 Stand Still Agreement
2. Propose amendments to the agreement and approve the amended version
3. Refer the issue back to administration

ANALYSIS

The City understands that 535685 Yukon Inc. has entered into a Lease and Loan Agreement with the Friends of Mount Sima Society dated as of April 1, 2014. At this time 535685 is requesting that the City allow it time to sell certain assets known as Wildplay Yukon Assets and remove them from the Mount Sima in the event of default by the Friends of Mount Sima Society. An Agreement of this nature was duly passed by resolution on May 26th, 2014. However, since that time new information has arisen regarding which party will be responsible for insurance and remediation in the event the Agreement is triggered. Therefore some minor amendments are required at this time to reflect these changes.

RECOMMENDATION

THAT the Mayor be authorized to sign a Stand-Still Agreement between the City of Whitehorse and 535685 Yukon Inc. dated June 2014 with respect to the WildPlay Yukon Assets located at the Mount Sima ski facility.

THIS AGREEMENT dated June , 2014.

BETWEEN:

535685 Yukon Inc., incorporated under the laws of Yukon ("535685")

AND

The City of Whitehorse, incorporated under the laws of Yukon (the "City")

WHEREAS:

- A. 535685 has entered into a Lease and Loan Agreement with the Friends of Mt. Sima Society ("Lease and Loan Agreement" and "Friends", respectively) dated as of April 1, 2014 in relation to the assets described in Schedule 1 hereto (the "WildPlay Yukon Assets").
- B. The WildPlay Yukon Assets are located on lands leased (the "Lands") by the City to the Great Northern Ski Society by lease dated August 22, 2000 ("Lease"), which lease has or will be assigned to Friends.
- C. 535685 has requested the City allow it time to sell the WildPlay Yukon Assets and remove them from the Lands in the event of default by Friends under the Lease and Lease and Loan Agreement.
- D. The City is prepared to allow for same upon certain conditions.
- E. Friends and 535685 have agreed to amend the Lease and Loan Agreement to require Friends, at its sole cost, to: (i) remediate the site of the WildPlay Yukon Assets after their removal; and (ii) insure the WildPlay Yukon Assets even after its lease with the City is terminated;

In consideration of the premises, and the covenants and agreements hereinafter set forth, and in consideration of the sum of \$1.00 paid by each party to the other, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

- 1. Notwithstanding any provision of the Lease to the contrary, the City agrees ownership of and title to the Yukon WildPlay Assets will vest and remain vested in 535685, notwithstanding default under the Lease, for a period of five years from the date of default under the Lease (the "Five Year Period"), and that the Yukon WildPlay Assets may remain on the Lands during that time, without charge.
- 2. During the Five Year Period, the City, at the request of 535685, shall enter into negotiations to determine whether consensus can be reached on the course of action to be taken to deal with the Yukon WildPlay Assets.

3. 535685 shall donate to the City the Yukon WildPlay Assets which remain on the Lands at the expiry of the Five Year Period and title to the same shall vest in the City free and clear of encumbrances. In addition, if, at any time, the Yukon WildPlay Assets become uninsured, 535685 may donate the same to the City and, if so donated, title to the same shall vest in the City free and clear of encumbrances. In either case, the donation of the Yukon WildPlay Assets to the City shall not obligate the City to issue a charitable receipt for the purposes of the *Income Tax Act (Canada)*. Such receipt, if requested by 535685, shall be made available only after the City's tax advisor, acting reasonably, has determined that all Canada Revenue Agency policies, procedures and conditions relating to the issuance of such receipt by the City have been fulfilled, at the cost of 535685.
4. Unless the parties otherwise agree, during the Five Year Period, the Yukon WildPlay Assets shall not be used for commercial purposes. During the Five Year Period, 535685 shall have reasonable access across the Lands to the Yukon WildPlay Assets for the purposes of maintenance, preservation, sale and removal from the Lands only.

5. GENERAL

- 5.1 Time of the Essence. Time shall be of the essence of this agreement.
- 5.2 Headings. The headings and subheadings appearing in this Agreement are inserted for convenience and reference only and shall not affect the interpretation of this Agreement.
- 5.3 Number and Gender. Wherever the singular or the masculine is used in this agreement, the same shall be construed as meaning the plural or the feminine or the body corporate or politic where the context of the parties so require.
- 5.4 Joint and Several Covenants. If any party to this Agreement comprises more than one person, or body corporate or politic, then the covenants, agreements, representations and warranties part of that party shall be and shall be deemed to be joint and several.
- 5.5 Counterparts. This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original, but all of which shall together constitute one and the same document.
- 5.6 Further Assurances. The parties hereto shall execute such further documents and do such other things as may be necessary or desirable to give effect to the intent of this Agreement.
- 5.7 Entire Agreement. The provisions herein constitute the entire agreement between the parties and there are no representations or warranties, express or implied, statutory or otherwise and no agreements collateral hereto other than as expressly set forth or referred to herein.

