

MINUTES of **REGULAR** Meeting #2021-24 of the Council of the City of Whitehorse called for 5:30 p.m. on Monday, December 13, 2021, in Council Chambers, City Hall.

PRESENT: Mayor Laura Cabott
Deputy Mayor Mellisa Murray
Councillors Dan Boyd
Kirk Cameron
Jocelyn Curteanu
Michelle Friesen
Ted Laking

ALSO PRESENT: Acting City Manager Jeff O’Farrell
Acting Director of Community Services Landon Kulych
Director of Corporate Human Resources Lindsay Schneider
Director of Corporate Services Valerie Braga
Director of Development Services Mike Gau
Director of Operations Tracy Allen
Manager of Legislative Services Wendy Donnithorne
Assistant City Clerk Norma Felker
Technical Support Specialist Lloyd Borres

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

CALL TO ORDER

2021-24-01

It was duly moved and seconded
THAT the agenda be adopted as amended with the change being that
a time extension was approved for delegate Keith Lay with respect to
his presentation regarding the Whitehorse South Trail Plan.

AGENDA

Carried Unanimously

2021-24-02

It was duly moved and seconded
THAT the minutes of the Regular Council meeting dated November 29,
2021 be accepted as presented.

MINUTES

November 29, 2021

Carried Unanimously

DELEGATIONS

On behalf of Active Trails Whitehorse Association, Keith Lay urged
Council to amend the Snowmobile Bylaw to include “proposed and to be
constructed” trails in Whitehorse South in the Excluded Trails section of
the bylaw. He also reiterated concerns regarding proposed development
in McIntyre Creek Park.

KEITH LAY
Whitehorse South Trail Plan

In a written submission read into the record by Administration, Patrick Milligan raised concerns about the Dawson South trail being included in the plan as a motorized multi-use trail. He noted that the trail runs very near his property and also to an environmentally sensitive area. Mr. Milligan also noted that the plan does not include any designated trails along the Alaska Highway corridor.

PATRICK MILLIGAN
Whitehorse South Trail Plan

PUBLIC INPUT – CAPITAL BUDGET

Mayor Cabott advised that a public input session was scheduled at this meeting to hear any submissions with respect to Bylaw 2021-41, a bylaw to adopt a capital expenditure program for 2022 to 2025.

2022 TO 2025 CAPITAL
EXPENDITURE PLAN

Keith Lay noted that the Capital Budget does not provide any funds for the implementation of the Chadburn Lake Regional Park Plan, and asked that funds be allocated for a sign at the park entrance on Chadburn Lake Road. He also asked that funding be included for Active Transportation Infrastructure, an outhouse at the tennis courts near the Mount McIntyre Recreation Centre, and the upgrade of signage on the City trail network.

KEITH LAY

Nathan Millar suggested that a priority project should be the demolition of the Municipal Services Building to open that land up for additional housing in the downtown. He also suggested that funds should be allocated for the construction of sidewalks in the downtown area, the maintenance of active transportation routes, and the completion of the paved pathway along the lower edge of the escarpment. Mr. Millar further suggested that downtown local improvement projects should be given a higher priority.

NATHAN MILLAR

Forest Pearson stated the opinion that prioritizing spending on active transportation is prudent and responsible fiscal management, and noted that a clear project pipeline for how and when a contiguous, connected safe cycling network will be built is not reflected in the Capital Budget. Mr. Pearson suggested that maintenance equipment purchases must also consider their suitability for good maintenance of active transportation routes, and that bicycle parking requirements need to be addressed during the re-write of the Zoning Bylaw.

FOREST PEARSON

In a written submission, Beatrix Goltz stated that she does not feel safe as bicycle commuter and requested the construction of a protected bike commuter route on the south end of the Hamilton Boulevard extension and on Robert Service Way. She also asked that funds be allocated for signage, education and marketing to raise awareness of bicycle commuters.

BEATRIX GOLTZ

In a written submission, Richard Legner stated that safe and inclusive active transportation infrastructure is key to reducing traffic congestion and the City's carbon footprint. He emphasized the many benefits of active transportation and asked Council to allocate significant resources to it before passing the Capital Budget.

RICHARD LEGNER

Erik Blake provided a written submission requesting that Council reconsider their options with respect to the renovation of City Hall. Instead of renovating the existing building, he suggested that a new City Hall be built on one of the two City-owned parking lots on Steele Street.

