

CITY OF WHITEHORSE – STANDING COMMITTEES

Monday, March 23, 2020 – 5:30 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATIONS

DELEGATES

CITY OPERATIONS COMMITTEE

1. New Business

COMMUNITY SERVICES COMMITTEE

1. New Business

PUBLIC HEALTH AND SAFETY COMMITTEE

1. Contract Award – Supply of Self-Contained Breathing Apparatus
2. New Business

DEVELOPMENT SERVICES COMMITTEE

1. New Business

CORPORATE SERVICES COMMITTEE

1. Re-budget 2019 Capital Projects
2. Fees and Charges Amendment (1st Quarter Changes)
3. Budget Amendment – Marwell Lift Station Pump Replacement
4. Contract Award – Fixed Telephone Line Service
5. Budget Amendment and Land Acquisition – 7220 7th Avenue
6. Authorize Contribution Agreement with KDFN – Tlingit Street Reconstruction
7. New Business

CITY PLANNING COMMITTEE

1. Official Community Plan Amendment – Tank Farm Phase 1
2. Development Incentive Agreement – 600 Ray Street
3. New Business

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE
Council Chambers, City Hall



Chair: Samson Hartland

Vice-Chair: Laura Cabott

March 23, 2020

Meeting #2020-06

-
1. New Business

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Jocelyn Curteanu

Vice-Chair: Dan Boyd

March 23, 2020

Meeting #2020-06

-
1. New Business

CITY OF WHITEHORSE
PUBLIC HEALTH AND SAFETY COMMITTEE
Council Chambers, City Hall



Chair: Stephen Roddick **Vice-Chair:** Jan Stick

March 23, 2020

Meeting #2020-06

-
1. Contract Award – Supply of Self Contained Breathing Apparatus
Presented by Fire Chief Jason Everitt
 2. New Business

ADMINISTRATIVE REPORT

TO:	Public Health and Safety Committee
FROM:	Administration
DATE:	March 23, 2020
RE:	Contract Award – Supply of Self-Contained Breathing Apparatus

ISSUE

Contract award for the supply of Self Contained Breathing Apparatus (SCBA)

REFERENCE

RFT 2020-003 Self Contained Breathing Apparatus
Council Policy: Purchasing and Sales (2011)
2020-2023 Capital Expenditure Program 440c00209 SCBA Air Management
Replacement/Upgrade

HISTORY

A Request for Tender (RFT) was prepared to target the replacement purchase of 43 SCBA units currently in service.

The replacement of the existing SCBA FireHawk M7 appliances was requested because these units have been discontinued and are no longer supported by the manufacturer. As a result, replacement parts have been very challenging to find. In addition to the product becoming obsolete and nearing the end of its service life, employees have had some near misses due to regulator freeze up in cold temperatures thus creating safety concerns.

The RFT for replacement for SCBA was released on 24 January 2020 and closed on 20 February 2020. The RFT was advertised on the City's website and in local newspapers. The RFT documents were made available via the City's e-procurement platform www.whitehorse.bonfirehub.ca.

The City received one compliant proposal from Guillevin International Co. in the amount of \$383,397 plus GST for a total of 40 new units.

The City's 2020-2023 Capital Expenditure Program identified funding of \$450,000 for this project.

ALTERNATIVES

1. Authorize Administration to award the contract as recommended
2. Refer the proposed award back to Administration for further analysis

ANALYSIS

The review of the bid was performed by an internal review committee comprised of personnel from Fire Services and Finance Services. This review included checking for completeness, mathematical errors, and proper tender security.

The new SCBA, model X3 Pro SCBA 4500PSI, will be manufactured by 3M Scott and will cover the replacement of 40 existing units in addition to any necessary repair kits.

The review committee agreed that the low bidder is familiar with the scope of work and has the knowledge, experience to supply the product. The prices submitted are reasonable.

Sufficient funds are available in the capital budget 440c00209 SCBA Air Management Replacement project to award the contract.

ADMINISTRATIVE RECOMMENDATION

THAT Council authorize Administration to award the contract for the supply of Self Contained Breathing Apparatus to Guillevin International Co. in the amount of \$383,397 plus GST.

CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Dan Boyd

Vice-Chair: Jocelyn Curteanu

March 23, 2020

Meeting #2020-06

-
1. New Business

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Laura Cabott

Vice-Chair: Stephen Roddick

March 23, 2020

Meeting #2020-06

-
1. Re-budget 2019 Capital Projects
Presented by Manager Brittany Dixon
 2. Fees and Charges Amendment (1st Quarter Changes)
Presented by Manager Brittany Dixon
 3. Budget Amendment – Marwell Lift Station Pump Replacement
Presented by Manager Geoff Quinsey
 4. Contract Award – Fixed Telephone Line Service
Presented by Manager Michael Reyes
 5. Budget Amendment and Land Acquisition – 7220 7th Avenue
Presented by Manager Patrick Ross
 6. Authorize Contribution Agreement with KDFN – Tlingit Street Reconstruction
Presented by Manager Taylor Eshpeter
 7. New Business

ADMINISTRATIVE REPORT

TO:	Corporate Services Committee
FROM:	Administration
DATE:	March 23, 2020
RE:	Re-budgeting Capital Expenditures

ISSUE

Amend the 2020 to 2023 capital expenditure program to re-budget 2019 capital expenditures that were not completed

REFERENCE

2019-2022 Revised Capital Budget (Schedule 1)
2020 Capital Re-budget Requests (Appendix A, Bylaw 2020-05)

HISTORY

As in previous budget cycles, some capital projects budgeted for the 2019 budget fiscal year were not fully completed. The managers were asked to review their outstanding capital projects and identify any that required re-budgeting. The projects were reviewed by Financial Services and senior management, and a list of recommended projects for re-budgeting has been prepared and is presented as Appendix A.

Factors used when considering the re-budget recommendations include: reasons for delay; previous re-budgeting history; scope of original approved budget (no re-profiling allowed), as well as verifying that the original budget allocation was not increased without additional funding sources identified.

If these projects are to be completed, expenditures that were authorized in 2019 have to be re-budgeted into 2020 by amending the capital budget bylaw.

ALTERNATIVES

1. Amend the capital budget by approving the re-budget amounts from 2019 projects
2. Refer the proposed re-budgets back to administration for further analysis

ANALYSIS

The proposed list of Capital expenditures to be completed in 2020 is attached as Appendix A to Bylaw 2020-05.

Of the \$61,002,631 budgeted for capital projects in 2019, \$27,870,336 was unspent. Of the unspent balance, \$24,245,757 is coming forward at this time as re-budget requests with \$3,624,579 returning to the original funding sources.

Included in the re-budget request total is \$7,872,206 for the new Operations Building which is expected to be completed in 2020. Other significant building projects including the Compost Facility Expansion, Fire Hall #1 and BCP Services building, have re-budget requests totalling \$7,894,782. In comparison, the re-budget amount in 2019 was \$34,190,520; of that \$23,840,347 was in relation to the Operations Building and \$278,229 related to other building re-budgets.

Reasons for projects not being completed during 2019 include:

- Multi-year projects; in order to award contracts, all of the funding for a project must be approved for spending in the first year to ensure the City's commitment can be carried out.
- Staff, consultant and contractor availability;
- Delays due to late contract awards, coordination of efforts and external approvals;
- Goods ordered but not received prior to December 31, 2019.

It is anticipated that, if approved, most of the re-budget proposals will be completed in 2020.

Of the \$24,245,757 in budget requests, \$6,545,080 is related to projects that were previously identified as coming from the appropriate City reserves. The balance, \$18,314,028 is related to projects with funding identified from outside funding sources such as Gas Tax and other government grants.

There are no requests for additional funds.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2020-05 a bylaw to amend the 2020 to 2023 capital expenditure program by re-budgeting 2019 capital expenditures in the amount of \$24,245,757, be brought forward for consideration under the bylaw process.

CITY OF WHITEHORSE

BYLAW 2020-05

A bylaw to amend the 2020 to 2023 Capital Expenditure Program

WHEREAS section 238 of the *Municipal Act* (R.S.Y. 2002) provides that council shall by bylaw adopt an annual operating budget and a multi-year capital expenditure program; and

WHEREAS section 241 of the *Municipal Act* provides that no expenditure shall be made that increases total expenditures above what was approved in the annual capital budget or operating budget unless such expenditure is approved by bylaw; and

WHEREAS it is necessary to increase the 2020 to 2023 capital expenditure program to provide for the re-budgeting of 2019 capital projects;

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

1. The 2020 capital budget is hereby increased in the amount of \$24,245,757 to provide for the re-budgeting of 2019 capital projects as detailed in Appendix "A" attached hereto and forming part of this bylaw.
2. This bylaw shall come into full force and effect upon final passing thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Director, Corporate Services	120c00115 ASSET MANAGEMENT	Staffing constraints delayed this project in 2019; in 2020 dedicated staff will be hired, asset service levels established and a central means of storing data will be investigated. This is an ongoing multi-year project.	362,585	92,284	270,301
Legislative Admin	220c00116 RECORDS MANAGEMENT	The pilot project completed in 2019 led to revisions needed in various framework documents, which were started in 2019 but not completed. The rebudgeted funds will be used for that purpose and the work is expected to be complete by July 2020.	34,762	12,180	22,582
Engineering Services	240c00117 Water Licence Renewal	This is a multiyear project. Work will continue into 2020 to address the requests for information associated with the Water Board application for water license renewal. The water license renewal is expected to be completed in 2020, however, it is expected that additional studies and assessments associated with conditions from the new water license will be ongoing and extend beyond 2020.	273,648	143,762	129,886
Engineering Services	240c00317 Downtown Reconstruction - Alexander St East (2-4th)	The landscaping contract was not awarded in 2019 due to concerns from the public regarding placement of public benches. In 2020, following public engagement, the landscaping construction will be attempted again.	598,285	60,715	275,712
Engineering Services	240c00410 ASPHALT SURFACE OVERLAY PROGRAM	Multiyear program. Work remaining in 2020 is mill & fill at Robert Service Way and 4th Ave Roundabout.	2,103,000	1,857,825	245,175
Engineering Services	240c00417 Range Rd/Two Mile Hill Intersection Upgrades	Problem definition report was completed in 2019. Preliminary design will commence in 2020	50,000	20,888	29,112
Engineering Services	240c00418 Downtown Reconstruction: Cook St West (4th to Escarpment)	This is a multiyear project. The remaining funds will be used to finalize the detailed engineering design and tender the construction contract.	200,000	36,398	163,602
Engineering Services	240c00513 MARWELL EAST - TLINGIT ST	This is a multiyear project. The re-budgeted funds will be used to finalize the detailed design, tender the construction contract, and provide construction inspection and contract administration. The underground and surface works is expected to be completed in 2020, with construction of landscaping following in 2021.	460,045	92,190	367,855
Engineering Services	240c00516 BLACK ST STAIRS DRAINAGE	Design was started in 2019 and will be completed in 2020. Construction 2020 under new project for stair rehabilitation.	45,000	9,545	20,000
Engineering Services	240c00819 Mt. McIntyre Ski Bridge Repair	This is a multiyear project. The re-budgeted funds will be used to complete the construction and provide construction inspections and contract administration. The work will be completed in 2020.	954,026	89,977	864,049

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Engineering Services	240c01118 Livingstone Trail Lagoon Influent Chamber Replacement	Multiyear project	49,296	2,295	47,001
Engineering Services	240c01218 Puckett's Gulch (Black St) Stairs Extension	Construction commenced in 2019, but was delayed to 2020 due to unexpected subsurface ground conditions.	164,718	37,300	127,418
Engineering Services	240c01318 Mount McIntyre Stairs	An alternate location was identified in 2019 and a new budget was created for 2020 for this new location.	60,000	12,538	47,462
Engineering Services	240c01410 STORM SEWER UPGRADES	Due to large demand from private development, there was not sufficient capacity within the Engineering Department to complete this work in 2019.	180,000	36,349	143,651
Financial Services	260c00109 OFFICE FURNITURE	The project was not complete in 2019 as furniture was ordered late in November and did not arrive until 2020. The rebudgeted funds will be spent by March 2020, however this is an ongoing project.	49,000	40,981	8,019
Business & Technology Systems	300c00109 COMPUTER INFRASTRUCTURE	Computer and printer purchase were done toward end 2019. The deliveries are expected in 2020. Portion of the budget will be used for Enterprise storage procurement scheduled for 2020. This is a budget that funds ongoing needs.	1,231,291	431,354	799,937
Business & Technology Systems	300c00110 SOFTWARE ACQUISITION	OH&S case system is still in progress. The amount will be spent on the licenses and implementation of the system. The project is relying on successful completion of Bylaw case system after which the OH&S case system could then be implemented and expected to be done by end of 2020. This is a budget that funds ongoing needs.	135,437	94,210	41,227
Business & Technology Systems	300c00111 SOFTWARE LICENSING RENEWALS	The renewal schedule for ESRI GIS (Interactive Mapping) maintenance and support was realigned in 2019. Due to this, we are requesting re-budget of \$40,000 to cover for the ESRI GIS maintenance renewal that will now fall in 2020. The rest of the amount will not need to be budgeted as they are savings.	592,593	522,459	40,000
Business & Technology Systems	300c00112 SECURITY CAMERAS	Landfill gatehouse cameras are still pending due to limited network connectivity options and resourcing/capacity issues. The funds will be spent on replenishment of old security camera equipment and Landfill gatehouse cameras. This is a budget that funds ongoing needs.	125,510	40,906	84,604

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Business & Technology Systems	300c00113 ERP DEVELOPMENT	This budget provides for ongoing improvements, upgrades and enhancements to the City's core financial systems. There are ongoing discussions and consultations with various City Departments to collect and gather requirements. The re-budgeted amount will be needed to fund the potential implementation of additional modules, upgrades, fixes and enhancements. This is a multi-year project with multi-year budgets.	155,941	102,557	53,384
Business & Technology Systems	300c00116 RECREATION ACTIVITY MANAGEMENT SYSTEM	The project's post go-live and closing phase ran until end of Jan 2020. The re-budgeted amount will be used for project staff costs until end of Jan 2020. The project is complete as of Jan 2020.	125,313	110,082	15,231
Business & Technology Systems	300c00117 Land and Building Services Records Digitization	The project was delayed as BTS, LBS and LEG were waiting for the outcome of the Records Management framework and pilot implement. There was an RFI released end of 2019 and the info received are being reviewed. The re-budgeted funds will be used to release an RFP in 2020 and select a vendor to implement the project.	113,430	501	112,929
Business & Technology Systems	300c00118 Radio and Location Equipment	Decisions need to be made in consultation with the departments regarding radio technology (analog vs. digital) and models to be used going forward. Discussions and research are still in progress. The re-budgeted amount be spent on handheld and vehicle radios that various departments are using. This is a budget that funds ongoing needs.	171,760	50,394	121,366
Business & Technology Systems	300c00119 Transit Realtime Passenger Info and Electronic Payments	The project is still in progress. An RFP to select the vendor was finalized late in 2019. The project is scheduled to be implement in 2020 using the rebudgeted funds. Expected completion will be Dec 2020.	121,300	400	110,000
Business & Technology Systems	300c00212 PAPERLESS DOCUMENT MANAGEMENT	The project is awaiting outcome of the Records Management pilot that will provide direction on how these funds will be spent going forward. If the pilot is successful, additional software license and more consulting hours will be needed in 2020. This phase of the project is targeted for completion in Dec 2020.	29,449	13,000	16,449
Business & Technology Systems	300c00218 Bylaw Incident Reporting Software	The project is currently in progress and being implemented. The rebudgeted amount will be used to pay for implementation and consulting hours, training employees and support. The project is expected to be completed by Dec 2020.	84,524	45,099	39,425