- 5.8 Amendments. No modification, variation or amendment of any provision of this Agreement shall be made except by a written agreement and no waiver of any provision hereof shall be effective unless in writing.
- 5.9 Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the Yukon Territory.
- 5.10 Binding Effect. This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective personal representatives, successors and assigns.

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

535585 Yukon Inc.)
By:)
)
)
)
_____)
Authorized Signatory)

The City of Whitehorse)
By:)
)
)
)
_____)
Authorized Signatory)

SCHEDULE 1

Description of WildPlay Yukon Assets

Facility Description

Monkido Aerial Adventure Course

Monkido aerial obstacles courses came from the idea of 'monkeying around' and 'monkey see, monkey do'. The Monkido courses offer guests hours of fun in a treed location as they negotiate obstacles or "elements" that include tightropes, suspended bridges, swings, scramble nets, aerial climbing walls, swinging logs, zip lines and other surprises. There are approximately 55 elements in total. Platforms and elements are built on poles within the treed area. The WildPlay Yukon Monkido courses at Mt. Sima include two courses - Kids (one section) and Full (four sections) plus a demonstration area where guests are trained and practice before starting their adventure.

Participants are secured to the course at all times by a self-managed safety system and are supervised by Guides from pathways below. Guests can continue to proceed through all the sections which get progressively more difficult and higher off the ground, or may decide to exit the course and continue the challenge on another visit. WildPlay's Monkido courses offer guests an exhilarating aerial adventure and a unique fitness activity that develops balance and agility skills, while challenging self-perceived fears and self-imposed limitations.

Maximum capacity for Monkido is 20 people every 30 minutes.

ZOOM Zipline

"ZOOM" is a series of guided high speed zip lines capable of spanning long distances. The WildPlay Yukon installation includes two lines, each with a launch platform, a receiving platform, anchored cables and a calibrated ZOOM deceleration system. As well, the installation includes a demonstration area and trainer line where the guest is familiarized with the proper flying position in advance of the first long flight.

WildPlay Yukon's ZOOM adventure includes two zip lines. Guests take the chairlift to the top of the hill or move by vehicle and then zip on a long (potentially exceeding 1K km) and fast (90+km/ hour) line across to a platform. A second fast and shorter line will take guests down the hill to within a 15 minute walk or quick shuttle ride back to the lodge. At its highest point, guests will be approximately 100 metres above the ground. Guests, when at height, are secured to the safety tethers at all times by guides. Guides secure guests to trolleys attached to their harness and the zip line. Guides then release guests on the steep lines to travel across the cable's span. ZOOM's unique trolley design on synthetic wheels provides the guest with a nearly silent experience akin to flight. Guests fly in an adjustable paragliding harness that provides an extremely comfortable body glove and a safe flying and landing posture.

ZOOM's multi-stage deceleration system smoothly and reliably takes the guest from the high speed required to successfully cross long spans, and incrementally reduces velocity. Additionally, this multi-stage approach provides redundancy in safety for the guest and serves a wider range of both lighter and heavier guests a common experience.

Maximum capacity for ZOOM zip lines is 10 people every 30 minutes.

CITY OF WHITEHORSE

BYLAW 2014-24

A bylaw to amend Building and Plumbing Bylaw 99-50

WHEREAS council adopted a Building and Plumbing Bylaw to administer standards respecting the construction, demolition, removal, or alteration of any building or structure within the City of Whitehorse; and

WHEREAS section 220 of the *Municipal Act* provides that council may by bylaw amend or vary bylaws; and

WHEREAS it is deemed desirable and expedient to amend City of Whitehorse Building and Plumbing Bylaw 99-50 with respect to a number of minor edits;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 5 of Bylaw 99-50 is hereby amended by adding five new definitions as follows:

“COMMERCIAL” means construction not defined as residential in the *National Building Code*.

“RESIDENTIAL” is defined as per the *National Building Code*.

“SEWER AND STORM UTILITY BYLAW” means the City of Whitehorse Sewer and Storm Utility Bylaw as amended from time to time.

“VALUE OF CONSTRUCTION” means the estimated complete cost to construct buildings in the city, excluding costs such as electrical related to work not under the authority of the City of Whitehorse. As deemed necessary by the authority having jurisdiction, costs provided by an applicant may be revised.

“WATER UTILITY BYLAW” means the City of Whitehorse Water Utility Bylaw as amended from time to time.

2. Section 5 of Bylaw 99-50 is hereby amended by deleting the existing definition for “Sewer and Water Bylaw”.

3. Throughout the body of Bylaw 99-50, all references to the Sewer and Water Bylaw are hereby replaced by reference to the Sewer and Storm Utility Bylaw and/or the Water Utility Bylaw as applicable.

