

CITY OF WHITEHORSE
REGULAR Council Meeting #2023-08

DATE: Monday April 24, 2023

TIME: 5:30 p.m.

Mayor Laura Cabott
Deputy Mayor Michelle Friesen
Reserve Deputy Mayor Dan Boyd

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA Adoption

PROCLAMATIONS Jewish Heritage Month 2023
Asian Heritage Month 2023

MINUTES Regular Council meeting dated April 11, 2023

DELEGATIONS

PUBLIC HEARING OR PUBLIC INPUT SESSION

STANDING COMMITTEE REPORTS

Community Services Committee – *Councillors Friesen and Cameron*

Public Health and Safety Committee – *Councillors Curteanu and Murray*

Corporate Services Committee – *Councillors Cameron and Laking*

1. Budget Amendment – Transfer Station Upgrades
2. Upcoming Procurements (May and June) – For Information Only
3. Housing and Land Development Advisory Committee – Appointments
4. Association of Yukon Communities AGM Council Travel

City Planning Committee – *Councillors Laking and Friesen*

1. Zoning Amendment – Lot 55, Mt. Sima Industrial Subdivision

Development Services Committee – *Councillors Murray and Boyd*

1. Road Closure Bylaw – 2023 Main Street Town Square
2. Lease, Encroachment and Property Use Policy Amendments
3. Encroachment Agreement – 308 Steele Street

City Operations Committee – *Councillors Boyd and Curteanu*

NEW AND UNFINISHED BUSINESS

Notice of Motion – City Street Names – Mayor Cabott

BYLAWS

2023-15	Road Closure Bylaw – 2023 Main Street Town Square	1 st Reading
2023-14	Encroachment Agreement Bylaw – 308 Steele Street	1 st and 2 nd Reading
2023-17	Budget Amendment – Transfer Station Upgrades	1 st and 2 nd Reading
2023-11	Zoning Amendment – Lot 55 Mt. Sima Industrial Subdivision	2 nd and 3 rd Reading
2023-16	Land Disposition Puckett's Gulch	2 nd and 3 rd Reading

ADJOURNMENT



PROCLAMATION
JEWISH HERITAGE MONTH
May 2023

WHEREAS there is a historic Jewish population in the Yukon; and

WHEREAS the Jewish population of Whitehorse reflects the rich and varied history of the Jewish people comprising a population tracing its origins to many different parts of the world; and

WHEREAS the Jewish community has a long and proud history in Canada and has made significant contributions to Canadian life; and

WHEREAS Jewish Heritage Month would provide an opportunity to remember, celebrate and educate future generations about the inspirational role that Jewish Canadians have played and continue to play in communities across the country; and

NOW THEREFORE I, Mayor Laura Cabott, do hereby proclaim May to be ***Jewish Heritage Month*** in the City of Whitehorse.

Laura Cabott
Mayor



PROCLAMATION

ASIAN HERITAGE MONTH

May 2023

WHEREAS May is Asian Heritage Month in Canada, a time to reflect on and recognize the many contributions that Canadians of Asian heritage have made and continue to make to Whitehorse; and

WHEREAS The people of this diverse, vibrant and growing community have contributed to every aspect of life in Whitehorse, bringing our community a rich cultural heritage representing many languages, ethnicities and religious traditions; and

WHEREAS Asian Heritage Month offers all Canadians an opportunity to learn more about the history of Canadians of Asian heritage and to celebrate their contributions to the growth and prosperity of Whitehorse; and

NOW THEREFORE I, Mayor Laura Cabott, do hereby proclaim May to be ***Asian Heritage Month*** in the City of Whitehorse.

Laura Cabott
Mayor

MINUTES of **REGULAR** Meeting #2023-07 of the Council of the City of Whitehorse called for 5:30 p.m. on Tuesday, April 11th, 2023, in Council Chambers, City Hall.

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

ALSO PRESENT: City Manager Jeff O'Farrell
Director of Community Services Krista Mroz
Director of Corporate Services Valerie Braga
Director of Development Services Mike Gau
Director of People and Culture Lindsay Schneider
Director of Operations and Infrastructure Tracy Allen
Corporate Services Executive Assistant Noah Brown

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

CALL TO ORDER

2023-07-01

AGENDA

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

Carried Unanimously

2023-07-02

MINUTES

It was duly moved and seconded
THAT the Minutes of the Regular Council meeting dated, March 27th,
2023 be adopted as presented.