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Business & Technology Systems	300c00314 Fire And Bylaw Computer Aided Dispatch	This essential project is moving forward slowly. The success of this program is largely dependent on support from the YG Fire Marshall's office. There are opportunities being explored which will impact what this program will ultimately look like and the structure from which it will operate. It has been proven that this system, once implemented, will improve response and safety of responders.	25,692	427	25,265
Building & Fleet Maintenance	320c00114 PUMP HOUSE BUILDINGS REPAIRS	Contract awarded in 2019 for Selkirk PH roof - awaiting seasonal completion summer 2020.	36,551	6,562	29,989
Building & Fleet Maintenance	320c00118 REPLACEMENT WORK MACHINE	Contract awarded in 2019, unit delivered and paid for in Q1 2020.	85,000	86	84,914
Building & Fleet Maintenance	320c00519 ICE PLANT CHILLER UPGRADES	MM/TAK Phase 1 awarded and work completed in 2019. CGC Phase 2 work awarded in 2019, work planned for annual ice plant shutdown mid-2020.	288,000	123,352	164,648
Building & Fleet Maintenance	320c00717 CONDENSER/WATER TOWER REPLACEMENT	MM Phase 1 work awarded and completed in 2019. CGC Phase 2 work awarded in 2019, work planned for annual ice plant shutdown mid-2020.	654,000	381,183	272,817
Building & Fleet Maintenance	320c00811 FUEL TANK REMOVAL	Work in progress, seasonal completion spring 2020.	10,166	4,973	5,193
Building & Fleet Maintenance	320c00910 WASTE HEAT RECOVERY - CGC	Design started late in 2019, construction planned for late 2020. Multi year project.	30,000	1,872	28,128
Building & Fleet Maintenance	320c00916 ADDTL END DUMP TRAILER - OPS	Unit ordered in 2019, delivery due Q1, 2020.	70,000	112	69,888
Building & Fleet Maintenance	320c01016 REPLACEMENT TRANSIT BUSES	Contract awarded late 2019, two units due Q4 2020.	1,100,000	0	1,100,000
Building & Fleet Maintenance	320c01114 ENERGY UPGRADES - CANADA GAMES CENTRE	Project progressing well with the majority of the work complete. Work continues room to room as time allows. All work to be completed by the end of 2020. Multi year project.	199,765	129,586	70,179
Building & Fleet Maintenance	320c01117 BCP - SERVICES BUILDING	Design work in progress. This is a large, multi year construction project.	2,400,000	45,822	2,354,178
Building & Fleet Maintenance	320c01416 EMERGENCY EXIT SNOW/ICE ROOFS - CGC	Work awarded in 2019. Majority of work completed in Q1 2020, with seasonal deficiencies to be completed spring 2020.	74,111	2,395	71,716
Building & Fleet Maintenance	320c01516 KULAN SATELLITE STN UPGRADES	Ground investigation work completed and design work has begun. Design to be completed in 2020.	147,153	10,110	137,043
Building & Fleet Maintenance	320c01712 ENVIRONMENTAL ASSESSMENTS - SURPLUS PROPERTIES	Assessment work in progress for Parks Building and Warehouse. Further work to be completed as buildings become available for more destructive testing. Project to be completed as the building consolidation program progresses.	90,091	14,355	75,736
Building & Fleet Maintenance	320c01716 BCP - FIRE HALL #1 BUILDING	Construction awarded, and, in progress, major construction work to be completed in 2020.	3,978,229	2,281,102	1,697,127

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Building & Fleet Maintenance	320c01810 BCP - OPERATIONS BUILDING	Construction awarded, and, in progress, major construction work to be completed in 2020.	24,260,291	16,388,085	7,872,206
Building & Fleet Maintenance	320c02016 HERITAGE BLDG ROOF REPLACEMENT	Donnenworth house roof replacement completed 2019. Design work in progress for Captain Martin House to be completed mid-2020.	121,678	68,917	52,761
Building & Fleet Maintenance	320c02809 HEAVY TRUCK REPLACEMENT	Contract awarded in 2019, delivery due Q1, 2020.	248,500	125	248,375
Building & Fleet Maintenance	750c01411 FLOORING REPAIRS - FACILITIES	Repair work in progress, to be completed in 2020. Multi year project.	61,886	42,045	19,841
Fire	440c00114 RESCUE TRUCK REPLACEMENT	Rebudgeted amounts to be applied to specialized rescue equipment assigned to this apparatus. This project will be completed and closed out in 2020.	537,863	520,964	16,899
Fire	440c00118 Fuel Abatement	Multiyear project that will continue during winter months. Rebudgeted funds will be applied to 2020 contractor invoice expected in Spring of 2020. Work will recommence in the late fall / winter of 2020 into 2021.	684,879	94,324	240,555
Fire	440c00209 SCBA AIR MANAGEMENT REPLACEMENT/UPGRADE	SCBA replacement will occur in 2020 and rebudgeted funds will be applied to this project towards SCBA adjuncts and additional equipment to enhance user safety such as communications tools, respiratory emergency equipment in the event of a firefighter rescue situation, etc. These funds were held from 2019 in anticipation of the additional funding needed for these additional measures.	86,035	32,399	53,991
Fire	440c00309 TURNOUT GEAR REPLACEMENT	Multi-year projected purchase of turnout gear. Actual annual purchases are based upon need which may fluctuate from budgeted projections. Rebudgeted funds will be applied to project to cover any actual shortfall in 2020 budget cycle.	46,935	44,748	2,187
Operations	500c00110 SMALL EQUIPMENT REPLACEMENT	Replacement equipment ordered late 2019, awaiting delivery in 2020.	30,000	5,756	24,244
Operations	500c00116 MAJOR SIDEWALK REPAIRS	Seasonal work to repair/replace sidewalks. Multi-year project with significant work expected to be completed by fall of 2020.	104,402	20,000	84,402
Operations	500c00409 PARA RAMP INFILLS	Seasonal work to repair/add para ramps in sidewalks. Multi-year project with significant work expected to be completed by fall of 2020.	48,882	37,492	11,390
Environmental Sustainability	600c00219 WILDFIRE RISK REDUCTION STRATEGY	This is a multi-year project. Funds will be used for consultant. Project will be completed in 2020.	85,000	23,932	61,068

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Environmental Sustainability	500c00209 LANDFILL UPGRADES	The electric fence cleared buffer was upgraded as planned and some of the gate upgrades were completed in 2019. Vacancies resulted in decreased capacity so the project wasn't completed. 2020 work will be focused on gate upgrades and safety upgrades at the transfer station. Expected to be complete within 2020.	111,348	10,094	95,753
Water and Waste Services	650c00119 Reservoir Cleaning	Forced to adjust scope and re-tender. Contract is ready to award. Work will be complete summer of 2020.	90,000	1,555	88,445
Water and Waste Services	650c00319 LTECF Discharge Line Upgrade	Progress slower than expected in 2019. The inspection didn't reveal any immediate concerns which reduced the schedule pressure. Remediation still needs to be completed in 2020 and there is a plan in place to do so.	100,000	29,147	70,853
Water and Waste Services	650c00410 SMALL LIFT STATION UPGRADES	Excellent progress in 2019 including safety upgrade at Marwell LS, controls upgrades at Quartz LS, and electrical upgrades at Wann Road LS, progress was limited by vacancies and turn-over. 2020 work will be focused on Range Road LS and Quartz Road LS communications & PLC.	62,154	31,310	30,844
Water and Waste Services	650c00418 PLC and Communications Systems Replacement	Excellent progress in 2019 including new PLCs at Hamilton Booster and Copper Ridge Reservoir. Department turnover in 2019 stalled the project. Projected to be completed in 2020 including upgrades focused on Copper Ridge Booster.	91,384	71,974	19,410
Water and Waste Services	650c00419 McIntyre Creek Pumphouse Fuel Spill	2019 workplan was completed. A broken monitoring well will be addressed in 2020, CWF has approved this change/extension of the	50,000	27,301	22,699
Water and Waste Services	650c00518 SCADA Software Replacement	Implementation was complete in 2019. The nature of the system requires maintenance and bug-fixes that will be identified over time. Work is proceeding as expected and will be complete in 2020.	279,890	201,957	77,933
Water and Waste Services	650c00618 Pot Hole Lake Service Upgrade	Pre-design completed in 2019 recommends a topographic survey to inform detailed design which will be completed in 2020.	30,000	23,799	6,201
Water and Waste Services	650c00719 Landfill Operations Contract Development	Consulting begun in 2019 was bottlenecked by capacity with management & supervisory staff in Waste Services/WWWS. Contract to be finalized in 2020 will be reviewed by the consultant.	30,000	24,957	5,043
Water and Waste Services	650c00819 Transfer Station Upgrades	This project is progressing as expected, RFP was issued in Q4 2019 reflecting project management capacity in WWWS. Award required budget to be approved in 2019, the funding is secured to the end of 2020 and the work will be completed this year.	250,000	15,612	234,388

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Water and Waste Services	650c01019 Metal Pile - One Year	This project was delayed by lack of project management capacity in Waste Services. Expected to be tendered in 2020 with work being completed by summer 2021.	175,000	1,116	173,884
Water and Waste Services	650c01217 Commercial Water Meter Replacements	Work in 2019 was focused on smaller meters which have smaller capital cost and in preparation for meter reader infrastructure upgrade. 2020 workplan includes the meter reader infrastructure upgrade and larger meters having a high individual capital cost.	49,070	4,918	44,152
Water and Waste Services	650c01818 SWAP Implementation	Excellent progress on education and enforcement materials in 2019, this carry-over will support more of this work in 2020.	23,518	21,603	1,915
Water and Waste Services	650c02118 Compost Facility Expansion	Phase 1 completed in 2019. Delays in detailed design prevented tendering & construction completion in 2019. The 2nd phase of the project will be completed in 2020.	4,939,534	715,277	3,843,667
Planning Services	720c00119 PUBLIC ENGAGEMENT CAPACITY DEVELOPMENT	Project not complete due to work on OCP. Budget will be spent on developing/executing training for staff. Budget will be spent in 2020-2021.	30,000	941	29,059
Planning Services	720c00218 NEIGHBOURHOOD COLLECTOR ROAD MASTER PLANS	Scoping of projects took longer than expected. Budget will be spent on consultant studies and project will be completed in 2020.	70,000	17,622	52,378
Planning Services	720c00319 INDIGENOUS LANGUAGES PLACE-NAME INCORPORATION	Project scoped in consultation with First Nations in 2019 and expected to start in 2020. Budget will be spent on consultant and meeting costs. It is expected to be a multi year project.	10,000	175	9,825
Planning Services	720c00418 MULTI-USE TRAIL DESIGN GUIDELINES	Contractor completing work. Funding will be used for consultant and project will be completed in 2020.	32,413	25,786	6,627
Planning Services	720c00614 NEIGHBOURHOOD SIGN CREATION & REFURBISHMENT	Project not finished as contractor had serious illness and had not returned to work. Budget will be spent on new sign creation and refurbishment of existing signs. Budget will be spent by end of 2020.	10,000	7,650	2,350
Planning Services	720c00618 CHADBURN LAKE PARK IDENTITY/BRANDING	Project was scoped out with FNs in 2019 with expectation of starting in 2020. Budget will be spent on consultant and meeting costs. Project expected to be multi year.	30,000	177	29,823
Planning Services	720c00815 OFFICIAL COMMUNITY PLAN REVIEW - 2018	This is a multi-year project. Project budget has been reviewed and funds will be used to increase staff capacity, fund engagement, and contractors as needed. Project is scheduled for completion in 2020.	138,892	35,553	103,339
Planning Services	720c00818 2018 LOT DEVELOPMENT	Following installation of water/sewer utilities in 2019, the surface works were unable to be completed prior to end of 2019 construction season. Anticipated that remaining work will advance in Spring or early Summer with the rebudgeted being spent by July 2020.	143,966	103,332	40,634

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Parks and Trails	740c00216 WHISTLE BEND AMENITIES	Procurement delays with sourcing affected this project. These re-budgeted funds will be spent on new garbage cans and benches for Whistle Bend with an expected completion date of September 2020.	20,346	3,312	17,034
Parks and Trails	740c00409 TRAIL PLAN IMPLEMENTATION	This project was not completed in 2019 due to uncertainty surrounding the department's needs. These re-budgeted funds will be used for the Trails crew operations including equipment rentals, materials and wages by the end of the 2020 season.	122,100	60,859	61,241
Parks and Trails	740c00417 Shipyards Park Electrical Posts and Outlet Replacement.	Materials for this project were ordered in fall 2019 but the supply was on back order and not received until February 2020. This re-budget amount will be spent on the replacement of the existing Shipyards Park electrical outlets prone to vandalism and will be completed summer 2020.	24,641	0	24,641
Parks and Trails	740c00616 JIM LIGHTS PARK RETAINING WALL	Seasonal limitations prevented the completion of this project. This re-budget amount will be spent on the construction of stairs and the addition of a railing at the top of the retaining wall. The expected completion date of this project is August 2020.	9,393	640	8,753
Parks and Trails	740c01315 WHISTLE BEND PLAYGROUNDS	Ongoing discussions with the Whistle Bend Neighborhood Association regarding types and locations of playground equipment have delayed this project. These re-budgeted funds will be spent on improving existing Whistle Bend playgrounds and completed by September 2020.	38,986	4,059	34,927
Parks and Trails	740c05310 DOWNTOWN STREET UPGRADES - PARKS	Delays in the release of a downtown bench location plan from Planning has affected this project. Once this plan is complete this re-budgeted amount will be spent on the placement and replacement of benches on Main Street. This project will be completed by October 2020.	31,141	4,636	26,505
Recreation & Facility Services	750c00115 Programming Equipment	This project was not completed in 2019. Equipment was identified for purchase in late 2019, but would not have arrived in time. The rebudgeted funds will be spent by June 2020.	6,882	2,100	4,782
Recreation & Facility Services	750c00518 Takhini Arena Dasher Board Upgrades	This project was not completed in 2019. Additional work to address gates/doors was identified in late 2019. The rebudgeted funds will be used by September 2020, with the work done over the summer.	161,421	156,220	5,201
Recreation & Facility Services	750c00811 Wellness Centre Equipment	This project was not completed in 2019. Additional equipment was identified in late 2019, but unable to purchase in time for 2019 budget. The rebudgeted funds will be used by June 2020 or when large replacement order is placed.	33,000	30,666	2,334

Appendix A
Bylaw 2020-05

Department / Sub-Department	Capital Job	Reason for Rebudget Request	2019 Revised Budget	2019 YTD Actuals	Re-budget amount requested
Total Re-budget Requests			51,171,101	25,871,261	24,245,757

Schedule 1 Bylaw 2020-05
Excerpt from Appendix A
2019-2022 Capital Expenditure Program