ERIK BLAKE

Mayor Cabott declared the public input session for Bylaw 2021-41 closed and advised that a report on the input received would be presented at the Standing Committee meeting on January 10, 2022.

PUBLIC INPUT CLOSED

COMMITTEE REPORTS

Corporate Services Committee

Administration provided an update on the status of the City Hall Renovation project. The revised design features an efficient floor layout to improve service to the public, efficient low-maintenance mechanical, electrical and telephone infrastructure, a biomass and electric boiler heating system, and additional unallocated and undeveloped floor space for future growth.

The new City Hall will be the City's first net zero fossil fuel building with an energy efficient performance 70 percent better than the 2017 National Energy Code for Buildings.

The potential budget shortfall for the renovation project is \$1.5 million. The anticipated cost difference is due to COVID related supply chain and commodity pricing issues and tight labour conditions. The draft 2022 Capital Budget includes additional funding to allow the project to continue as planned.

CITY HALL RENOVATION
For Information Only

Locations for the relocation of existing City Hall staff during the construction period are being investigated, as well as a location for Council Chambers. A contract award is anticipated for early 2022, with staff relocation starting in late spring. Project completion is expected by the end of 2023.

Some Committee members expressed concerns over the changes in scope and raised questions about increases in cost over the seven-year period that this project has been in the works. It was suggested that the project should be re-considered.

.../continued

Other Committee members spoke in support of staying the course with the current proposal, noting that the proposed building will address the needs of the City’s growing population and the energy efficiencies realized can support efforts to deal with climate change.

It was noted that costs are unlikely to go down in future, and that the federal funding program supporting this project will expire, with future opportunities for this type of municipal infrastructure funding unknown.

Administration confirmed that the proposed Transit Hub portion of the project is an essential component of the new Transit Route schedule that will be introduced in 2022

CITY HALL RENOVATION
For Information Only
(Continued)

City Planning Committee

2021-24-03

It was duly moved and seconded
THAT the subdivision of approximately 13.1 hectares of land for the creation of new residential lots, lanes, roads, and a greenbelt for the areas known as Whistle Bend Phase 7 and Phase 8 be approved as shown on the proposed subdivision sketches, subject to the condition that the Government of Yukon enter into a Development Agreement with the City of Whitehorse for the construction of underground utilities, roads and lanes to service the proposed subdivision area and other areas of Whistle Bend Subdivision, as well as other specified on-site and off-site works.

SUBDIVISION APPROVAL
Whistle Bend
Phases 7 and 8

Carried Unanimously

A Council member expressed concern over delays with construction of both of these phases and encouraged the City to look for ways to mitigate further delays as the Whistle Bend project goes forward.

Discussion

2021-24-04

It was duly moved and seconded
THAT Bylaw 2021-42, a bylaw to amend the Zoning Bylaw to establish the zoning of a parcel of vacant Commissioner’s land comprising Phase 9 of Whistle Bend, be brought forward for consideration under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
Whistle Bend Phase 9

Carried Unanimously

A Council member stated support for the bylaw as additional housing is essential, but expressed concern regarding increasing traffic issues on Mountainview Drive and Quartz Road as the Whistle Bend population continues to grow. He encouraged the City to move quickly to address these issues.

Discussion

2021-24-05

It was duly moved and seconded
THAT Bylaw 2021-38, a bylaw to amend the zoning of Lot 1216 on Robert Service Way to allow for public utility and commercial/industrial uses, be brought forward for consideration under the bylaw process.

BRING FORWARD
ZONING AMENDMENT
KDFN Lot 1216

Carried Unanimously

Development Services Committee

2021-24-06

It was duly moved and seconded
THAT Administration is hereby directed to bring forward a framework for the development of a Housing Advisory Committee early in 2022.

PREPARE FRAMEWORK
FOR HOUSING/LAND
ADVISORY COMMITTEE

Carried Unanimously

City Operations Committee

There was no report from the Operations Committee.

No Report

Community Services Committee

2021-24-07

It was duly moved and seconded
THAT the 2021 Whitehorse South Trail Plan be approved as a guiding document.

WHITEHORSE SOUTH
TRAIL PLAN

Carried Unanimously

Council members discussed the concerns raised by the delegations, with particular emphasis on the potential impacts to the area of the Plan that includes the McIntyre Creek Park. It was noted that amendments to the Snowmobile Bylaw could be brought forward for consideration at any time if Council wishes to consider adding new trails to the excluded trails list.