Carried Unanimously

COMMITTEE REPORTS

Community Services Committee

Mayor Cabott recognized Green Shirt Day, inviting everyone to honour the victims and families of the Humboldt Broncos bus crash, and continue the legacy of inspiring Canadians to register as organ donors by wearing green on April 7th, 2023.

Proclamation – Green Shirt
Day 2023

Public Health and Safety Committee

The Committee was presented with a joint-briefing on emergency preparedness from Administration for the City of Whitehorse, and Yukon Government's Wildland Fire Management and Emergency Operations Branches.

Emergency Preparedness
Joint Briefing – For
Information Only

Corporate Services Committee

2023-07-03

It was duly moved and seconded
THAT Council refer the commencement of the procurement for the Selkirk Secondary Treatment Engineering Design Project back to Administration for further information, including on completed studies, and report back to Council when the information is available.
Carried (6-1)

Commencement Report –
Selkirk Design Secondary
Treatment

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

Recorded Vote

2023-07-04

It was duly moved and seconded
THAT Council approve the AYC Resolutions for submission to the Association of Yukon Communities AGM in May 2023 by the City of Whitehorse and to be co-sponsored with other municipalities as proposed.

Resolutions for the AYC
Annual General Meeting

Carried Unanimously

2023-07-05

It was duly moved and seconded
THAT travel expenses be authorized for Councillors Friesen and Murray to attend the Federation of Canadian Municipalities Annual Conference and Trade Show being held in Toronto, Ontario.

The Federation of Canada
Municipalities Annual
Conference and Trade
Show 2023 Council Travel

Carried Unanimously

City Planning Committee

2023-07-06

It was duly moved and seconded
THAT Council refer Bylaw 2022-49, a bylaw to amend the zoning of 2 Klondike Road, back to Administration to provide additional information, including on the potential impact on traffic and the nearby intersection, and report back to Council when the information is available.

Zoning Amendment – 2
Klondike Road

Carried Unanimously

2023-07-07

It was duly moved and seconded
THAT Council direct that Bylaw 2023-06, a bylaw to amend the zoning of 123 and 125 Keno Way, to enable the construction of a mixed-use development, be brought forward for Second and Third Reading under the bylaw process.

Zoning Amendment –
123/125 Keno Way

Carried Unanimously

2023-07-08

It was duly moved and seconded
THAT Council direct that Bylaw 2023-10, a bylaw to amend the zoning of 18-22 Metropolit Lane to enable a greater number and variety of uses, be brought forward for Second and Third Reading under the bylaw process.

Zoning Amendment –
18-22 Metropolit Lane

Carried Unanimously

Development Services Committee

2023-07-09

It was duly moved and seconded
THAT Section 2.10.57 of the Lease, Encroachment and Property Use Policy be amended to read as follows:

“2.10.57 Mobile Food and Retail Vendor seasonal terms begin on May 1st and expire on October 31st of each year unless otherwise extended beyond this period at the discretion of the Development Officer. All structures must be permanently removed by the end of the term.”

Lease, Encroachment and
Property Use Policy
Amendment – Food Truck
Season

Carried Unanimously

2023-07-10

It was duly moved and seconded
THAT Council amend the Downtown Escarpment Land Use Policy, by deleting the existing Appendix A and replacing it with a new Appendix A as attached to the Administrative Report reviewed by Committee and dated April 3, 2023; and
THAT Council direct that Bylaw 2023-16, a bylaw to authorize the disposition of an approximately 2.96 ha portion of land be brought forward for consideration under the bylaw process.

Land Disposition –
Puckett’s Gulch

Carried Unanimously

City Operations Committee

There was no report from the City Operations Committee.

No Report

NEW AND UNFINISHED BUSINESS

2023-07-11

It was duly moved and seconded
THAT Council direct the Housing and Land Development Advisory
Committee to review and make recommendations regarding the
Yukon Government requirement to present a City occupancy permit
in order to receive title to a property.

Notice of Motion – HLDAC
Recommendation –
Councillor Boyd

Carried Unanimously

BYLAWS

2023-07-12

It was duly moved and seconded
THAT Bylaw 2023-16, a Bylaw to authorize the disposition of an
approximately 2.96 ha portion of land be brought forward for
consideration under the bylaw process be given First Reading.