Projects Complete	2019
Projects Cancelled or Re-scoped into 2020 Projects	Total Revised
Projects Already Re-Budgeted in 2020	Budget
Director, Corporate Services	
120c00115 ASSET MANAGEMENT	362,585
Total Director, Corporate Services	362,585
Legislative Admin	
220c00116 RECORDS MANAGEMENT	34,762
Total Legislative Admin	34,762
Engineering Services	
240c00110 SELKIRK WATER PUMPHOUSE	170,000
240c00111 LIVINGSTONE TRAIL LAGOON ODOUR MITIGATION	21,613
240c00116 SELKIRK PUMPHOUSE SITE WORKS	135,893
240c00117 Water Licence Renewal	273,648
240c00118 PC Hidden Lakes Hydrological Assessment	75,000
240c00209 HILLCREST DES/RECON	
240c00211 WATERMAIN IMPROVEMENTS - Lambert 5th & 6th	775,000
240c00218 Watermain Improvements - Birch St North Extension	1,150,000
240c00317 Downtown Reconstruction - Alexander St East (2-4th)	598,285
240c00318 Hamilton Boulevard Traffic Study	8,197
240c00319 Motorways Dev. Lane Paving	
240c00410 ASPHALT SURFACE OVERLAY PROGRAM	2,103,000
240c00415 TRAFFIC SIGNALS - 2ND & WOOD	
240c00417 Range Rd/Two Mile Hill Intersection Upgrades	50,000
240c00418 Downtown Reconstruction: Cook St West (4th to Escarpment)	200,000
240c00419 Overhead Crosswalk - Fourth Avenue "Tags"	
240c00511 PORTER CREEK LAGOON REMEDIATION	18,483
240c00513 MARWELL EAST - TLINGIT ST	460,045
240c00516 BLACK ST STAIRS DRAINAGE	45,000
240c00519 Traffic Signals Quartz & Chilkooot	35,000
240c00618 Downtown Reconstruction: Strickland Street (3rd-Escarpment)	
240c00711 DOWNTOWN RECONSTRUCTION - WHEELER ST WEST	900,525
240c00718 Downtown Reconstruction: Strickland 3rd-4th	
240c00811 MARWELL LIFT STATION	203,432
240c00818 Downtown Reconstruction: Wood St East (1st-4th)	
240c00819 Mt. McIntyre Ski Bridge Repair	954,026
240c00918 Downtown Reconstruction: Steele St East (1st-4th)	
240c01016 DOWNTOWN RECONSTRUCTION - ALEXANDER ST WEST (4th-Esc)	
240c01118 Livingstone Trail Lagoon Influent Chamber Replacement	49,296
240c01119 Wheeler Street Environmental Review	40,000
240c01216 Transportation Study (City Wide)	
240c01218 Puckett's Gulch (Black St) Stairs Extension	164,718
240c01219 ASPHALT PATH CROSSING IMPROVEMENTS	
240c01318 Mount McIntyre Stairs	60,000
240c01410 STORM SEWER UPGRADES	180,000
240c02010 DOWNTOWN RECONSTRUCTION - 6TH AVE	940,262
240c02309 ASPHALT PATHS - VARIOUS LOCATIONS	158,882
240c02609 SCADA PROGRAM	520,482
Total Engineering Services	10,290,787
Financial Services	
260c00109 OFFICE FURNITURE	49,000
Total Financial Services	49,000
Business & Technology Systems	
300c00109 COMPUTER INFRASTRUCTURE	1,231,291
300c00110 SOFTWARE ACQUISITION	135,437
300c00111 SOFTWARE LICENSING RENEWALS	592,593
300c00112 SECURITY CAMERAS	125,510
300c00113 ERP DEVELOPMENT	155,941
300c00116 RECREATION ACTIVITY MANAGEMENT SYSTEM	125,313
300c00117 Land and Building Services Records Digitization	113,430
300c00118 Radio and Location Equipment	171,760
300c00119 Transit Realtime Passenger Info and Electronic Payments	121,300
300c00212 PAPERLESS DOCUMENT MANAGEMENT	29,449
300c00218 Bylaw Incident Reporting Software	84,524

Schedule 1 Bylaw 2020-05
Excerpt from Appendix A
2019-2022 Capital Expenditure Program

Projects Complete	2019
Projects Cancelled or Re-scoped into 2020 Projects	Total Revised
Projects Already Re-Budgeted in 2020	Budget
300c00219 CGC Public Info Display Upgrades	
300c00314 Fire And Bylaw Computer Aided Dispatch	25,692
300c00318 Unified Communications (IP Telephony and VOIP)	49,932
Total Business & Technology Systems	2,962,172
Building & Fleet Maintenance	
320c00110 ONE TON TRUCK REPLACEMENT	54,396
320c00111 MAJOR BUS REPAIRS	416,467
320c00114 PUMP HOUSE BUILDINGS REPAIRS	36,551
320c00115 MOBILE STEAMER REPLACEMENT	
320c00118 REPLACEMENT WORK MACHINE	85,000
320c00119 Additional Utility Task Vehicle Parks and Trails	
320c00215 ICE RESURFACER REPLACEMENT	
320c00218 ADDTL PICKUP - TRANSFER STATION OFFICER - FGD	61,686
320c00219 City Hall Security Upgrades	
320c00318 BCP - MSB DEMOLITION	
320c00418 BCP - FIRE HALL 1 DEMOLITION	60,000
320c00419 City Hall LAN Room AC	
320c00510 LAWN TRACTOR REPLACEMENT	25,000
320c00516 VIBRATORY PLATE COMPACTOR REPLACEMENT	
320c00519 ICE PLANT CHILLER UPGRADES	288,000
320c00610 MAJOR EQUIPMENT REPAIRS	100,000
320c00613 FIVE TON TRUCK REPLACEMENT	
320c00619 Additional Snow Machine - Parks&Trails and Bylaw	16,746
320c00713 ADDTL RIDE-ON SWEEPER	
320c00717 CONDENSER/WATER TOWER REPLACEMENT	654,000
320c00719 Additional Wildland Vehicle - Fire Department	
320c00809 MT MCINTYRE UPGRADES	7,978
320c00811 FUEL TANK REMOVAL	10,166
320c00819 Replacement Dump Trailer- Compost Facility	43,500
320c00910 WASTE HEAT RECOVERY - CGC	30,000
320c00915 ROBERT SERVICE CAMPGROUND BLDG REPAIRS	23,866
320c00916 ADDTL END DUMP TRAILER - OPS	70,000
320c00919 FLEET MANAGEMENT STUDY	
320c01016 REPLACEMENT TRANSIT BUSES	1,100,000
320c01110 MT MAC - UPGRADE HEATING PLANTS	10,295
320c01112 REFINISH FLEXIHALL FLOORING	125,444
320c01114 ENERGY UPGRADES - CANADA GAMES CENTRE	199,765
320c01117 BCP - SERVICES BUILDING	2,400,000
320c01209 MOBILE SWEEPER REPLACEMENT	
320c01311 AQUATIC CENTRE MAINTENANCE	65,000
320c01317 BCP - OFFICE ALTERNATIVE	
320c01319 FIRE TANKER REPLACEMENT	365,000
320c01416 EMERGENCY EXIT SNOW/ICE ROOFS - CGC	74,111
320c01417 BCP - CITY HALL RENOVATION/ENERGY UPGRADES	
320c01419 BYLAW SERVICES REPLACEMENT VEHICLE	62,530
320c01516 KULAN SATELLITE STN UPGRADES	147,153
320c01709 PICKUP TRUCK REPLACEMENT	276,534
320c01712 ENVIRONMENTAL ASSESSMENTS - SURPLUS PROPERTIES	90,091
320c01716 BCP - FIRE HALL #1 BUILDING	3,978,229
320c01810 BCP - OPERATIONS BUILDING	24,260,291
320c02016 HERITAGE BLDG ROOF REPLACEMENT	121,678
320c02109 VAN REPLACEMENT	71,346
320c02410 SKID STEER LOADER REPLACEMENT	66,500
320c02809 HEAVY TRUCK REPLACEMENT	248,500
320c03110 LOADER REPLACEMENT	
750c01411 FLOORING REPAIRS - FACILITIES	61,886
750c01413 POOL SLIDE STRUCTURE UPGRADE	123,180
Total Building & Fleet Maintenance	35,830,889
Fire	
320c01210 EMO EQUIPMENT	4,573
440c00114 RESCUE TRUCK REPLACEMENT	537,863

Schedule 1 Bylaw 2020-05
Excerpt from Appendix A
2019-2022 Capital Expenditure Program

Projects Complete	2019
Projects Cancelled or Re-scoped into 2020 Projects	Total Revised
Projects Already Re-Budgeted in 2020	Budget
440c00118 Fuel Abatement	684,879
440c00119 Thermal Imaging Cameras	
440c00209 SCBA AIR MANAGEMENT REPLACEMENT/UPGRADE	86,035
440c00210 TECHNICAL RESCUE	26,831
440c00218 Emergency Management Plan Review	
440c00219 Relocation of Extractor (Turnout gear washer)	20,000
440c00309 TURNOUT GEAR REPLACEMENT	46,935
440c00510 TRAINING CENTRE IMPROVEMENTS	545
Total Fire	1,407,661
Operations	
500c00109 TRAFFIC CONTROLLER CABINET	108,082
500c00110 SMALL EQUIPMENT REPLACEMENT	30,000
500c00115 REPLACEMENT UPS BATTERIES	7,000
500c00116 MAJOR SIDEWALK REPAIRS	104,402
500c00118 WMF Fire	50,000
500c00409 PARA RAMP INFILLS	48,882
500c00609 GUIDE RAIL & JERSEY CURB REPLACEMENT	
500c00709 UNPAVED ROAD MAINTENANCE	
500c01009 SNOW DUMP DEVELOPMENT	28,742
500c01109 WASTE OIL RECLAMATION	26,047
Total Operations	403,155
Transit Services	
580c00115 TRANSIT SHELTERS & BENCHES	7,029
Total Transit Services	7,029
Environmental Sustainability	
240c01316 GROUNDWATER PROTECTION PLANNING & IMPLEMENTATION	101,914
600c00219 WILDFIRE RISK REDUCTION STRATEGY	85,000
Total Environmental Sustainability	186,914
Water and Waste Services	
500c00209 LANDFILL UPGRADES	111,348
650c00115 MCINTYRE CREEK BOOSTER STATION	392,921
650c00119 Reservoir Cleaning	90,000
650c00209 PUMPHOUSE & RECIRCULATION	3,540
650c00219 Two Mile Hill Booster Motor Replacement	195,000
650c00318 Forcemain Condition Assessments	
650c00319 LTECF Discharge Line Upgrade	100,000
650c00410 SMALL LIFT STATION UPGRADES	62,154
650c00418 PLC and Communications Systems Replacement	91,384
650c00419 McIntyre Creek Pumphouse Fuel Spill	50,000
650c00518 SCADA Software Replacement	279,890
650c00519 Riverdale Super A Fuel Monitoring	
650c00618 Pot Hole Lake Service Upgrade	30,000
650c00619 Modular Litter Fence	126,120
650c00718 Selkirk Aquifer Flood Risk Assessment	15,000
650c00719 Landfill Operations Contract Development	30,000
650c00819 Transfer Station Upgrades	250,000
650c00919 WMF South End Development	416,000
650c01019 Metal Pile - One Year	175,000
650c01217 Commercial Water Meter Replacements	49,070
650c01219 MARWELL LIFT STATION PUMP REPLACEMENT	100,000
650c01409 HYDRANT INFILL	31,633
650c01414 REBUILD PRESSURE CONTROL VALVES CITY WIDE	15,237
650c01618 Porter Creek Lift Stations Assessment	30,000
650c01619 Utility Systems Small Equipment	33,000
650c01719 Large Volume Dewatering Pump System	60,000
650c01818 SWAP Implementation	23,518
650c01819 Truck-Mounted Fall Arrest Davits	8,580
650c01919 Small Sewer Camera Replacement	10,000
650c02018 Multi-Family Organic Totes	10,260
650c02019 Hydrant Service Truck Retrofit	
650c02118 Compost Facility Expansion	4,939,534

Schedule 1 Bylaw 2020-05
Excerpt from Appendix A
2019-2022 Capital Expenditure Program

Projects Complete	2019
Projects Cancelled or Re-scoped into 2020 Projects	Total Revised
Projects Already Re-Budgeted in 2020	Budget
650c02119 Thermostatic Bleeder Upgrade Program	
650c02219 Riverdale Aquifer Sewer Camera Inspections	
Total Water and Waste Services	7,729,189
Economic Development	
700c00117 FUTURE INDUSTRIAL LAND SUPPLY AND DEMAND STUDY	15,175
Total Economic Development	15,175
Planning Services	
720c00116 HERITAGE STRATEGY REVIEW	17,998
720c00117 DOWNTOWN PARKING MANAGEMENT PLAN UPDATE	8,000
720c00119 PUBLIC ENGAGEMENT CAPACITY DEVELOPMENT	30,000
720c00214 WHISTLE BEND FUTURE AREAS PLANNING	69,890
720c00216 6TH AVE CONTAMINATION REMEDIATION	
720c00218 NEIGHBOURHOOD COLLECTOR ROAD MASTER PLANS	70,000
720c00318 ZONING BYLAW REWRITE	
720c00319 INDIGENOUS LANGUAGES PLACE-NAME INCORPORATION	10,000
720c00418 MULTI-USE TRAIL DESIGN GUIDELINES	32,413
720c00614 NEIGHBOURHOOD SIGN CREATION & REFURBISHMENT	10,000
720c00618 CHADBURN LAKE PARK IDENTITY/BRANDING	30,000
720c00815 OFFICIAL COMMUNITY PLAN REVIEW - 2018	138,892
720c00818 2018 LOT DEVELOPMENT	143,966
720c02014 SCHWATKA LAKE PLAN IMPLEMENTATION	26,813
Total Planning Services	587,972
Parks and Trails	
740c00216 WHISTLE BEND AMENITIES	20,346
740c00217 Rotary Park Playground Replacement	389,920
740c00309 PLAYGROUND EQUIPMENT REPLACEMENT	49,455
740c00316 TRAIL PLAN UPDATE 2017	70,000
740c00409 TRAIL PLAN IMPLEMENTATION	122,100
740c00417 Shipyards Park Electrical Posts and Outlet Replacement.	24,641
740c00519 Gate and fence for PUL in Porter creek as per DRC	
740c00609 GREY MOUNTAIN CEMETERY EXPANSION	
740c00610 PAVED TRAIL RESURFACING - PARKS	43,807
740c00616 JIM LIGHTS PARK RETAINING WALL	9,393
740c00619 Pine Street Park Installation	37,485
740c01009 EROSION CONTROL	7,844
740c01315 WHISTLE BEND PLAYGROUNDS	38,986
740c01415 TREE NURSERY REPLENISHMENT	
740c05310 DOWNTOWN STREET UPGRADES - PARKS	31,141
Total Parks and Trails	845,118
Recreation & Facility Services	
750c00115 Programming Equipment	6,882
750c00118 Aquatic Acoustics Replacement	
750c00119 CGC PA System Upgrade	63,579
750c00214 Aquatic Centre Sand Filter Replacement	25,341
750c00518 Takhini Arena Dasher Board Upgrades	161,421
750c00811 Wellness Centre Equipment	33,000
Total Recreation & Facility Services	290,223
Total City of Whitehorse	61,002,631

Summary

Total Re- budget Requests (Appendix A to Bylaw 2020-05)	51,171,101
Total Projects Complete	9,037,641
Total Projects Cancelled or Re-scoped into 2020 Projects	203,407
Total Projects already re-budgeted in 2020	590,482
Total Appendix A - 2019 Revised Capital Expenditure Plan	61,002,631

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: March 23, 2020
RE: Fees and Charges Amendment (1st Quarter Changes)

ISSUE

Amendments to the Fees and Charges Bylaw

REFERENCE

Fees and Charges Manual – Appendix A

Bylaw 2014-36

HISTORY

As part of the quarterly review, the Financial Services Department compiles a list of suggested changes to the City's fees and charges as submitted by the management group.