4. Bylaw 99-50 is hereby amended by adding new sections 82, and 83 as follows and renumbering the remaining sections accordingly:

“82. Waste Grinding Devices

No person shall install or operate any waste grinding devices for domestic, industrial, commercial or institutional purposes that will directly or indirectly discharge effluent into a sanitary or storm sewer.

Building and Plumbing Amendment Bylaw 2014-24

83. Grease Interceptors

- (1) Every owner or operator of a restaurant or other industrial, commercial or institutional premises where food is cooked, processed or prepared, in which the premises are connected directly or indirectly to a sanitary sewer, shall take all necessary measures to ensure that oil and grease are prevented from entering the sanitary sewer in excess of the provisions of the Sewer and Storm Utility Bylaw. Grease interceptors shall not discharge to the storm sewer.
- (2) Grease interceptors shall be cleaned, operated, and maintained in accordance with the manufacturer's recommendations, and maintenance records shall be kept as per the Sewer and Storm Utility Bylaw."

5. Existing section 84 of Bylaw 99-50 is hereby deleted and replaced by a new section 86 as follows:

"86 Energy Efficiency

- (1) This section applies to site and factory built buildings and additions to buildings intended to be occupied during the heating season, excluding residential accessory structures and unheated buildings.
- (2) Residential construction must adhere to the current edition of the *National Building Code*.
- (3) All commercial construction must adhere to the current edition of the *National Building Code* or the *National Energy Code*.
- (4) Notwithstanding subsections 86(1) and 86(2), the following additions apply:
 - (a) Walls including foundation above and below grade – RSI 4.9 (R28)
 - (b) Ceilings throughout – RSI 10.57 (R60)
 - (c) Floors above unheated spaces – RSI 4.9 (R28)
 - (d) Slabs on ground – RSI 1.8 (R10)
 - (e) Slabs on ground containing radiant heat – RSI 3.5 (R20)
 - (f) Concealed floor space or crawl space from grade – RSI 1.8 (R10)
 - (g) Insulation with a thermal resistance of not less than RSI 1.8 (R10) shall be installed around the perimeter of a building extending not less than 600 mm (2 feet) from the building face immediately above or at footing level.
 - (h) Doors excluding glazing shall have a minimum thermal resistance of RSI 2.1 (R12)

Building and Plumbing Amendment Bylaw 2014-24

- (i) Windows and glazing installed shall have a minimum thermal resistance U value of $1.4\text{W}/\text{m}^2\cdot\text{K}$ (R4)
 - (5) Alternatives to the insulation requirements of section 86(4) of this bylaw may be determined through the use of energy computer modelling resulting in an equivalent performance.”
- 6. Existing section 86 of Bylaw 99-50 is hereby deleted and replaced by a new section 88 as follows:
 - “88. Residential occupancies, excluding hotels and motels, shall incorporate heat recovery ventilators with a sensible recovery efficiency of 64% or more at an outside winter design temperature of -25°C . Such heat recovery ventilators shall be used as the principal ventilation fan to satisfy the requirements of the *National Building Code*. Design for the ventilation system shall be done by a Heating, Refrigeration, and Air Conditioning Institute (HRAI) of Canada certified designer or mechanical engineer and approved with initial plans. Ventilation shall be installed at time of rough-in inspections by the City.”
- 7. This bylaw shall come into full force and effect upon final passage thereof.

FIRST and SECOND READING: May 26, 2014
THIRD READING and ADOPTION:

Mayor

City Clerk

CITY OF WHITEHORSE

BYLAW 2014-26

A bylaw to amend Waste Management Bylaw 2012-30

WHEREAS council adopted the Waste Management Bylaw to establish, operate, maintain and control a waste collection and disposal system in the City of Whitehorse, and

WHEREAS section 220 of the *Municipal Act* (R.S.Y. 2002) provides that council may by bylaw amend or vary bylaws; and

WHEREAS it is deemed desirable that the Waste Management Bylaw be amended to reflect the 2013 Solid Waste Action Plan by identifying clean wood as a controlled waste;

NOW THEREFORE the council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 2 of Waste Management Bylaw 2012-30 is hereby amended by adding a new definition for clean wood waste as follows:

“CLEAN WOOD WASTE” means solid wood that is unpainted, unstained, unglued and untreated, but may or may not be pierced with nails or other metal fasteners.

2. Schedule “D” (Controlled Waste) of Waste Management Bylaw 2012-30 is hereby amended by deleting subsection 3 (9) “scrap wood” and renumbering the remaining subsections accordingly.

3. Schedule “D” (Controlled Waste) of Waste Management Bylaw 2012-30 is hereby amended by adding a new section 11 as follows and renumbering the remaining sections accordingly:

“11. Clean wood waste including, without limitation, unpainted pallets and untreated, unstained, unpainted, and unglued dimensional lumber (largely spruce, pine or fir)”.

4. This bylaw shall come into full force and effect on and from the 1st day of September, 2014.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

City Clerk