BYLAW 2023-16
Land Disposition -
Puckett's Gulch
FIRST READING

Carried Unanimously

2023-07-13

It was duly moved and seconded
THAT Bylaw 2023-06, a Bylaw to amend the zoning at 123 and 125
Keno Way be given Second Reading.

BYLAW 2023-06
Zoning Amendment –
123/125 Keno Way
SECOND READING

Carried Unanimously

2023-07-14

It was duly moved and seconded
THAT Bylaw 2023-06 be given Third Reading.

BYLAW 2023-06
Zoning Amendment –
123/125 Keno Way
THIRD READING

Carried Unanimously

2023-07-15

THAT Bylaw 2023-10 a Bylaw to amend the zoning at 18 to 22
Metropolit Lane be given Second Reading

BYLAW 2023-10
Zoning Amendment –
18-22 Metropolit Lane
SECOND READING

Carried Unanimously

2023-07-16

It was duly moved and seconded
THAT Bylaw 2023-10, be given Third Reading

BYLAW 2023-10
Zoning Amendment –
18-22 Metropolit Lane
THIRD READING

Carried Unanimously

2023-07-17

It was duly moved and seconded
THAT Bylaw 2023-13, a Bylaw to amend the 2023 to 2026 Capital
Expenditure Program to re-budget the 2022 Capital Expenditures that
were not completed, be given Third Reading.

Carried Unanimously

BYLAW 2023-13
Capital Re-Budget Bylaw
THIRD READING

ADJOURNMENT

There being no further business, the meeting adjourned at 7:16p.m.

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

ADOPTED by Resolution at Meeting #2023-08



Minutes of the meeting of the Community Services Committee

Date	April 17th, 2023	2023-08
Location	Council Chambers, City Hall	
	Councillor Kirk Cameron - Chair	
	Mayor Laura Cabott	
Committee	Councillor Dan Boyd*	
Members	Councillor Jocelyn Curteanu	
Present	Councillor Ted Laking	
	Councillor Mellisa Murray	
Absent	Deputy Mayor Michelle Friesen	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Taylor Eshpeter, A/Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

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

1. Proclamation – 2023 Earth Day

Mayor Cabott proclaimed April 22, 2023 to be Earth Day, a time to celebrate and inspire environmental awareness, and to encourage the conservation, protection, and appreciation of our natural resources.



Minutes of the meeting of the Public Health and Safety Committee

Date	April 17th, 2023	2023-08
Location	Council Chambers, City Hall	
	Councillor Jocelyn Curteanu - Chair	
	Mayor Laura Cabott	
Committee	Councillor Dan Boyd*	
Members	Councillor Kirk Cameron	
Present	Councillor Ted Laking	
	Councillor Mellisa Murray	
Absent	Deputy Mayor Michelle Friesen	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Taylor Eshpeter, A/Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

Your Worship, the Public Health and Safety Committee respectfully submits the following report:

1. Delegate – Florian Boulais on Territorial Resiliency

Delegate Florian Boulais presented information to Council about complexity and systems theory as it can relate to potential emergency situations and response approaches in the Yukon.



Minutes of the meeting of the Corporate Services Committee

Date	April 17th, 2023	2023-08
Location	Council Chambers, City Hall	
	Councillor Kirk Cameron - Chair	
	Mayor Laura Cabott	
Committee	Councillor Dan Boyd*	
Members	Councillor Jocelyn Curteanu	
Present	Councillor Ted Laking	
	Councillor Mellisa Murray	
Absent	Deputy Mayor Michelle Friesen	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Taylor Eshpeter, A/Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	
	Ira Webb, Manager, Waste Services	
	Svetlana Erickson, Manager, Financial Services	

* Indicates electronic participation

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

1. Budget Amendment – Transfer Station Upgrades (Introduction)

The Committee was presented with a request for a \$2,200,000 budget amendment to the 2023 Capital Expenditure Program for the Transfer Station Upgrades Project, now that Investing in Canada Infrastructure funding has been approved.

Additional information was provided by Administration on the details of the project, including upgrades to lighting, signage, fall protections for public safety, and expansion of the sight for both hazardous materials and for better coordination of traffic.

Administration confirmed the initial work planned for this season and the adjusted overall schedule given the timing of receiving the project funding and finalizing the Transfer Payment Agreement.