ALTERNATIVES

1. Adopt the changes to fees and charges as recommended
2. Do not adopt the fees and charges and refer back to administration

ANALYSIS

Following is a list of all the requests submitted, including fee increases, deletions and wording amendments to provide clarity as detailed:

Fire Department

- Add four new fees to address cost recovery for equipment apparatus used during firefighting operations incidents to bring fees and charges in line with industry standards.
- Add two new additional False Alarm fees to align with the Fire Department's strategy of minimizing the number of false alarms attended by the Fire Fighters
- Amend fee description of False Alarm Third Response and increase the fee to include a charge for the apparatus used on the call
- Delete Repeated False Alarm Response fee for each subsequent false alarm as it is no longer applicable
- Amend the description for Admin and Investigation fee to add clarity regarding the service provided by Whitehorse Fire Department
- Amend the fee description of Occupancy Load and update corresponding rate structure to offer this type of service beyond licensing purposes
- Amend fee description of Response fee and update the rate to include an additional charge for the apparatus used during firefighting operations incidents in response to a call out

Waste Services

- Effective April 1, 2020 increase a few waste disposal fees for Public Drop-Off to align with the Government of Yukon's periphery Site Fee Implementation to reduce waste migration.
- Add a new fee for Controlled Waste construction and demolition (C&D) and Clean Wood-medium load to address missing fee for this size load of properly sorted C&D
- Update descriptions to several of the existing waste management fees to improve clarity, align with YG and maintain consistency with current operational requirements

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2020-20, a bylaw to amend the Fees and Charges Bylaw, be brought forward for consideration under the bylaw process; and

THAT the 2020—2022 Operating and Maintenance Budgets be increased upon adoption of Bylaw 2020-20 in the amount of \$3,500 for 2020, \$4,667 for 2021, and \$4,667 for 2022, offset by transfers to the General Reserve for the additional revenue.

CITY OF WHITEHORSE

BYLAW 2020-20

A bylaw to amend Fees and Charges Bylaw 2014-36

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

WHEREAS all City of Whitehorse municipal fees and charges are consolidated into one bylaw; and

WHEREAS it is deemed desirable that the Fees and Charges Bylaw be amended to reflect changes required as a result of a quarterly review and to align municipal charges with new fee regulations established by the Government of Yukon with respect to waste management facilities;

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

1. The fee schedule attached to and forming part of Fees and Charges Bylaw 2014-36 is hereby amended by repealing existing Schedules 6 and 12 and substituting therefore new Schedules 6 and 12, attached hereto as Appendix "A" and forming part of this bylaw.
2. This bylaw shall come into full force and effect on and from final passage thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

CITY OF WHITEHORSE BYLAW 2020-20

Explanatory Notes:

The attached bylaw amends the Fees and Charges Bylaw to reflect changes required per a quarterly operational review.

The changes include new fees, fee increases, deletion of redundant fees, amendments to fee descriptions to provide clarity, and changes required as a result of the Government of Yukon's periphery Site Fee Implementation to reduce waste migration.

The changes are highlighted and are detailed as follows:

- Add four new fees that address cost recovery for equipment apparatus used during firefighting operation incidents to bring fees and charges in line with industry standards.
 - Equipment Apparatus Charge out Rates for Light and Medium Utility Vehicles
 - Equipment Apparatus Charge out Rates for Heavy Duty Vehicles
 - Equipment Apparatus Charge out Rates for Rescue and Tanker Vehicles
 - Equipment Apparatus Charge out Rates for Utility Task Vehicles or Utility Terrain Vehicles
- Add two new False Alarm fees to align with the Fire Department's strategy of minimizing the number of false alarms attended by fire fighters
- Amend fee description of False Alarm Third Response and increase the fee to include a charge for the apparatus used on the call
- Delete Repeated False Alarm Response fee for each subsequent false alarm as it is no longer applicable
- Amend the description for Admin and Investigation fee to add clarity regarding the service provided by the Fire Department
- Amend the fee description of Occupancy Load and update corresponding rate structure to offer this type of service beyond licensing purposes
- Amend fee description of Response fee and update the rate to include an additional charge for the apparatus used during firefighting operation incidents in response to a call out
- Effective April 1, 2020 changes to certain waste disposal fees for Public Drop-Off to align with Government of Yukon Periphery Site Fee Implementation:
 - Construction and demolition (C&D) and Wood – small load –rate decrease
 - Residual Waste – volume equivalent for properly sorted residual or C&D waste – rate increase
 - Mixed waste – volume equivalent for contaminated residual or C&D waste – rate increase

.../continued

CITY OF WHITEHORSE BYLAW 2020-20

Explanatory Notes (Continued)

- Add a new fee for Controlled Waste C&D and Clean Wood-medium load to address missing fee for this size load of properly sorted C&D
- Update descriptions to several of the existing waste management fees to improve clarity, align with YG and maintain consistency with current operational requirements
 - Residual waste small load description – correct error in size description
 - "Bedsprings, Boxpsrings, Mattresses" changed to "Boxsprings, Mattresses"
 - Residual Waste – up to 8 bags: changed to: Residual waste – up to 5 regular sized garbage bags (maximum 90 l or 76cm x 83 cm); quantity is decreased from 8 bags to 5 bags to align with Yukon Government
 - Compostable waste – addition of missing description for "Woodchips and Sawdust"
 - Metals small load and weighted – remove "metal recovery" from description and change to "scrap metal" for user clarity
 - Edit description of small and medium load fees for C&D and wood waste to clarify load size
 - Edit description of residual waste to clarify sorting requirements

FEE DESCRIPTION				Bylaw 2020-20		Final Fee if	UNITS
				Approved	Date Fee	GST Applicable	
				Fee	Effective	+ 5% GST	
Burning	Burning	open burning for land clearing purposes		110.00	23-Feb-09		per day
Burning	Burning-open burning for other than land clearing purposes	1 week (7 day) permit)		22.00	23-Feb-09		each
Burning	Burning-open burning for other than land clearing purposes-seasonal permit	Season is October 1 to		110.00	23-Feb-09		per season
Confined Space	Confined Space Rescues	standard 3rd (third) party billing rates for staff & equipment plus \$500.00 for materials used		actual + 500.00	27-Jan-03		each event
Explosives	Explosives Storage for construction purposes			100.00	28-Jan-02	105.00	each
High Hazard Fireworks Display	Fireworks Permit	for non-City organized events	fee + fire protection if needed	250.00	1-Jan-12		each
Occupancy Load	Determine Occupancy Load	determine the occupancy load for any space of a space for licensing-purposes		150.00 + 100/hr after the first 2 hours	1-Apr-20	+ GST	each event
Safety Plan	Review of New Fire Safety Plan	Fee includes cost recovery for applicable wages and benefits		actual + 100	1-Jul-18	+ GST	each
Safety Plan	Update of Fire Safety Plan	Review of an updated fire safety plan		50.00	1-Jan-12	52.50	
False Alarm Response	Third incident of a similar system malfunction in a 12 month period-response and Subsequent ones within a Calendar year	Repeated false alarms due to vandalism, defective alarm systems or equipment, or negligence of building owner or tenant		250 200 + apparatus charges	1-Apr-20		each
Repeated False Alarm-Response	Each subsequent false alarm			200.00	1-Jan-12		each
Admin	File search/Letter	Information Request/ Provide information from files and to provide letter of compliance for insurance or other needs - Fee includes cost recovery for applicable wages and benefits. Information request including inspection or investigation reports provided to any person, insurance company or government agency required to prepare by the Fire Department based on the approval of the Fire Chief, Deputy Fire Chief, or Prevention Officer.		actual + 100-5 per page+ 100 admin+Postage actual + 250-Per apparatus charge out rate	1-Apr-20	+ GST	Per Request
Response	Per Unit responding plus actual cost of incident mitigation, disposal and lost or damage to equipment	Based on the number of type of apparatus deployed on an hourly basis from the time of departure from the fire hall to the time each unit is placed back in service.			1-Apr-20		Per unit/hour
Investigation	Fire or Incident Investigation	Provide an investigation and report into the cause of a fire or other incident that the Whitehorse Fire Department did not attend or extinguish. Conducting an Investigation into fire or accident causation factors or any investigation where public safety from fire or accident needs to be determined. Fees will also be levied where ancillary agents are used for investigation purposes including towing, security, storage, specialized photographic or other evidentiary services. travel, accommodation, and other required services.		actual + 100	1-Jul-18		each
Inspection	Compliance Re-inspection Fee			200.00	1-Jan-12		each
Inspection	Inspection Required for Licensing and Permitting	Daycares or Child Care centers		50.00	1-Jul-18		each
Inspection	Licensing Inspection	inspecting a premise for purpose of obtaining a liquor license		100.00	1-Jan-12		yearly
Inspection	Special Event Inspection	If no occupancy load calculation is required		100.00	1-Jan-12		each

FEE DESCRIPTION			Bylaw 2020-20		Final Fee if	UNITS
			Approved	Date Fee		
			Fee	Effective	GST Applicable + 5% GST	
Stand-By	Confined Space	On Site Stand-By. Fee includes cost recovery for applicable wages, benefits and lost or damaged equipment	actual + \$500	1-Jul-18		each
Technical Rescue	Technical Rescue response beyond City of Whitehorse limits	Cost recovery for wages, benefits and any loss or damage to fire department equipment	Actual Cost	1-Jul-13		each
False Alarm Response	First Response	Repeated false alarms due to vandalism, defective alarm systems or equipment, or negligence of building owner or tenant	No charge	1-Apr-20		each
False Alarm Response	Second Response within a Calendar year	Repeated false alarms due to vandalism, defective alarm systems or equipment, or negligence of building owner or tenant	200.00	1-Apr-20		each
Equipment Apparatus Charge out rate	Light and Medium Utility Vehicles	Commercial call out of control or not in provisions of permit, Backyard fire without permit, Structural fire Insurance claims for extended fires, Automobile Accidents inside or outside city limits , no emergency response	200.00	1-Apr-20		Per Hour, rounded to the nearest 30 minutes
Equipment Apparatus Charge out rate	Heavy Duty Vehicles	Commercial call out of control or not in provisions of permit, Backyard fire without permit, Structural fire Insurance claims for extended fires, Automobile Accidents inside or outside city limits , no emergency response	400.00	1-Apr-20		Per Hour, rounded to the nearest 30 minutes
Equipment Apparatus Charge out rate	Rescue and Tanker	Commercial call out of control or not in provisions of permit, Backyard fire without permit, Structural fire Insurance claims for extended fires, Automobile Accidents inside or outside city limits , no emergency response	450.00	1-Apr-20		Per Hour, rounded to the nearest 30 minutes
Equipment Apparatus Charge out rate	Utility Task Vehicle/ Utility Terrain Vehicle	Commercial call out of control or not in provisions of permit, Backyard fire without permit, Structural fire Insurance claims for extended fires, Automobile Accidents inside or outside city limits , no emergency response	150.00	1-Apr-20		Per Hour, rounded to the nearest 30 minutes

FEE DESCRIPTION				Bylaw 2020-20		
				Approved	Date Fee	
				Fee	Effective	UNITS
Waste	Curbside Collection	Eligible premises		12.60	1-Jan-20	unit/month
Waste	Curbside Collection	Eligible premises - 2 Carts at current eligible premises rate + \$2.00 admin fee		27.20	1-Jan-20	unit/month
Waste	Organics Collection	Commercial Organics Producers - Weekly Collection & includes 1 Cart		35.00	1-Jan-19	per site/ month
Waste	Organics Collection	Commercial Organics Producers - Weekly Collection - Additional Cart		30.00	1-Jan-19	per site/ month
Waste	Organics Collection	Commercial Organics Producers - LARGE VOLUME -2 yard bin weekly collection		250.00	1-Jan-19	per site/ month
Waste	Organics Collection	Commercial Organics Producers - LARGE VOLUME -3 yard bin weekly collection		280.00	1-Jan-19	per site/ month
Waste	Organics Collection	Hold in Service - Bin Removal and Replacement		300.00	1-Jul-18	each
Waste	Organics Collection	Hold in Service - Cart Removal and Replacement		200.00	1-Jul-18	each
Waste	Organics Collection	Hold in Service - Freeze and Reactivate Billing		50.00	1-Jul-18	per site
Waste	Compostable Waste	Sorted compostable waste; loose or in approved compostable bags		50.00	1-Jan-19	tonne
Waste	Compostable Waste	Organic material - small load		5.00	1-Jan-14	per load
Waste	Compostable Waste	Organic material - bagged in compostable bags 1-3 bags not more than 20kg each		3.00	1-Jan-14	1 to 3 bags
Waste	Compostable Waste	Woodchips & Sawdust	Clean woodchips and sawdust (no gravel)	0.00	1-Jun-15	per tonne
Waste	Brushing& Clean Wood	Sorted, untreated, uncontaminated brush or dimensional lumber	Clean Wood per Schedule "C" of Waste Management Bylaw	50.00	1-Jan-19	per tonne
Waste	Recyclable Waste	Recyclable Waste	Per Schedule "C" of Waste Management Bylaw	0.00	11-Jul-00	no charge
Waste	Controlled Waste	Animal carcasses-small	cats, dogs, other household pets	7.00	1-May-13	each
Waste	Controlled Waste	Animal carcasses-large	pigs, horses, bears, deer, moose, hides, road kills	25.00	1-Jan-17	each
Waste	Controlled Waste	Asbestos Load: In-addition to materials containing asbestos charge	Asbestos - pipe, shingles, insulation, drywall	160.00	1-May-13	per load
Waste	Controlled Waste	Materials containing asbestos	Materials containing asbestos from within City boundaries	160.00	1-Oct-19	per tonne
Waste	Controlled Waste	Materials containing asbestos from outside City boundaries		300.00	1-Jun-15	per tonne
Waste	Controlled Waste	minimum charge - to be weighed		35.00	1-May-13	each
Waste	Controlled Waste	Bulky items	Couches,-Recliners,-wooden furniture, wooden fences, etc.	10.00	1-Oct-19	Each-Per Item
Waste	Controlled Waste	Bedsprings, Boxsprings, mattresses		15.00	1-May-13	Each-Per Item