Administration confirmed that the Trail Maintenance Policy requires Council approval for the development of any new trails longer than 500 metres in length, and this will help to prevent any new trail construction in the McIntyre Creek Park area.

Discussion

With respect to trails along the Alaska Highway corridor, Administration confirmed that the Yukon government has jurisdiction, and has indicated support for the construction of trails in conjunction with highway reconstruction projects inside the boundaries of the City.

.../continued

A Council member noted that public consultation was extensive in the development of this trail plan, and the majority of the people in the Whitehorse South area have indicated support for the Plan as presented.

Discussion
(Continued)

A Committee member noted that the current Cemeteries Bylaw restricts the use of vehicles in Grey Mountain Cemetery to “by appointment only” for the majority of the year, and stated that this inhibits access for seniors and persons with mobility challenges.

Administration advised that there is no staff on site during the times that vehicle restrictions are in place, and closure to vehicle access is necessary to help protect the property from damage due to vandalism and improper vehicle use.

VEHICLE ACCESS
TO CEMETERIES
For Information Only

Administration noted that when vehicle access is restricted, additional efforts are made by staff to provide flexibility and address requests to access the cemetery in a timely manner.

Public Health and Safety Committee

A Committee member noted that December 6th marks the anniversary of the massacre of women at École Polytechnique in Montreal, and stated that local women’s groups continue to express concerns regarding safety issues, including taxi safety and access to safe transportation. An update was requested on how the City is engaging with various local women’s organizations with respect to the Vehicle for Hire Bylaw.

Administration advised that Council direction is needed in order to proceed with changes to the Vehicle for Hire Bylaw. In the meantime, Bylaw Services is continuing discussions with various interest groups regarding taxi safety. The department also continues to work with the RCMP on taxi issues and is proceeding with regular taxi inspections.

SAFETY ISSUES
For Information Only

Administration confirmed that research has been done in conjunction with the RCMP on taxi bylaws in other jurisdictions, but no bylaw amendments have been drafted.

In response to a query regarding general public safety issues raised at the first Standing Committee meeting of this Council, the Acting City Manager advised that Administration committed to researching other jurisdictions with respect to public safety issues and the approach that these jurisdictions are taking to address them.

The Acting City Manager noted that if public safety is identified as a strategic priority of this Council, Administration will have the direction needed to proceed with the work necessary to bring measures forward for Council consideration.

NEW AND UNFINISHED BUSINESS

2021-24-08

It was duly moved and seconded THAT the Mayor be authorized to sign a letter requesting that the Canada Mortgage and Housing Corporation assign the City’s Rapid Housing Initiative allocation to Yukon Housing Corporation for the Safe at Home Society’s supportive housing project.

ALLOCATION
ASSIGNMENT
CMHC Rapid Housing
Initiative Funding

Carried Unanimously

On July 21, 2021 the City revoked a business license related to enforcement action of a sled dog tourism business operated by “Into the Wild Adventures” at 185 Fish Lake Road.

The licensee submitted a request for an appeal to Council on August 10, 2021.

In accordance with existing legislation, after hearing the appeal Council may confirm the revocation of the business license or reinstate the business license.

APPEAL OF
DECISION TO REVOKE
A BUSINESS LICENSE
Into the Wild Adventures

A Committee of the Whole meeting was convened on December 9, 2021 to consider the appeal.

Upon completion of presentations from all parties, Committee members left Chambers to consider their decision in-camera.

When Committee members returned to Council Chambers the participants were advised that a decision will be brought forward for ratification at the regular Council meeting on December 13, 2021.

After considering the evidence presented, the decision of Committee of the Whole was to reinstate the business license with conditions.

Appeal Decision

Decisions made in-camera must be ratified in an open meeting.