The Recommendation of the Corporate Services Committee is

THAT the 2023 to 2026 Capital Expenditure Program be amended by increasing the 2023 budget for project number 650c00819 – Transfer Station Upgrades, in the amount of \$2,200,000, funded by the Investing in Canada Infrastructure Program.

2. Upcoming Procurements (May and June) – For Information Only

The Committee was presented with a bi-monthly update for information on forthcoming procurement projects with an anticipated value greater than \$100,000. In response to questions, additional information was provided about the existing and planned water meter program, and requested about the proposed heating system upgrade for the Whitehorse Operations Building.

3. Housing and Land Development Advisory Committee – Appointments

As a matter of Advisory Committee administration, Natalie Leclerc is proposed to be appointed to the Housing and Land Development Advisory Committee as the Ta'an Kwachan Council nominated member.

The Recommendation of the Corporate Services Committee is

THAT Council revoke the appointment of Tiffany Eckert-Maret from the Housing and Land Development Advisory Committee, and appoint Natalie Leclerc for the remainder of the two-year term to the Committee.

4. Association of Yukon Communities AGM Council Travel

Authorization for travel expenses was presented to the Committee for Council members to attend this year's AYC Annual General Meeting and Conference.

The Recommendation of the Corporate Services Committee is

THAT travel expenses be authorized for Council members to attend the Annual General Meeting and Conference of the Association of Yukon Communities being held in Watson Lake, Yukon May 11th to 14th, 2023, and that any expenses over the individual travel allocations for Council members be allocated from the overall Council travel budget.



Minutes of the meeting of the City Planning Committee

Date	April 17th, 2023	2023-08
Location	Council Chambers, City Hall	
	Councillor Ted Laking - Chair	
	Mayor Laura Cabott	
Committee	Councillor Dan Boyd*	
Members	Councillor Kirk Cameron	
Present	Councillor Jocelyn Curteanu	
	Councillor Mellisa Murray	
Absent	Deputy Mayor Michelle Friesen	
	Jeff O'Farrell, City Manager	
Staff	Krista Mroz, Director of Community Services	
Present	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Taylor Eshpeter, A/Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	
	Mathieu Marois, Senior Planner, Planning and Sustainability	

* Indicates electronic participation

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

1. **Zoning Amendment – Lot 55, Mount Sima Industrial Subdivision (Public Hearing Report)**

Administration presented a Public Hearing Report on a bylaw to amend the zoning of a portion of Lot 55 and all of Lot 335, located in the Mount Sima Industrial Subdivision, from FP – Future Planning to IS – Industrial Service and PG – Greenbelt, to create a new lot for industrial use. Administration confirmed that the owner of the existing adjacent Lot 20, would not be responsible for drainage onto the new industrial lot, which would be the responsibility of the new lot owner.

The Recommendation of the City Planning Committee is

THAT Council direct that Bylaw 2023-11, a bylaw to amend the zoning of a portion of Lot 55 and the entirety of Lot 335, from FP – Future Planning to IS – Service Industrial and PG – Greenbelt, be brought forward for Second and Third Reading under the bylaw process.

2. New Business – McIntyre Creek Park

With the recent announcement of new land protections for the McIntyre Creek area by Yukon Government, a Committee member requested an update on the anticipated multi-party park planning process for the new McIntyre Creek Park. Administration confirmed that the park planning is in the initial stages of discussion between the City and other responsible governments.



Minutes of the meeting of the Development Services Committee

Date	April 17th, 2023	2023-08
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Mellisa Murray - Chair Mayor Laura Cabott Councillor Dan Boyd* Councillor Kirk Cameron Councillor Jocelyn Curteanu Councillor Ted Laking	
Absent	Deputy Mayor Michelle Friesen	
Staff Present	Jeff O'Farrell, City Manager Krista Mroz, Director of Community Services Lindsay Schneider, Director of People and Culture Mike Gau, Director of Development Services Taylor Eshpeter, A/Director of Operations and Infrastructure Wendy Donnithorne, Manager of Legislative Services Stephanie Chevalier, Economic Development Coordinator, Development Services	
Darcy McCord, Senior Development Officer, Land and Building Services		

* Indicates electronic participation

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

1. Road Closure Bylaw – 2023 Main Street Town Square

The Committee was presented with a proposed bylaw needed to temporarily close a portion of Main Street and adjacent alleyways between Front Street and Second Avenue, to support the Main Street Town Square pilot project if approved by Council.