FEE DESCRIPTION				Bylaw 2020-20		
				Approved	Date Fee	
				Fee	Effective	UNITS
Waste	Controlled Waste	C&D and wood - small load (Max 2m x2.5m x0.6m or 6'x8'x2')	Sorted construction & demolition waste; grubbing; and clean wood waste	10.00	14-Apr-20	Each-Per Load
Waste	Controlled Waste	C&D Sorted large load - to be weighed	clean wood; grubbing	109.00	1-Jan-20	tonne
Waste	Residual Waste	Residual waste-up to 8 5 regular size garbage bags (maximum 90 l or 76cm x 83 cm)	Residual waste containing no construction & demolition waste, clean wood, organics, grubbing, or other controlled waste.	5.00	1-May-13	Each-Per Load
Waste	Residual Waste	Small load (Max 2mX2.5mX3m .6m or 6'X8'X2')	Residual waste excluding containing no construction & demolition waste, wood-waste, metals clean wood, organics, grubbing, or other controlled waste	10.00	1-May-13	Each-Per Load
Waste	Residual Waste	Medium load (Max 2mX2.5mX1.2m or 6'X8'X4')	Residual waste containing no construction & demolition waste, clean wood, organics, grubbing, or other controlled waste.	20.00	1-May-13	Each-Per Load
Waste	Residual Waste	Sorted large load - to be weighed	Residual waste containing no construction & demolition waste, clean wood, grubbing or metals or other controlled waste	109.00	1-Jan-20	Tonne
Waste	Controlled Waste	Clean Fill	Soil with analytical test results showing acceptable contamination levels	-	30-May-12	each
Waste	Controlled Waste	Designated municipal historic resource		-	28-Jun-99	each
Waste	Controlled Waste—Metal	Large metal recovery- Scrap Metal- (small load)	clean tanks/drums, clean scrap metal	35.00	1-Jan-17	each
Waste	Controlled Waste—Metal	Large metal recovery- Scrap Metal (weighed)	clean tanks/drums, clean scrap metal	109.00	1-Jan-20	Tonne
Waste	Controlled Waste	White goods	dishwashers, stoves, washing machines & clothes dryers and refrigerators, freezers and air conditioners with certification that refrigerant removed	15.00	1-May-13	each
Waste	Controlled Waste	White goods (containing refrigerant)	refrigerators, freezers and air conditioners without certification of refrigerant removed	40.00	1-May-13	each
Waste	Residual Waste	Sorted waste from outside city boundaries	Only accepted from communities identified on the periphery circuit list as per MOA	170.00	1-Jan-19	Tonne
Waste	Residual Waste	Volume equivalent for properly sorted residual or C&D waste	Residual waste containing no construction & demolition waste, clean wood, organics, grubbing, or other controlled waste.	16.00	14-Apr-20	cubic metre
Waste	Mixed Waste	C&D unsorted large load - to be weighed	Construction and demolition waste containing residual waste, or other controlled waste	275.00	1-Jan-19	Tonne
Waste	Mixed Waste	Soil mixed with other controlled waste		275.00	1-Jan-19	Tonne
Waste	Mixed Waste	Un-sorted large load - to be weighed	Residual waste containing construction & demolition waste, other controlled waste	275.00	1-Jan-19	Tonne
Waste	Mixed waste	Un-sorted waste from outside city boundaries	Only accepted from communities identified on the periphery circuit list as per MOA - residual waste mixed with other waste	350.00	1-Jan-19	Tonne
Waste	Mixed waste	Volume equivalent for contaminated residual or C&D waste		50.00	14-Apr-20	cubic metre
Waste	Mixed waste	Load contains appliance with Freon, electronic waste, hazardous waste or tire		50.00	1-Apr-18	each
Waste	Banned Landfill Waste	Tires with an inner diameter greater than 99.06 cm (39 inches)		250.00	1-Oct-18	each

FEE DESCRIPTION				Bylaw 2020-20		
				Approved	Date Fee	
				Fee	Effective	UNITS
Waste	Other	clean-up of waste not disposed of properly or spilled on street or lane		actual	22-Jun-98	each
Waste	Other	Load inspection fee		100.00	1-Jan-10	per inspection
Waste	Other	removal of condemned waste receptacle		actual	28-Jun-99	each
Waste	Other	removal of waste receptacle on street other than collection day		actual	28-Jun-99	each
Waste	Other	testing weigh scale for accuracy		actual	28-Jun-99	each
Waste	Other	Uncovered Load		250.00	23-Feb-09	each
Waste	Permit	Permit to Collect Waste		0.00	30-May-12	each
Waste	Permit	Permit to Dispose Waste		0.00	30-May-12	each
Waste	Permit	Permit to Transport Waste		0.00	30-May-12	each
Waste	Compost Sale	1-9 cubic yard bulk blended sand/compost		45.00	1-Jul-15	0.765m3 (1 yard)
Waste	Compost Sale	10+ cubic yard bulk blended sand/compost		30.00	1-Jan-17	0.765m3 (1 yard)
Waste	Compost Sale	1-9 cubic yard bulk compost		45.00	1-Jul-15	0.765m3 (1 yard)
Waste	Compost Sale	10 + cubic yard bulk compost		30.00	1-Jan-17	0.765m3 (1 yard)
	Compost Sale	Bagged Compost		5.00	1-Jan-15	20 L bag
Waste	Controlled Waste	C&D and Clean wood - medium load (Max 2m x2.5m x1.2mm or 6'x8'x4')	Sorted construction & demolition waste, grubbing or clean wood waste	20.00	14-Apr-20	Per load

ADMINISTRATIVE REPORT

TO:	Corporate Services Committee
FROM:	Administration
DATE:	March 23, 2020
RE:	Budget Amendment – Marwell Lift Station Pump Replacement

ISSUE

A budget amendment is needed for the Marwell Lift Station Pump Replacement project to obtain a backup pump for an existing backup pump that will be placed into full service imminently

REFERENCE

Purchasing and Sales Policy (2011)

HISTORY

The Marwell Lift Station (LS) is one of two primary collection points in Whitehorse's waste water collection system (along with the Porter Creek Flush system). It receives waste water from all serviced areas south of Porter Creek and Whistle Bend, and pumps the waste water via force main 7.5 km to the waste water treatment facility, the lagoons at the Livingstone Trail Environmental Control Facility.

One of the challenges at a central collection point is the quantity of sand and grit which is entrained with the waste water. In the City's system, this problem is most acute at Marwell LS. There is a sand & grit separator, but some nonetheless reaches the pumps. Waste water pumps have a normal life expectancy of 15 years, however, normal life expectancy is impacted by duty considerations, and sand and grit is a "severe duty" condition.

In 2019, the primary pumps P1 and P2 (both 6 years old) started exhibiting premature wear, and both required emergency maintenance. They are backed up by the diesel-driven pumps P3 and P4, which are in place for power outages but which cannot be relied on for long term operation due to overheating. Given those factors, it was determined to be urgent that a backup to P1 and P2 be ordered to ensure continuity of service and avoid the environmental risks that would result from full pump failures. The supply time for replacement pumps from ordering is 16-18 weeks.

In June 2019, an emergency procurement was initiated and a Capital Budget Amendment was sought and obtained. A standby pump was then procured and is about to be pressed into service in April of 2020, as the existing P1 is on the verge of becoming inoperable. A standby replacement for P2 should now also be obtained, as P2 and P1 have approximately the same operating hours and it will likely become inoperable within the year.

The cost of supply and delivery of one new pump is \$100,000. The Purchasing and Sales Policy authorizes the city manager to approve capital expenditures up to \$100,000 and authorizes waiver of a competitive bidding process in the event of a bone fide emergency,

which includes situations that pose a danger to public health. Approval for a sole source procurement was authorized by the city manager on February 24, 2020, and the order has been placed with the pump supplier.

Water & Waste Services has also started investigation of system modifications which can reduce the impact of sand and grit on the Marwell LS and increase the operating life of these new pumps. A consulting proposal has been sought from Stantec Consulting Ltd. of Whitehorse, and the proposed fee is just under \$30,000.

ALTERNATIVES

1. Amend the capital budget and approve creation of a new capital project for procurement of a standby waste water pump and consulting services for the Marwell Lift Station Pump Replacement project.
2. Do not amend the capital budget.

ANALYSIS

Operational efforts to maximize the effectiveness of the existing sand and grit removal system are already underway.

Engineering Services has been asked to investigate feasibility of upgrading the diesel-driven back-up pumps P3 & P4.

The proposed engineering consultancy will determine feasibility and provide conceptual design and cost estimates for upgrading the sand & grit removal systems.

The project budget is proposed to be funded externally from the Gas Tax fund, and a proposal to obtain the required funding will be duly submitted upon approval of the project.

ADMINISTRATIVE RECOMMENDATION

THAT Council amend the 2020-2023 capital budget and approve the creation of a new capital project for procurement of a standby waste water pump, “Marwell Lift Station Pump Replacement Project”, in the amount of \$130,000, funded by Gas Tax.

ADMINISTRATIVE REPORT

TO:	Corporate Services Committee
FROM:	Administration
DATE:	13 MAR 2020
RE:	Contract Award – Fixed Telephone Line Service

ISSUE

Authorization of a direct award to NorthwesTel for Fixed Telephone Line Service

REFERENCE

2020 Operating Budget (various City departments)
Council Policy: Purchasing and Sales
VOIP Implementation Feasibility Study (10 OCT 2019)

HISTORY

The City has been subscribing to NorthwesTel's current telephone line service (Centrex) since the 1990s. Centrex (short for Central Exchange) is a PBX-like service that allows for telephone line switching and trunking of telephone lines.

The agreement with NorthwesTel is renewed every three years; the latest term for 2017-2020 is about to expire and the next three-year term will be from 2020-2023. There are currently about 350 fixed telephone lines in use by various City departments, of which about ten lines are dedicated for fax machines. Also, many of these telephone lines are being used for security and alarm systems as well.

The approved 2020 operating budget includes funding for fixed telephone services allocated to a majority of City departments.

The current Purchasing and Sales Policy does not have a provision that authorizes administration to award directly a contract for services wherein there is only one established service provider in our area. Therefore, a council resolution is required to authorize administration to award directly the contract to NorthwesTel.

ALTERNATIVES

1. Authorize Administration to waive the public bidding process for the supply of fixed telephone line service and to award the contract as recommended
2. Do not approve waiving the bidding process and direct Administration to publically procure the purchase.

ANALYSIS

NorthwesTel is the sole franchise owner and telco operator authorized by the Canadian Radio-television and Telecommunications (CRTC) to provide fixed telephone line service

in the Yukon. In March 2017, Council authorized a direct award to NorthwesterTel to renew the City's fixed telephone line service agreement with them for another three-year (3) term. The term is expiring in March 2020.

In addition, Council has directed Administration to review the City's fixed telephone line usage and to explore alternatives such as Internet Phones (IP Telephony/VOIP). The review of the telephone line usage has resulted in retirement of unused phone lines and the shifting of some lines to cellular phone service.

From 2018 to 2019, Administration also conducted research on internet phones and assessed the feasibility of implementation for the City. A couple of options were studied ranging from a scenario of City-owned VOIP infrastructure which is capital intensive and requiring additional staffing, to a Subscription model which would rely on technology infrastructure located outside of the Yukon and will require additional operating funds.

The result of the assessment is that none of the options are currently feasible for the City and that we will need to continue using fixed telephone lines. Further, Administration has committed to monitor periodically the development of internet phone services by local vendors for future consideration. When service reliability improves and overall service costs go down, Administration could review and consider internet phone options again.

ADMINISTRATIVE RECOMMENDATION

THAT Council authorize Administration to waive the public bidding process for the supply of fixed telephone line service; and

THAT Council authorize Administration to award the contract for the fixed telephone line service to NorthwesterTel for a net cost to the City of up to \$612,000.00 plus GST, covering a three-year term (April 2020 until March 2023).

ADMINISTRATIVE REPORT

TO:	Corporate Services Committee
FROM:	Administration
DATE:	March 23, 2020
RE:	Budget Amendment and Land Acquisition – 7220 7 th Avenue

ISSUE

To acquire title to Lot 6, Block 145, Plan 20148 LTO, Whitehorse, YT (7220 7th Avenue), and amend the 2020-2023 Capital Expenditure Program to allocate funds from City Reserves.

REFERENCE

- Official Community Plan (OCP)
- Zoning Bylaw 2012-20
- Bylaw 2020-19
- Appendix 'A'
- Location Sketch
- Downtown Escarpment Land Use Policy
- Escarpment Land Acquisition Program
- Signed Land Sale Agreement
- Appraisal dated October 15, 2019

HISTORY

The Escarpment Land Acquisition Program came about in the early 1970s as a result of drainage and erosion problems as well as concerns over the risk of potential mudslides onto properties located at the foot of the downtown escarpment. A total of 80 properties were identified for acquisition by the City under this program, using fair market value as the acquisition price.

All but ten of the identified properties had been acquired by the City by 1984. Between 1984 and 1986, the City acquired six more properties. The most recent acquisitions were 812 Wheeler Street and 804 Strickland Street, concluded in 1999 and 2009, respectively. Currently, two privately titled properties remain in private ownership within the escarpment area, along with one Life Estate Lease owned and administered by the Yukon government which expires in 2021.

The property comprising Lot 6, Block 145, Plan 20148 LTO, owned by the estate of Alphonse Kowalkowski, is located within the escarpment area. Mr. Kowalkowski passed away in February 2019, and Administration has negotiated with executor of the estate, for the purchase of the property. A tentative agreement to purchase the property for the sum of \$333,000.00 was reached and a Land Sale Agreement was signed by the executor on December 6, 2019.

The funds to purchase this property are proposed to be provided from the City Reserves.

ALTERNATIVES

- 1: Proceed with the land acquisition under the Bylaw process and approve a budget amendment.
- 2: Refer back to Administration.

ANALYSIS

OCP & Zoning

The proposed acquisition area is designated Greenspace – Environmentally Sensitive Area in the City's OCP. Policy 7.1.5 states that "Building development is generally not recommended within 60 metres of the escarpment, but may be permissible subject to modifications and/or mitigation techniques detailed by an adequately trained, qualified geotechnical engineer or geoscientist in a detailed site specific study, acceptable to the City, prepared on behalf of the property owner." The subject property is approximately 6.0 m from the toe of the escarpment.

The proposed acquisition area is zoned PE – Environmental Protection under Zoning Bylaw 2012-20. The purpose of the PE zone is to provide a zone for the protection and preservation of environmentally sensitive areas, wildlife habitat and other significant natural areas. The zone allows environmental protection areas as a principal use, nature interpretation facilities as a secondary use, and several conditional uses including accessory structures, community gardens and greenhouses, and non-accessory parking. Residential uses are not permitted in the PE zone.

Downtown Escarpment Land Use Policy

The subject area is within the Downtown Whitehorse Escarpment Control Zone, as identified in the Policy. The Escarpment Control Zone was derived from the 2002 Geohazard Risk Study produced by EBA (now Tetra Tech), which identified the subject area as being in a high-to-moderate hazard area. The Policy states that land with the Escarpment Control Zone should be for public use and should not be used for human habitation.

Appraisal

An appraisal of the property, assuming it was located in the Residential Downtown (RD) zone, was completed on October 15, 2019 by Stewart, Weir, MacDonald Ltd. This appraisal indicated an estimated fair market value of \$333,000.00. The reason for the RD zone assumption was to honour the intent of the Escarpment Lands Acquisition Program, which was to enable the owners to purchase a comparable property in a non-geo-hazard area.