2021-24-09

It was duly moved and seconded THAT the reinstatement of Business License 7436 is hereby confirmed on the following conditions:

- (a) The Appellant will, by April 15, 2022, cease all operations of the tour operator business (the “Business”) at 185 Fish Lake Road (the “Property”), or, alternatively, bring the Business and the Property into full compliance with the City’s bylaws, including the conditional Development Permit (2017-0699) issued for the Property; and

RATIFY APPEAL
DECISION
Into the Wild Adventures
Business License

.../continued

2021-24-09 (Continued)

- (b) Notwithstanding the above, the Appellant, and anyone else using or attending at the Property, shall immediately cease all use, whether for the Business or otherwise, of the 16x16 cabin (the “Warming Hut”) located at the Property, unless and until the Warming Hut receives a building permit and final occupancy approval from the City; and
- (c) Notwithstanding the above, the Appellant, and anyone else using or attending at the Property, shall immediately cease all use, whether for the Business or otherwise, of the outhouse (the “Outhouse”) located at the Property unless and until the Outhouse is inspected and approved by all applicable authorities, including the City and the Yukon Department of Health and Social Services; and
- (d) The Appellant will use the Property and operate the Business in accordance with the noise provisions of the Maintenance Bylaw.

RATIFY APPEAL
DECISION
Into the Wild Adventures
Business License
(Continued)

AND FURTHER, IT IS HEREBY CONFIRMED THAT the Appellant’s breach of any of the conditions of Council’s reinstatement of Business License 7436 will result in an immediate and final revocation of Business License 7436 by the City; and

IT IS HEREBY CONFIRMED THAT in reaching its decision to conditionally reinstate Business License 7436, Council does not agree with the Appellant’s submission that there has been any abuse of power or other misconduct on the part of City staff, including Patrick Ross, and that City staff conducted all reasonable due diligence and at all times acted appropriately in respect of this matter; and

IT IS HEREBY CONFIRMED THAT this decision constitutes the written reasons of Council on the Appellant’s appeal of Business License 7436, in accordance with the requirements under the Council Procedures Bylaw.

Carried (4 – 3)

IN FAVOUR Mayor Cabott, Councillors Cameron, Laking and
 Murray
OPPOSED Councillors Boyd, Curteanu and Friesen

Recorded Vote

BYLAWS

The Acting City Manager left Council Chambers while Bylaw 2021-43 was under consideration.

Conflict Acknowledged

2021-24-12

It was duly moved and seconded
THAT Bylaw 2021-43, a bylaw to amend the City Manager Bylaw to appoint an Interim City Manager, having been read a first and second time, now be given third reading.

Carried Unanimously

BYLAW 2021-43
AMEND CITY MANAGER
BYLAW (Interim Manager)
THIRD READING

The Acting City Manager returned to Council Chambers.

Conflict Over

2021-24-14

It was duly moved and seconded
THAT Bylaw 2021-38, a bylaw to amend the zoning of Lot 1216 on Robert Service Way to allow for public utility and commercial-industrial uses, be given first reading.

Carried Unanimously

BYLAW 2021-39
ZONING AMENDMENT
115 Range Road
FIRST READING

2021-24-15

It was duly moved and seconded
THAT Bylaw 2021-42, a bylaw to establish the zoning for Phase 9 of Whistle Bend, be given first reading.

Carried Unanimously

BYLAW 2021-41
2022 to 2025
CAPITAL BUDGET
FIRST READING

Mayor Cabott noted that Linda Rapp's tenure as City Manager will end on December 31st and took the opportunity to thank her for more than 35 years of dedicated service to the City of Whitehorse.

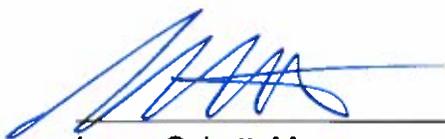
LINDA RAPP TRIBUTE
For Information Only

Mayor Cabott advised that Council will now be in recess until the end of the year. The next meeting will be the Standing Committee meeting on January 10th, 2022.

COUNCIL RECESS
For Information Only

There being no further business, the meeting adjourned at 8:00 p.m.

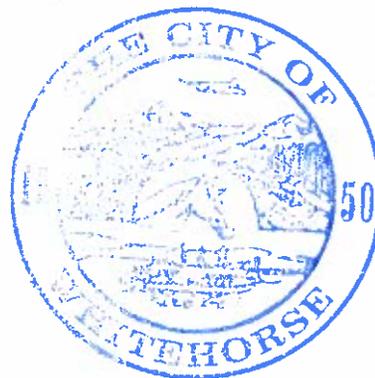
ADJOURNMENT



Laura Cabott, Mayor



Norma L. Felker, Assistant City Clerk



ADOPTED by resolution at meeting #2022-01 dated January 17, 2022.