The bylaw is being advanced at this time while detailed analysis continues on the overall program in order to align the timing of all required approvals, and be able to have everything in place for this season should Council approve the project.

The Committee was interested in additional detail on a number of issues which are currently under review by Administration and with stakeholders. This includes analysis of parking and accessible parking spaces, opportunities for food trucks and the annual Street Eats festival, the use of lanes, and the need for City and business operations to

be addressed, particularly for commercial waste haulers and business access in the lanes. Information was also provided on the public engagement to date, with a significant and supportive public survey response reported by Administration.

The Recommendation of the Development Services Committee is

THAT Council direct that Bylaw 2023-15, a bylaw to temporarily close a portion of Main Street and adjacent laneway right-of-ways, between Front Street and Second Avenue, be brought forward for consideration under the bylaw process.

2. Lease, Encroachment and Property Use Policy Amendments

The Committee was presented with amendments to the Lease, Encroachment, and Property Use Policy to allow for energy retrofits to existing buildings, which don't interfere with the design and use of City infrastructure, like sidewalks or lanes. This will allow greater ability to provide options for building owners and support the City's objectives to address climate change with energy improvements to infrastructure.

Administration provided additional rationale for measuring an encroachment from a building rather than the property line, information on annual and future fees under the policy, and confirmed that applications would be considered on a case-by-case basis, based on factors including possible interference with City infrastructure and accessibility (such as for sidewalks).

The Recommendation of the Development Services Committee is

THAT Section 3.7 of the Lease, Encroachment and Property Use Policy be amended to read as follows:

- "3.7 New construction shall not result in encroachments onto a City street and/or lane, unless:
- (1) construction is for the sole purpose of improving energy efficiency in existing buildings through an energy retrofit that extends no more than 203 mm (8 inches) from the existing building face;
 - (2) the City is satisfied that the proposed encroachment does not interfere with the design and use of existing City infrastructure, including sidewalks and lanes; and
 - (3) the energy retrofit wall assembly must be approved under Building and Plumbing Bylaw 99-50."

3. Encroachment Agreement Bylaw Approval, 308 Steel Street

Subject to Council approval of amendments to the Lease, Encroachment and Property Use Policy, Administration presented a proposed Encroachment Agreement for the Lynn Building located at 308 Steele Street, which would allow for an energy retrofit of the building. The proposed agreement would also address historical encroachment of the building onto City property and bring it into conformity with City policy, while supporting a significant energy retrofit and upgrade.

In response to Committee questions, additional information was provided about the annual fees process, insurance requirements and key elements of the proposed

encroachment agreement. Additional information and data was requested on the expected energy efficiency improvements for the building, should the agreement be approved.

The Recommendation of the Development Services Committee is

THAT Council direct that Bylaw 2023-14, a bylaw to enter into an Encroachment Agreement with the owner of Lot 13, Block 27, Whitehorse, Yukon, Plan 57892 LTO, be brought forward for consideration under the bylaw process.

4. New Business – Controlled Burning Permits

A Committee requested an update on questions from a community member about the policies and rules which currently apply to controlled burning permits, particularly for the burning of construction materials, which Administration is following up on.



Minutes of the meeting of the City Operations Committee

Date	April 17th, 2023	2023-08
Location	Council Chambers, City Hall	
Committee Members Present	Councillor Jocelyn Curteanu - Chair Mayor Laura Cabott Councillor Kirk Cameron *Councillor Dan Boyd Councillor Ted Laking Councillor Mellisa Murray	
Absent	Deputy Mayor Michelle Friesen	
Staff Present	Jeff O'Farrell, City Manager Krista Mroz, Director of Community Services Lindsay Schneider, Director of People and Culture Mike Gau, Director of Development Services Taylor Eshpeter, A/Director of Operations and Infrastructure Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

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

1. New Business – Escarpment Updates

Administration was requested to provide an update on the escarpment, recent technical briefing and ongoing observed movement and monitoring in the area. Work continues to be underway with further updates ongoing.

There being no further business the meeting adjourned at 8:18 P.M.

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

CITY OF WHITEHORSE

BYLAW 2023-15

A bylaw to authorize the closure of a portion of highway in the City of Whitehorse.