Land Sale Agreement

The Land Sale Agreement identifies a completion date of May 31, 2020 for the purchase of the property or such earlier date as may be agreed upon by Mr. Fekete and the City. The Land Sale Agreement requires that Mr. Fekete remove all chattels from the property prior to the purchase completion date. The agreement also provides that Mr. Fekete may remove any buildings, improvements and fixtures from the property prior to the purchase completion date. These conditions of the agreement are consistent with past sale agreements for the escarpment property purchases.

No legal survey of the land would be required to facilitate the transfer of the title as it is already designated on a registered plan of subdivision.

Not proceeding with the sale would leave the Estate holding a property that could not be readily sold on the open market, due to it being an existing non-conforming use in the PE zone. A reasonably prudent buyer would not purchase the property at fair market value.

Demolition

Any structures remaining on the property after the City acquires ownership will be removed. The estimated cost of demolition has been included in the budget amendment request, noted in the Administrative Recommendation section of this report.

Administration has obtained a Hazardous Building Material Assessment (HBMA) and an ASTM E2516-11 Class III cost estimate for demolition of the structures. The HBMA identified the presence of asbestos and lead paint. The presence of these hazardous materials increases the demolition cost due to special handling/disposal requirements. The estimate identified a cost ranging from \$45,744 to \$90,209. The estimate does not include the cost of backfilling and revegetating, which will cost an additional \$15,000 to \$20,000.

After demolition, the property will remain vacant until a determination is made on how the property could potentially be used, in conformance with the Downtown Escarpment Land Use Policy.

Future Use

The subject lot is the only privately-owned property on the west side of 7th Avenue between Ray Street and Baxter Street. The City owns all ten other lots on that side of the block (of which five lots are currently leased to Downtown Urban Gardeners Society).

There is a potential to consider whether new development may be appropriate in this area. If directed by Council, Administration could obtain a site-specific geo-technical evaluation, prepared by a qualified engineering consultant, to determine whether development is possible and what modifications and/or mitigation techniques, if any, could be performed to reduce the risk to an acceptable level. Administration has obtained an estimate of \$7,500 from Tetra Tech (formerly EBA) to perform this evaluation. If the results were favourable, Administration could bring a report to Council for consideration of whether to remove the area from the Downtown Escarpment Control Zone as indicated in the Escarpment Land Use Policy, and amend the zoning to allow for future private development.

Capital Budget Amendment

Drawing funds from the City Reserve requires an amendment to the Capital Budget. Administration is proposing that \$451,000 be allocated for the project, which would cover all costs associated with the acquisition and demolition, based on the highest estimated demolition cost. Any unused funds would remain in City Reserves.

ADMINISTRATIVE RECOMMENDATION

THAT Council amend the 2020-2023 Capital Expenditure Program and approve the creation of a new capital project for the purchase of escarpment land and demolition of structures on that land for "Acquisition of 7220 7th Avenue" in the amount of \$451,000, funded from the Land Bank Reserve.

THAT Council direct that Bylaw 2020-19, a Bylaw to accept the transfer of Lot 6, Block 145, Plan 20148 LTO, Whitehorse, YT, as shown outlined on the sketch attached hereto as Appendix "A", be brought forward for consideration under the Bylaw process.



SCALE:
1:1,500

DATE:
Mar 23, 2020

FILE NO:
7220 7th Avenue

\\Land Acquisition\2019

DWN BY:
DWM

REV NO:
1

CITY OF WHITEHORSE - LAND & BUILDING SERVICES

LOCATION SKETCH WITH IMAGE

Proposed Land Acquisition for Lot 6, Block 145
Downtown Whitehorse, Plan 20148 LTO YT.
Civic Address: 7220 7th Avenue



CITY OF WHITEHORSE

BYLAW 2020-19

A bylaw to authorize the acquisition of a parcel of escarpment land

WHEREAS section 265 of the *Municipal Act* (R.S.Y. 2002) provides that council may by bylaw authorize the municipality to acquire any real property; and

WHEREAS it is deemed desirable that the City acquire title to a parcel of escarpment land located at 7220 7th Avenue from the estate of Alphonse Kowalkowski;

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

1. The City of Whitehorse is hereby authorized to accept title to Lot 6, Block 145, Plan 20148 LTO in the City of Whitehorse, Yukon Territory (municipally addressed as 7220 7th Avenue), as shown on the sketch attached hereto as Appendix "A" and forming part of this bylaw.
2. The said land is to be acquired from the estate of Alphonse Kowalkowski for the sum of three hundred and thirty-three thousand dollars (\$333,000), representing fair market value as determined by an independent market value appraisal.
3. The Mayor and Assistant City Clerk are hereby authorized to execute on behalf of the City of Whitehorse all documentation required for the completion of the acquisition of title for the said lands in an expeditious manner.
4. This bylaw shall come into full force and effect on the final passing thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk



CITY OF WHITEHORSE
BYLAW 2020-19
APPENDIX "A"



BYLAW 2020-19

A bylaw to authorize the acquisition of Lot 6, Block 145, Plan 20148 LTO (7220 7th Avenue).

LEGEND



SUBJECT PROPERTY

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: March 23, 2020
RE: Authorize Contribution Agreement – Tlingit Street Reconstruction

ISSUE

Authorization of a Contribution Agreement and contract award with the Kwanlin Dün First Nation (the “First Nation”) related to the project to fully reconstruct the underground and surface work for the length of Tlingit Street from Copper Road to Platinum Road.

REFERENCE

Draft Contribution Agreement
2020-2023 Capital Budget Project 240c00513 Marwell East – Tlingit St
Council Policy: Purchasing and Sales (2011)
Site Plan Drawing
Declaration of Commitment (2018)

HISTORY

The City is advancing a capital project, which commenced in 2019 with detailed design, to reconstruct Tlingit Street to a modern standard with new sanitary and storm sewers, concrete curb and gutter, and a new asphalt surface. The construction of this project is funded by a combination of City reserves, the Investing in Canada Infrastructure Program (ICIP) funded by the federal and territorial governments, and a contribution from the First Nation. This is a unique partnership scenario with all four levels of government contributing to a project. This project is in keeping with the Declaration of Commitment with local First Nations to seek out partnerships for economic opportunities.

This agreement forms the terms and conditions of this partnership and establishes the contribution amount and form of contribution. The First Nation has approved the draft contribution agreement.

ALTERNATIVES

1. Authorize the waiver of the public bidding process for the supply of granular material and authorize the Mayor to sign the contribution agreement for the Tlingit Street Reconstruction Project.
2. Do not authorize the Mayor to sign the agreement and do not approve the waiving of the bidding process for the supply of granular material for the Tlingit Street Reconstruction Project.

ANALYSIS

The proposed agreement reflects a collaborative effort between the First Nation and the City to negotiate a fair and mutually beneficial agreement that balances risk between both

parties. The proposed means of contribution by the First Nation is in two forms. First, by supplying the majority of the granular material for the project using negotiated unit rates that are reflective of market values. Second, by allowing the City to deposit excess excavation material on the adjacent First Nation Lot 226, thereby eliminating the requirement to transport and dispose of this material at an offsite location. These contributions by the First Nation benefit the project in the amount of approximately \$400,000.

It is expected that the granular requirements for the project will exceed the volumes that form the contribution from the First Nation. The Contribution Agreement provides the framework for the City to source additional granular material for the project above the contribution volumes. As such, it is proposed that the City procure the additional granular material from the First Nation to provide a consistent granular source for the project. The total estimated value of granular material that will be required to complete the project, above the contribution volumes, is approximately \$75,000, not including GST. In order to provide some contingency, it is proposed to set the cap at \$100,000, not including GST. This requires Council to waive the public bidding process for the supply of granular material.

ADMINISTRATIVE RECOMMENDATION

THAT Council authorize the Mayor to sign the Contribution Agreement with the Kwanlin Dün First Nation with respect to the Tlingit Street Reconstruction Project; and

THAT Council authorize Administration to waive the public bidding process for the supply of granular material; and

THAT Council authorize Administration to award a contract for the supply of granular material to Kwanlin Dün First Nation for a cost not to exceed \$100,000 plus GST.

CONTRIBUTION AGREEMENT

TLINGIT STREET RECONSTRUCTION

THIS AGREEMENT dated this _____ day of _____, 2020

BETWEEN: THE CITY OF WHITEHORSE (the "City")

- and -

KWANLIN DÜN FIRST NATION (the “First Nation”)

WHEREAS:

- A. The First Nation owns a parcel of settlement land within the City of Whitehorse described as the Old Village, which parcel includes a lot commonly identified as Lot 226 ("Lot 226");
- B. The City intends to reconstruct Tlingit Street between Copper Road and Platinum Road ("Tlingit Street") in order to upgrade municipal services, including road and utilities, as further described in this Agreement (the "Project");
- C. The parties believe the Project will better facilitate the First Nation's use and enjoyment of Lot 226 and the City's plans for the surrounding subdivision; and
- D. The First Nation wishes to make a substantial contribution to the Project.

Now therefore, in consideration of the premises and the mutual covenants set forth herein and for other valuable consideration, the parties agree as follows:

1. THE PROJECT

- 1.1. Subject to final design approvals, the Project includes the following:
 - 1.1.1. Road reconstruction including common excavation and disposal, import of granular road structure, asphalt, curb, gutter and multi-use trail construction.
 - 1.1.2. Utility installation including replacement of water main, twinning of sanitary sewer main, 2-inch service connections to individual lots, installation of storm sewer and catch basins, street lighting, and shallow utility conduit.
- 1.2. The City is the owner of the Project and is responsible for obtaining all approvals related to the Project.
- 1.3. The City shall seek and consider the views of the First Nation respecting all design phases of the Project.
- 1.4. The City shall request the First Nation's written approval of the following design-related documents related to the Project:
 - 1.4.1. Issued for tender drawings; and
 - 1.4.2. Issued for construction drawings.(the "Design")
- 1.5. Within 7 days after receiving a request under clause 1.4, the First Nation shall respond to the City in writing, either approving or rejecting the Design, or that part of the Design, and if the First Nation fails to respond within the time provided, it shall be deemed to have approved the Design, or that part of the Design.

CONTRIBUTION AGREEMENT

TLINGIT STREET RECONSTRUCTION

2. THE WORK

- 2.1. If the First Nation has approved the Design, the City shall, in accordance with this Agreement, be obligated
- 2.1.1. to offer to purchase from the First Nation all of the following aggregate materials related to the execution of the Project: pit-run granular sub-base, 50mm crush granular base course, and 20mm crush granular base course, but excluding all aggregate required for pipe bedding; and
- 2.1.2. to offer to stockpile on Lot 226 all clean waste excavation material produced in the execution of the Project.
- 2.2. If the First Nation has approved the Design, the First Nation shall, in accordance with this Agreement, be obligated
- 2.2.1. to produce and stockpile aggregate materials for the City's use in the execution of the Project up to the following quantities:
- | | |
|----------------------------------|----------------------|
| Pit-Run Granular Sub-Base | 4,059 m ³ |
| 50 mm Crush Granular Base Course | 2,020 m ³ |
| 20 mm Crush Granular Base Course | 1,640 m ³ |
- (the "Base Aggregate");
- 2.2.2. to produce and stockpile aggregate materials for use in the execution of the Project in volumes exceeding the Base Aggregate volumes as may be requested by the City; and
- 2.2.3. to allow the City to stockpile on Lot 226 all clean waste excavation material produced in relation to the execution of the Project at specified locations on Lot 226.
- 2.3. No later than June 1, 2020, the First Nation shall
- 2.3.1. produce and stockpile the Base Aggregate at the First Nation's McLean Lake gravel pit;
- 2.3.2. provide to the City quantity surveys confirming Base Aggregate stockpile volumes; and
- 2.3.3. clearly delineate all haul access routes and stockpile locations for the City's contractor at the McLean Lake gravel pit and on Lot 226.
- 2.4. If the City, by notice, requests that the First Nation provide aggregate materials in excess of the Base Aggregate, the First Nation shall, by notice, within 5 business days of the request, accept or decline the request. Failure to respond within 5 days shall be deemed to be a declination of the request.
- 2.5. If the First Nation accepts a request made under clause 2.4, it shall, within 30 days of receiving the City's request:
- 2.5.1. produce and stockpile the requested aggregate material at the First Nation's McLean Lake gravel pit;
- 2.5.2. provide the City quantity surveys confirming the requested stockpile volumes; and
- 2.5.3. clearly delineate all haul access routes within the gravel pit for the City's contractor.
- 2.6. The First Nation shall perform all work with a reasonable degree of care, skill and diligence, to be determined with regard to standards of the quarrying industry.
- 2.7. Without affecting the operation of section 3, for the purposes of any quantity survey prepared under clauses 2.3.2 or 2.5.2, surveyed quantities shall be assumed to be 122% of installed volumes.

CONTRIBUTION AGREEMENT

TLINGIT STREET RECONSTRUCTION

2.8. For certainty, all hauling of materials pursuant to this Agreement shall be the sole responsibility and at the sole cost of the City.

3. QUALITY AND MEASUREMENT

3.1. The First Nation shall ensure that all aggregate materials provided in accordance with this Agreement comply with applicable standards set out in the City of Whitehorse Servicing Standards Manual.

3.2. The City must ensure that waste excavation material stockpiled on Lot 226 is sufficiently free from organics and hydrocarbon contamination such that it would be suitable for use as fill in commercial developments within the City of Whitehorse and the City shall periodically test waste excavation material for such contamination and report the results of those tests to the First Nation.

3.3. Despite clause 3.2, the City is not obligated to ensure that waste excavation material stockpiled on Lot 226 is structural fill, engineered fill, or free from frost susceptibility.

3.4. For the purpose of section 4, the volume of materials produced, hauled, or stockpiled, as the case may be, shall be determined as the difference between the total volume before and after installation of aggregate material or removal of waste excavation fill material, as the case may be, as surveyed and calculated, which surveys and calculations shall be the responsibility of the City.

3.5. Where a party to this Agreement is responsible to determine the volume of a material produced, installed, removed, or stockpiled, as the case may be, that party shall report regularly to the other party on a timely basis throughout the term of this Agreement as to the volumes so produced, installed, removed, or stockpiled.

4. PAYMENT

4.1. The City shall pay to the First Nation the following amounts for aggregate material hauled from the McLean Lake gravel pit and excavation waste material stockpiled on Lot 226 in connection to the execution of the Project:

Pit-Run Granular Sub-Base	\$9.39 / m ³
50 mm Crush Granular Base Course	\$21.36 / m ³
20 mm Crush Granular Base Course	\$25.13 / m ³
Stockpile Location for Clean Fill	\$15.00 / m ³

4.2. All prices set out in clause 4.1 for aggregate materials are inclusive of all costs associated with producing, crushing, and stockpiling the materials, including handling onsite, clean up, and material testing for quality control.

4.3. If the City completes the Project prior to the termination of this Agreement and in accordance with a Design approved under clause 1.5,

4.3.1. despite clause 4.1, the City will not be obligated to pay for the following material being contributed to the Project by the First Nation (the "Contribution"):

4.3.1.1. the Base Aggregate or any part thereof; and

4.3.1.2. up to 18,500 m³ of waste excavation material stockpiled on Lot 226; and

4.3.2. if the City has not used the entire amount of the Base Aggregate in the execution of the Project, the City shall have 90 days from completion of the Project to remove any remaining Base Aggregate from the McLean Lake gravel pit, after which time any remaining Base

CONTRIBUTION AGREEMENT

TLINGIT STREET RECONSTRUCTION

Aggregate shall become the sole property of the First Nation without any compensation being payable to the City therefore.

- 4.4. The First Nation will own any waste excavation stockpiled on Lot 226 in accordance with this Agreement.
- 4.5. The City shall not levy a Local Improvement Fee against any property owned by the First Nation in respect of the Project.
- 4.6. All amounts payable pursuant to section 4 shall become due in full within 30 days from the date of invoice and overdue amounts shall attract interest at a rate of 24% per annum.
- 4.7. Any invoice issued by the First Nation pursuant to this Agreement shall clearly identify those items making up part of the Contribution and show any applicable reduction in amounts being invoiced.

5. TERMINATION OF AGREEMENT

- 5.1. This Agreement shall terminate on December 1, 2020.
- 5.2. The City may terminate this Agreement by giving notice to the First Nation if, at any time prior to the completion of the Project, the First Nation
 - 5.2.1. materially fails to comply with this Agreement;
 - 5.2.2. becomes insolvent;
 - 5.2.3. commits an act of bankruptcy;
 - 5.2.4. abandons its obligations under this Agreement;
 - 5.2.5. assigns the Agreement without the required written consent; or
 - 5.2.6. has any conflict of interest which may reasonably be expected to have an adverse effect on the Project.
- 5.3. Upon termination, the following provisions continue to apply:
 - 5.3.1. Section 4
 - 5.3.2. Clause 6.2
 - 5.3.3. Section 8
 - 5.3.4. Section 11
- 5.4. The First Nation, upon termination of this Agreement pursuant to clause 5.1, shall be liable to, and upon demand, shall pay to the City an amount equal to all loss or damage suffered as a result of the termination of the Agreement. If the First Nation fails to pay the City for any such loss or damage on demand, the City shall be entitled to deduct the same from any payments due and payable to the First Nation. Any dispute as to what constitutes loss or damages suffered shall be decided in accordance with section 8.
- 5.5. Subject to clause 5.4, the City shall, in the event of termination of this Agreement, pay to the First Nation all amounts due to the First Nation pursuant to this Agreement, as may be invoiced by the First Nation within a reasonable period after termination of this Agreement.
- 5.6. Where this Agreement is terminated pursuant to clause 5.1, the City shall have no further liability of any nature whatsoever to the First Nation for any loss of profit or any other losses suffered, either directly or indirectly, by the First Nation as a result of the termination of this Agreement.

CONTRIBUTION AGREEMENT

TLINGIT STREET RECONSTRUCTION

6. INFORMATION AND PROPERTY RIGHTS

- 6.1. The City shall provide to the First Nation all such information as may be reasonably required by the First Nation fulfilling its obligations under this Agreement.
- 6.2. Any information shared under clause 6.1 shall be treated by the First Nation as confidential.
- 6.3. A breach of clause 6.2 amounts to a material breach of this Agreement.
- 6.4. The First Nation agrees that all weigh scale tickets, truck haul tickets, survey documents and notes or materials of any type whatsoever developed or prepared by the First Nation in performing its obligations under this Agreement shall vest in and become the absolute property of the City, including copyright, and the First Nation shall deliver all such documents to the City in a timely fashion. The First Nation may retain a copy of any document to be delivered to the City pursuant to this clause.

7. INSURANCE

- 7.1. At all times prior to the termination of this Agreement, the First Nation shall maintain, in full force and effect with insurers licensed in the Yukon Territory, the following insurance:
 - 7.1.1. Comprehensive General Liability in respect to the Agreement for bodily injury and/or property damage with policy limits of not less than Three Million Dollars (\$3,000,000.00) per occurrence; and
 - 7.1.2. Automobile insurance covering liability for bodily injury, including death or property damage to third parties arising out of ownership, use of operation of the First Nation owned or leased licensed motor vehicles of Three Million Dollars (\$3,000,000.00) inclusive;
- 7.2. The aforementioned insurance shall be submitted to the City of Whitehorse upon contract execution and shall include the City of Whitehorse as a named insured to each policy.

8. DISPUTE RESOLUTION

- 8.1. In the event of a dispute arising between the parties hereto as to the interpretation, application, operation or alleged violation of this Agreement or any of the provisions hereof, the parties shall
 - 8.1.1. make all reasonable efforts to resolve the dispute by amicable negotiations in a respectful manner;
 - 8.1.2. if negotiation fails to resolve the dispute, then refer the dispute to mediation upon either party providing notice to the other party that it wishes the dispute to be resolved by mediation. If the parties are unable to agree upon the choice of a mediator, either party may apply to a Yukon court to appoint a mediator; and
 - 8.1.3. if mediation fails to resolve the dispute, then refer the dispute, in accordance with the *Arbitration Act*, to a single arbitrator (if the parties can agree on one) otherwise to a board of three arbitrators, the first to be appointed by one party or side to such disagreement or dispute, the second to be appointed by the other party or side and the third to be appointed by the first two arbitrators so appointed, and the determination of such arbitrator or arbitrators shall be final and binding upon the parties hereto.
- 8.2. Any activities aimed at resolving a dispute arising out of this Agreement will be conducted on a confidential basis.
- 8.3. The Agreement shall remain in force during any dispute resolution process, unless it has been terminated in accordance with this Agreement.

CONTRIBUTION AGREEMENT

TLINGIT STREET RECONSTRUCTION

9. SUB-CONTRACTORS

- 9.1. With the prior written approval of the City, the First Nation may retain a sub-contractor to perform all or part of the First Nation's obligations under this Agreement.
- 9.2. Despite 9.1, with prior written notice to the City, the First Nation may retain as a sub-contractor either Chu Níikwän Development Corporation or Canyon City Construction Limited Partnership as a sub-contractor to perform all or part of the First Nation's obligations under this Agreement.
- 9.3. The First Nation shall be responsible for the Services even if a sub-contractor is retained pursuant to this Agreement.

10. NOTICE

- 10.1. Any Notices or other correspondence required to be given to a party shall be deemed to be adequately given if sent by prepaid registered mail addressed as follows or by email addressed as follows:

10.1.1. To the First Nation at:

Kwanlin Dün First Nation
35 McIntyre Drive
Whitehorse, YT
Y1A 5A5
Email: Greg.Thompson@kdfn.net

10.1.2. To the City at:

City of Whitehorse
2121 Second Avenue
Whitehorse, Yukon
Y1A 1C2
Email: Engineering.Services@whitehorse.ca

- 10.2. Notice sent in accordance with 10.1, if posted in the Yukon Territory, shall be deemed to have been received on the fifth (5th) business day following the date on which such notice is mailed or on the date that the e-mail is received by the recipient.
- 10.3. Either party may, at any time, give notice in writing to the other of any change of address of the party giving such notice and after the giving of such notice, the address therein specified shall be deemed to be the address of the said party for the giving of notice thereunder.
- 10.4. The word "notice" shall be deemed to include any requests, statements or other writing in this Agreement provided or permitted to be given by the City to the First Nation or by the First Nation to the City.

11. GENERAL

- 11.1. The parties shall each be responsible to obtain and pay for all necessary permits or licences required for the execution of the obligations under this Agreement.
- 11.2. This Agreement may be amended only by agreement in writing.

CONTRIBUTION AGREEMENT

TLINGIT STREET RECONSTRUCTION

- 11.3.If any provision of this Agreement is unenforceable or invalid for any reason whatever, that provision shall be severable from the remaining provisions of this Agreement and shall not affect the remaining provisions of this Agreement.
- 11.4.The failure on the part of any party to insist upon strict adherence to any term of this Agreement on any occasion shall not be considered a waiver of such party's rights or deprive such party of the right thereafter to insist upon strict adherence to that term or any other term of this Agreement.
- 11.5.Nothing in this Agreement is intended to create a partnership or joint venture between the parties.
- 11.6.The First Nation shall not, without the prior written consent of the City, assign the benefit or in any way transfer the obligations of this Agreement or any part thereof.
- 11.7.This Agreement shall be construed in accordance with the laws of Yukon.
- 11.8.This Agreement shall enure to the benefit of and be binding upon the parties hereto and the successors and permitted assigns thereof.
- 11.9.Time shall be of the essence of this Agreement.

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

CITY OF WHITEHORSE

KWANLIN DÜN FIRST NATION

Signature

Signature

(Please Print Name)

(Please Print Name)

Title

Title

Date

Date

CITY OF WHITEHORSE
CITY PLANNING COMMITTEE
Council Chambers, City Hall



Chair: Jan Stick

Vice-Chair: Samson Hartland

March 23, 2020

Meeting #2020-06

-
1. Official Community Plan Amendment – Tank Farm Phase 1
Presented by Manager Mélodie Simard
 2. Development Incentive Agreement – 600 Ray Street
Presented by Manager Mélodie Simard
 3. New Business

ADMINISTRATIVE REPORT

TO:	Planning Committee
FROM:	Administration
DATE:	March 23, 2020
RE:	Official Community Plan Amendment – Tank Farm Phase 1

ISSUE

An amendment to the 2010 Official Community Plan (OCP) to allow for commercial and industrial development on a portion of Lot 429, Group 804, Plan 26170 LTO (“the Tank Farm site”) adjacent to Wasson Place.

REFERENCE

- *Municipal Act* (2002)
- Official Community Plan (2010)
- Proponent Application Report
- Zoning Bylaw 2012-20
- Bylaw 2020-10 (OCP)
- *Environment Act* (2002)

HISTORY

The Tank Farm site is 56 hectares in size and is bounded by Hamilton Boulevard to the west; Valleyview to the north; a Ta’an Kwäch’än Council parcel and Alaska Highway to the east; and Hillcrest and Burns Road to the south. The entire site is designated as Residential – Urban in the 2010 Official Community Plan and has been designated for long range residential development since the 1987 OCP.

Between 1942 and 1996, the former Tank Farm operated as a petroleum storage facility. During this time, petroleum hydrocarbons leaked from the tanks, valves and pipelines into the soil which eventually led to environmental contamination of the site. Beginning in the early 1990s, the owners undertook remediation work and in 2001, the near surface contamination area was cleaned up. However, petroleum hydrocarbons were still present in soil and groundwater at lower depths.

In 2011, Environment Yukon designated the Tank Farm as a contaminated site which means it is subject to the Yukon Contaminated Sites Regulations under the *Environment Act*. It gives the Government greater authority over remediation activities on the property so as to ensure the protection of human health and the environment.

In 2012, an integrated restoration and redevelopment strategy for the Tank Farm was developed. In May 2012, engagement was undertaken on the future of the Tank Farm, which included meetings with the Government of Yukon, City of Whitehorse, Kwanlin Dün First Nation, Ta’an Kwäch’än Council, the general public, and nearby community associations. This work cumulated in the creation of the preferred concept which divides the Tank Farm into an urban residential neighbourhood on the western (upper) portion of the site and a mixed use industrial/commercial area on the eastern (lower) portion of the site.

In December 2012, Council approved an OCP amendment to allow for remediation and quarrying activities in order to clean up the site for future development. Temporary remediation activities are allowed in any OCP land use designation, but due to the extent of the remediation activities necessary, the amendment allowed for ongoing remediation activities including clearing, excavation, crushing, land treatment facilities, and the removal of soil. During the remediation process, the site has undergone significant re-contouring.

3 Pikas, acting on behalf of the owner of the Tank Farm site, has applied to amend the OCP to facilitate industrial/commercial development on a portion of the site. If approved, future zoning and subdivision processes would also need Council consideration.

ALTERNATIVES

1. Proceed with the Official Community Plan amendment under the bylaw process.
2. Do not proceed with the amendment.

ANALYSIS

Development Proposal

The subject area (Phase 1), is a 7.3 ha portion of the Tank Farm site (Lot 429, Group 804, Plan 26170 LTO) located in the southeast corner of the lot, adjacent to lots on Wasson Place. Phase 1 is already cleared and mostly free of organics due to extensive excavation work from remediation. The majority of the area is not currently suitable for development as there are deep depressions created through the remediation process. Development at the current grade would require substantial fill to be hauled on-site.

A portion of Phase 1 is at the same grade as lots located on Burns Road. However, due to steep grades on the western portion of the subject area, the proponent expects that an additional 750,000 cubic metres of material will need to be relocated prior to development. This material would be moved to another area of the Tank Farm site and stockpiled for use in future phases (e.g. road construction). The timeframe for the relocation of the material would be relatively short (approximately 3-4 months). Once the excess material has been relocated, the proposal is to develop approximately 13 fully serviced commercial/industrial lots accessed from an extension of Wasson Place.

Future zoning for these lots is proposed as similar to what is currently applied to Wasson Place and Burns Road. Water and sewer connections would be made to existing infrastructure in Burns Road and Wasson Place, although some capacity issues will need to be addressed prior to any potential zoning amendment.

There would also be a significant grade change of approximately 12 m between proposed Phase 1 and the future residential area, which would help to mitigate any impacts resulting for a change in land use.

Official Community Plan

The proposal is to amend the OCP designation from Residential – Urban to Mixed-Use – Industrial/Commercial. This designation is found in numerous locations along the Alaska Highway, as well as in Marwell, and is intended to provide a mix of service commercial and light industrial activities.

Due to the significant grade change and previous elimination of organic materials, this portion of the Tank Farm site is directly adjacent to the industrial/commercial uses on Wasson Place and Burns Road and is likely not suitable for residential development.

OCP section 6.2.2 states that suitable vegetated buffers shall be maintained around service commercial areas that border on residential areas. The proponent has provided a Master Plan that includes a significant natural buffer between the residential and industrial/commercial area that will range from 30 m to 100 m in width. Part of this buffer is a natural depression that will serve as a drainage area, as well as a potential future recreational and active transportation link.

There would be a significant grade change of approximately 12 m between proposed Phase 1 and the future residential area, as well as a vegetated buffer, which should limit impacts of the proposed amendment to Phase 1 on any future residential development.

Approximate nearby properties and neighbourhoods designated for residential uses include (distances measured to closest points):

- Hillcrest – 120 m
- McIntyre – 560 m
- Tank Farm (residential) – 65 m
- Alacrity parcel – 650 m
- Kwanlin Dün First Nation (KDFN) parcel on Sumanik Drive – 860 m
- Valleyview – 1000 m

As part of the OCP Review Process, Administration has been assessing demand for a variety of different land uses. This work, such as the Commercial and Industrial Land Study, has been undertaken at a citywide scale and isn't directly applicable to the proposed amendment. However, research and engagement to date has shown a high level demand for commercial and/or industrial land in general.

Servicing

Initial review of servicing in the area has shown that the Hillcrest sanitary trunk main may be nearing capacity. As the existing City Sewer and Water Study has not been updated since 2003, additional engineering work will be required to confirm overall servicing potential. Administration has notified the proponent that although demonstration of servicing capacity is not required for an OCP amendment, an amendment to the zoning in this area will not be accepted until the issue has been resolved.

Potential zoning restrictions, such as limited uses or number of lots, could be included in a future zoning amendment to mitigate any capacity issues that are found. Upgrades to existing servicing, if required, could also be negotiated at that time.