WHEREAS Section 276 of the *Municipal Act* provides that a bylaw may close a highway within Council's jurisdiction;

WHEREAS it is deemed desirable that a portion of Main Street between Front Street and Second Avenue be closed temporarily from June 1, 2023 to September 15, 2023 to enable a pedestrian only Main Street Town Square;

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

1. The following described portion of highway in the City of Whitehorse, in open meeting assembled, is hereby closed temporarily from June 1, 2023 to September 15, 2023.

“That portion of Main Street between Second Avenue and Front Street, and adjacent lane right-of-ways, Plan 3807 LTO, as shown in red 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 INPUT SESSION:

SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk



April 17, 2023



Subject Area

Bylaw 2023-15

A Bylaw to temporarily close a portion of Main Street between Second Avenue and Front Street, and adjacent lane right-of-ways, Plan 3807 LTO, from June 1st, 2023 to September 15, 2023.

CITY OF WHITEHORSE

BYLAW 2023-14

A bylaw to authorize an Encroachment Agreement.

WHEREAS section 265 of the *Municipal Act (2002)* provides that Council may pass bylaws, subject to the *Highways Act*, for the management and control of municipal highways; and

WHEREAS the owner of Lot 13, Block 27, Plan 57892 LTO, located at 308 Steele Street, has applied for authorization of building encroachments within the lane between Steele Street and Wood Street and into the Steele Street road right-of-way to accommodate a building energy retrofit project and to legitimize historical encroachments; and

WHEREAS the Council of the City of Whitehorse in the circumstances deems it necessary and expedient to authorize such encroachment;

NOW THEREFORE the Council of the municipality of the City of Whitehorse in open meeting assembled HEREBY ENACTS AS FOLLOWS:

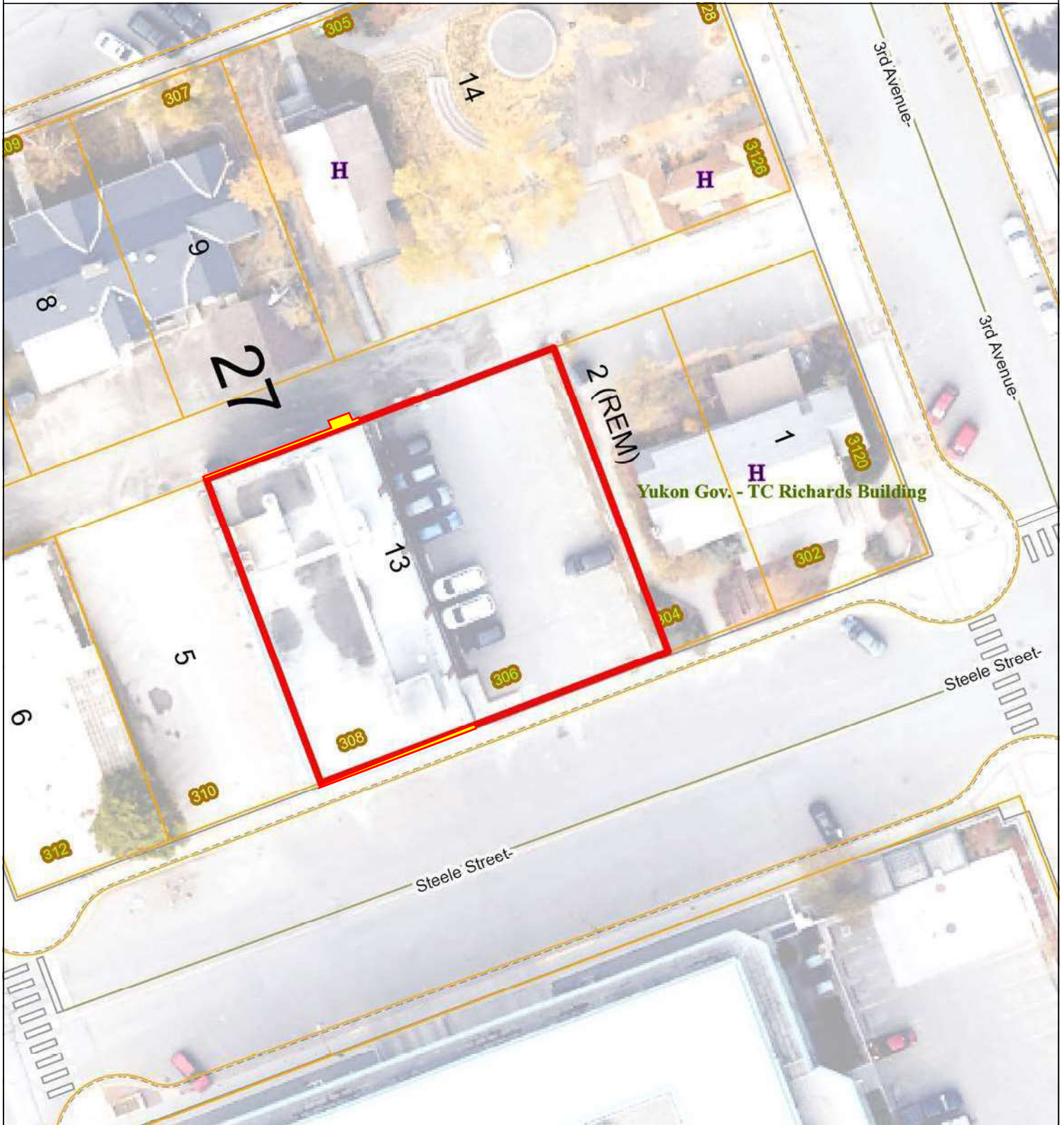
1. The City of Whitehorse is hereby authorized to enter into an Encroachment Agreement for building encroachments within portions of the Lane between Steele Street and Wood Street and the Steele Street road right-of-way located adjacent to Lot 13, Block 27, Plan 57892 LTO, as shown in the sketch attached hereto as Appendix A, and forming part of this bylaw.
2. The Mayor and Clerk are hereby authorized to execute the Encroachment Agreement attached hereto as Appendix B of this bylaw on behalf of the City of Whitehorse.
3. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor


Wendy Donnithorne, City Clerk



Bylaw 2023-14

A bylaw to authorize an encroachment Agreement, to authorize encroachments into the Lane between Steele Street and Wood Street and into the Steele Street road right-of-way for the Lynn Building located at 308 Steele Street to the Owner,

LEGEND

 SUBJECT AREA

THIS AGREEMENT made in triplicate this day _____, of April, 2023.

BETWEEN:

THE CITY OF WHITEHORSE, a municipality duly incorporated pursuant to the provisions of the *Municipal Act* (hereinafter called the "City")

AND:

33225 YUKON INC AS GENERAL PARTNER FOR LYNN BUILDING LIMITED PARTNERSHIP, a corporation duly incorporated under the laws of the Yukon Territory (hereinafter called the "Owner")

ENCROACHMENT AGREEMENT

WHEREAS the Owner is the registered owner in fee simple of those lands described as:

Lot 13, Block 27, Plan 57892 LTO, Whitehorse, Yukon Territory
(hereinafter called the "Lands")

AND WHEREAS the Owner will maintain the above grade building face, the energy retrofit wall assembly, the building overhang and the wood stairs and landing encroaching upon the Lane between Steele Street and Wood Street behind the Lynn Building. Also a portion of the energy retrofit wall assembly encroaching upon the Steele Street road right-of-way, which is owned by the City adjacent to the Owner's Lands, which City Lands are described as:

Road (Steele Street and Lane between Steele Street and Wood Street), Whitehorse, Yukon Territory Plan 3807
(hereinafter called the "City Lands")

AND WHEREAS the City has agreed to permit the Owner the right to maintain such encroachments on the City Lands;

IN CONSIDERATION of the rentals to be paid by the Owner, and pursuant to the provisions of the *Municipal Act*, the parties hereby agree as follows:

1. The City hereby grants to the Owner a license to allow the encroachments of the above grade building wall face, overhang, stairs/landing and the energy retrofit wall assembly onto the City Lands as outlined in red on the sketch attached as Schedule "A" hereto (collectively, the "Licence Area").
2. The Encroachment Agreement shall be for a period not exceeding the life of the encroachment, or the life of the appurtenant building or structure.