As Phase 1 will need to be subdivided from the larger Tank Farm parcel, agreed-upon servicing standards and requirements could be secured as a condition of subdivision, clearly spelled out in a Development Agreement that would be registered on title.

Since potential servicing concerns and design can be addressed more thoroughly through subsequent approval processes (zoning and subdivision), they should not impact the land use decision put forward as part of this OCP amendment.

The projected schedule for the amendment is:

Planning Committee:	March 23, 2020
First Reading:	March 30
Public Hearing:	April 27
Report to Committee:	May 19
Second Reading:	May 25
Third Reading (assumes full 45-day Ministerial review):	July 27

ADMINISTRATIVE RECOMMENDATION

THAT Bylaw 2020-10, a bylaw to amend the Official Community Plan designation of a portion of Lot 429, Group 804, Plan 26170 LTO (Tank Farm) from Residential – Urban to Mixed-Use – Industrial/Commercial be brought forward for consideration under the Bylaw process.

CITY OF WHITEHORSE

BYLAW 2020-10

A bylaw to amend the Official Community Plan

WHEREAS section 289 of the *Municipal Act* provides that a municipality shall by bylaw adopt an official community plan in accordance with Part 7, Division 1 of the Act; and

WHEREAS section 285 of the *Municipal Act* provides for amendment of an official community plan; and

WHEREAS it is deemed desirable and expedient that the 2010 Official Community Plan be amended to allow for phase 1 of the redevelopment of the area known as the Tank Farm;

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

1. Map 2 of Official Community Plan Bylaw 2010-01 is hereby amended by changing the designation of a portion of Lot 429, Group 804, Plan 26170 LTO, known as the Tank Farm Phase 1, from Residential–Urban to Mixed-Use–Industrial/Commercial, as indicated on the sketch attached hereto as Appendix “A” and forming part of this bylaw.
2. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

SECOND READING:

EXECUTIVE COUNCIL MEMBER APPROVAL:

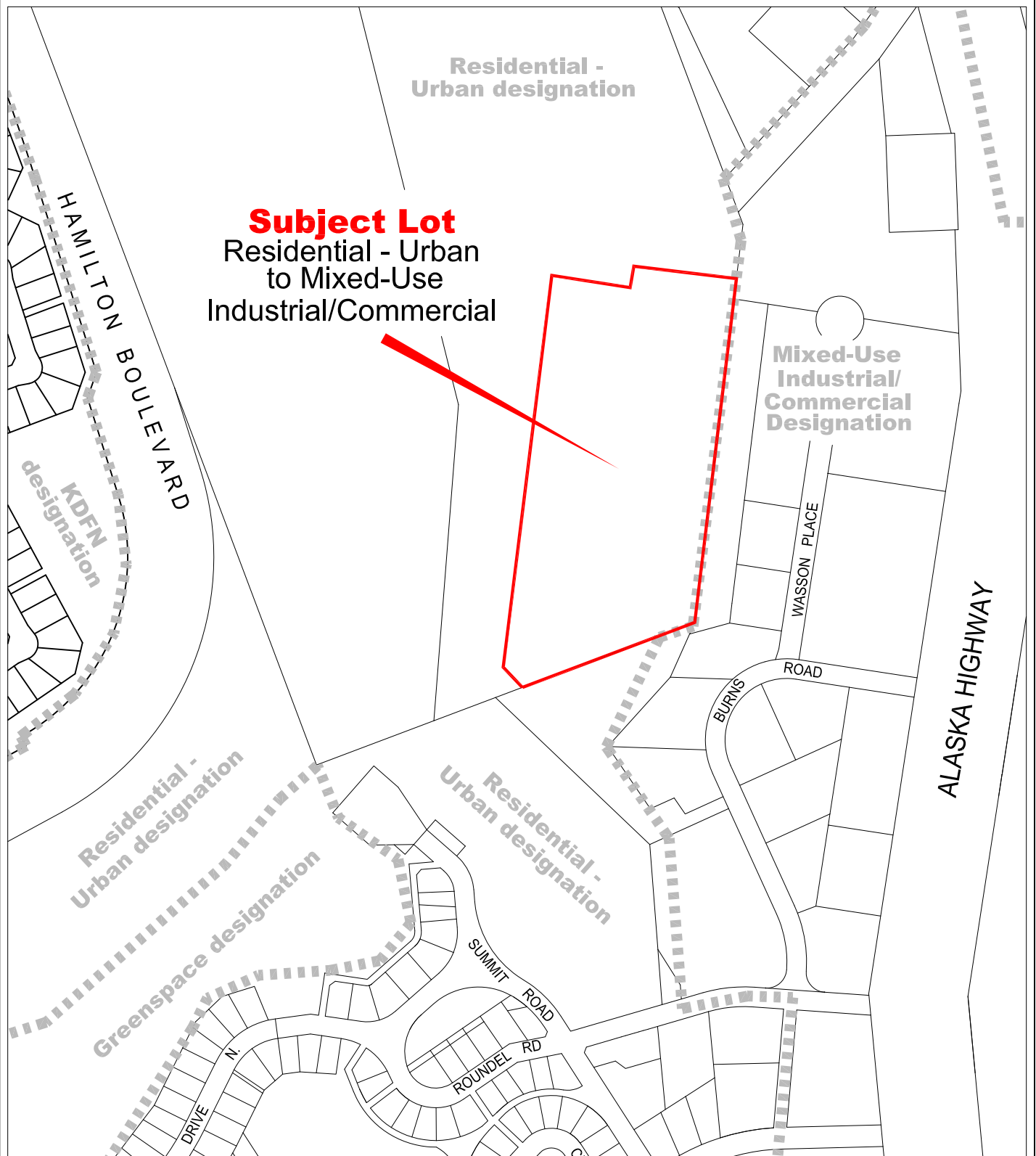
THIRD READING and ADOPTION:

Mayor

Assistant City Clerk



CITY OF WHITEHORSE
BYLAW 2020-10
APPENDIX 'A'



BYLAW 2020-10

A bylaw to change the OCP designation of a portion of Lot Lot 429, Group 804, Plan 26170 LTO (Tank Farm) from Residential - Urban to Mixed-Use - Industrial/Commercial.

LEGEND



SUBJECT AREA

ADMINISTRATIVE REPORT

TO:	Planning Committee
FROM:	Administration
DATE:	March 23, 2020
RE:	Development Incentive Agreement – 600 Ray Street

ISSUE

Housing Development Incentive Agreement for a ten-unit rental housing development.

REFERENCE

- Housing Development Incentives Policy
- Development Incentive Agreement
- City Grantmaking Policy
- Zoning Bylaw 2012-20

HISTORY

The City has received an application from Byron Gilday for a Housing Development Incentive for the construction of ten rental housing units at 600 Ray Street in the Downtown area. This development meets the criteria for the Rental and Supportive Housing Development Incentive, and administration is bringing a Development Incentive Agreement forward for Council approval.

Council approved the original Development Incentives Policy in 2011. Amendments were also adopted in 2015 and 2018. Major revisions to the policy were approved in February 2020 and it was renamed to the Housing Development Incentives Policy to focus on Council's attainable housing strategic priority.

This policy is meant to encourage smaller, denser housing forms in targeted areas and rental and supportive housing. Under this policy, developments that meet the specified criteria are eligible for a reduction of Development Cost Charges (DCCs), a yearly monetary grant from the City, or both. The value of the grant would be based on the increase in taxation due to the improvements on the property.

Per the policy, a Rental and Supportive Housing Development Incentive would grant a developer a reduction of DCCs and a ten-year Economic Development Incentive (EDI) to a maximum of \$500,000 and is authorized through a development agreement with Council. Implementation is through a grant to the property owner after taxes have been paid in full.

ALTERNATIVES

1. Approve the Development Incentive Agreement.
2. Do not approve the Development Incentive Agreement.

ANALYSIS

Project Details

The proponent has provided appropriate site plans and construction drawings and has been issued a Development Permit for the project. The two storey building consists of ten bachelor units.

This project conforms to all City zoning and building regulations and meets the criteria for a Rental and Supportive Housing Development Incentive. Therefore, Administration is bringing the Development Incentive Agreement forward for Council approval.

Housing Development Incentive Agreement

The Development Agreement lists the maximum value of \$500,000, the timeline for the tax grant payments, and specifies that the building must be operated as rental housing for a minimum of 10 years, or the proponent will be required to repay the City for all grants disbursed. Other conditions that the developer/property owner must meet to remain eligible for the grants are also specified.

The Development Incentive Agreement will also state that the units may not be used for the purposes of a short term rental.

The applicant has agreed to the terms and signed the Agreement.

City Grant-making Policy

The City Grant-making Policy states that cumulative grants per organization shall not exceed a total of \$50,000 per year. It is unlikely that this application may result in grants in excess of \$50,000 per year. Therefore, no exception to the Grant-making Policy is required.

ADMINISTRATIVE RECOMMENDATION

THAT Council approve a Housing Development Incentive Agreement with respect to 600 Ray Street.

HOUSING DEVELOPMENT INCENTIVE AGREEMENT

THIS Housing Development Incentive Agreement made in triplicate as of this _____ day of _____, 2020.

BETWEEN:

THE CITY OF WHITEHORSE
a municipal corporation
(hereinafter called “the City”)

BEING THE PARTY OF THE FIRST PART

AND:

GILDAY HOLDINGS LTD.
(hereinafter called “the Developer”)

BEING THE PARTY OF THE SECOND PART

IN RESPECT OF:

Lot 1, Block 305
Downtown
Whitehorse, Yukon Territory
Plan 55269 LTO

(hereinafter called the “Subject Land”)

1) PREAMBLE

WHEREAS the Developer is the registered owner of the Subject Land in fee simple; and

WHEREAS under Development Permit **2019-3189** the Developer applied under the City’s Housing Development Incentives Policy (the “Policy”) for a Rental and Supportive Housing Development Incentive in relation to the development of 10 rental housing units, which are maintained for a minimum of ten years (hereinafter called the “Development”), to be constructed on the Subject Land; and

WHEREAS the Whitehorse City Council, being satisfied that the development qualifies for a Rental and Supportive Housing Development Incentive in accordance with section four (4) of the “DEVELOPMENT INCENTIVES” section of the Policy, is given the authority to approve the application for a Rental and Supportive Housing Development Incentive and the entering into of this Housing Development Incentive Agreement.

NOW THEREFORE in consideration of the premises and mutual terms, covenants and conditions to be observed and performed by each of the parties hereto, the parties agree as follows:

2) PROVISION OF HOUSING DEVELOPMENT INCENTIVE GRANT

- a) Provided that the Developer pays the full amount of the property taxes owed to the City in relation to the residential component of the Subject Land, the City shall, for ten years, commencing in the property tax year following occupancy approval for the Development, grant 100% of the increase of the property taxes for the residential component of the

Subject Land resulting from the construction of the Development determined in accordance with the provisions of the Policy (the "Property Tax Increase"), up to a maximum of \$500,000.00 in total (the "Grant").

- b) Payment of the grant will begin once the Development has received occupancy permits for all units. Any taxes paid to the City prior to occupancy will not be eligible for a grant under this policy. The Housing Development Incentive Agreement may be revoked and cancelled if occupancy has not been granted within five years of issuance of building permits for the Development.
- c) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant is conditional upon:
 - a. not being used for short-term (less than one month) or nightly rental. If an eligible unit is used for short-term or nightly rental prior to completion of the term set out in the Development Incentives Agreement, the Agreement will become void and the owner will be required to repay the development incentives and/or TGI received to date.;
 - b. meeting the Visibility Criteria and Conditions in the City Grantmaking Policy;
 - c. the City passing a by-law each year authorizing the Grant for that year; and
 - d. the Developer submitting an annual written request for the Grant to Planning and Sustainability Services by August 1 in each year.
- d) The Developer acknowledges that a condition to receiving the Grant is the continued ownership of at least four (4) rental housing units for a minimum of ten years, and in the event that the Developer transfers ownership, partial ownership, or implied interest in ownership of any parcel of the Subject Land against which this Housing Development Incentive Agreement is registered, or uses the Subject Land for short term rental accommodation, without the written consent of the City, then the full amount of the Grant paid by the City to the Developer up to that date shall be repaid immediately by the Developer to the City, and to secure the repayment of the Grant, the Developer hereby mortgages to the City all of its estate and interest in the Subject Land. The Developer will also be required to pay the full fee for Development Cost Charges related to the Development.
- e) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant terminates in the event that any Building Permit associated with the Development is cancelled due to inactivity or failure to obtain a final occupancy approval for the Development within a reasonable period of time.
- f) The Developer agrees and acknowledges that the right of the Developer to receive the Grant and the obligation of the City to provide the Grant terminates in the event that the Developer is in arrears of paying its municipal taxes for the Subject Land for a period of thirty days or more.

3) ASSIGNABILITY OF HOUSING DEVELOPMENT INCENTIVE AGREEMENT

- a) This Housing Development Incentive Agreement and any of the rights or obligations created hereunder may be assigned or transferred by the Developer to a subsequent purchaser of the Subject Land.
 - i. It is understood between the parties that in the event that the Developer assigns any of its duties or obligations herein granted to it by the City pursuant to this Agreement, that the City, at its sole option, has the full right to request that a further Housing Development Incentive Agreement be entered into by the assignee or transferee; and, where requested by the City, that no assignment of this Housing Development Incentive Agreement shall be permitted unless the proposed assignee or transferee enters into such new Agreement.

- ii. The right of the assignee or transferee to receive the Grant and the obligation of the City to provide the Grant is conditional upon the assignee or transferee being endorsed as the registered owner of the Subject Land on a current Certificate of Title filed at the Yukon Land Titles Office.

4) NOTICES

- a) Whenever, under the provision of this Housing Development Incentive Agreement, any notices, demands or requests are required to be given by either party to the other, such notice, demand or request may (except where expressly otherwise herein provided) be given by delivery by hand to, by sending the same by facsimile, or by registered mail sent to, the respective addresses or facsimile number hereinafter provided for, and if given by mail shall be deemed to have been served and given on the second business day following the date of mailing by registered mail and provided such addresses or facsimile number may change upon five (5) days' notice. In the event that notice is served by mail at the time when there is an interruption of mail service affecting the delivery of mail, the notice shall not be deemed to have been served until one (1) week after the date that the normal service is restored. The respective addresses and facsimile number of the parties being, in the case of the City:

THE CITY OF WHITEHORSE
ATTENTION: Manager, Land and Building Services
2121 Second Avenue
Whitehorse, Yukon
Y1A 1C2
Fax: (867) 668-8395

and in the case of the Developer:

GILDAY HOLDINGS LTD.
ATTENTION: Byron Gilday
7209-7th Avenue
Whitehorse, YT Y1A 5P7

5) GENERAL

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

$$\begin{array}{c}) \\) \\) \\) \\) \\) \\) \\) \\) \\) \\) \\) \\) \end{array}$$
Print Name:

NAME: **Byron Gilday, President**
(print full name of officer or director)

1. I am an officer or director of **GILDAY HOLDINGS LTD.**
2. The above named body corporate is in good standing and legally entitled to hold and dispose of property in Yukon.
3. I have authority to execute the annexed instrument on behalf of the above named body corporate, without using a seal.
4. The above facts are true to the best of my knowledge, information and belief.

Byron Gilday, President

** All Notaries and Commissioners outside of Yukon must affix seal*