3. The encroachment may continue to be used by the Owner but the encroachment shall not be added to, rebuilt or structurally altered except:
 - a) as may be necessary to remove the encroachment, or
 - b) as may be necessary for the routine maintenance of the encroachment.
5. The license shall extend to the placement of the above grade building wall face, overhang, stairs and energy retrofit wall assembly as shown on the sketch attached as Schedule "A" hereto, and in no other manner.
6. The maximum area of encroachment permitted under the license granted shall be seven point one square meters ($7.1 \text{ m}^{2\pm}$), more or less for the Lane encroachment area and zero point one three square meters ($0.13 \text{ m}^{2\pm}$), more or less into the Steel Street road right-of-way.
7. The Owner shall pay to the City, in advance, the first year's annual rental fee of \$698.40 plus Goods and Services Tax (GST). Thereafter, the annual rental fee of \$698.40 plus Goods and Services Tax (GST) shall be due and payable in each and every year on the first day of the month in which this agreement is approved for signature by City Council, for the term of this agreement.
8. This Agreement may be terminated by the Owner at any time or by the City upon default or breach or non-performance by the Owner of any of the covenants or agreements contained herein, on written notice of termination to the other party, such termination to take effect ninety (90) days for the date of service of such notice, at which time the license granted shall cease.

The address for service for the City shall be:

The City of Whitehorse
2121 Second Avenue
Whitehorse, Yukon Y1A 1C2

The address for the Owner shall be:

Lynn Building Limited Partnership
201A - 1191 Front Street
Whitehorse, YT Y1A 0C6

9. The Owner acknowledges that the license granted does not convey or provide any right or use of the City lands, save as is expressly provided in this agreement.
10. Providing, however, and notwithstanding anything herein to be contrary, that the below grade building foundation and the above grade building overhang belonging to the Owner be demolished, destroyed or removed then the permit and license granted herein shall cease.

11. The Owner shall, at all times hereafter, indemnify and save harmless the City against all actions, causes of action, claims, debts, liabilities, dues, sums of money, and demands, of whatsoever kind or nature incurred by the City or that may be brought or made against the City by reason of anything done or omitted to be done by the Owner in the exercise or purported exercise of the rights and privileges of the licence hereby granted.

This indemnity shall include all reasonable costs and expenses incurred in defending any action brought against the City, including legal fees and expenses taxed as special costs.

12. The City in carrying out any work within the Encroachment Area shall not be liable or responsible for any damage or removal of any fencing or landscaping that may be located in the area. The Owner shall be responsible for any and all costs associated with the removal, damage and repair of these items.
13. The Owner shall provide and maintain in such and to such extent and with such companies, as required by and in a form satisfactory to the City, a Public Liability and Property Damage Policy in favour of the City in the minimum principal amount of three million (\$3,000,000.00) dollars, inclusive limits in respect of loss sustained by one or more persons or damage to property, executed under seal by an insurance company registered to do business within the Yukon Territory, indemnifying against liabilities, claims, actions, loss, damages, judgments, costs, and expenses which may accrue or be suffered by the encroaching improvements, which are the subject of this encroachment agreement.
14. Upon the termination of this Agreement, the Owner shall, at its own cost, charge and expense, and to the satisfaction of the City, alter or remove any and all structures from the Licence Area, and restore the affected Licence Area to the state that it was in prior to the construction of the structures, without being entitled to any compensation whatsoever for such alteration or removal and restoration. If the Owner neglects, refuses or fails to do so within 30 days of termination of this Agreement, then the City may remove the structures from the Licence Area at the cost, charge and expense of the Owner and the certificate of an engineer of the City as to the cost of such alteration or removal and restoration shall be final and binding upon the Owner and the City may recover such costs from the Owner in a like manner as taxes.
15. This Agreement and everything herein contained shall run with the Lands and the City Lands and enure to the benefit of and be binding upon the parties, their heirs, executors, administrators, successors and assigns. The liability under this Agreement shall be assumed by the owner of the Lands, from time to time, and any such owner is responsible for the liabilities which accrued prior to or during the time that such owner was, in fact, the owner of the Lands. Such owner is not responsible for liabilities which accrue after the owner transfers title to another.

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

THE CITY OF WHITEHORSE, per:

Laura Cabott, Mayor

(SEAL)

Wendy Donnithorne, City Clerk

**33225 YUKON INC AS GENERAL PARTNER FOR
LYNN BUILDING LIMITED PARTNERSHIP**, per:

Rick O'Brien, Director

Witness Signature

(Print Name of Witness)

**CORPORATE SIGNING AUTHORITY
AFFIDAVIT**

CANADA) I, **Rick O'Brien**,
)
YUKON TERRITORY) of the City of Whitehorse, in the Yukon Territory,
)
TO WIT:) MAKE OATH AND SAY AS FOLLOWS:

- 1) I am a **Director** of the **33225 YUKON INC as general partner for Lynn Building Limited Partnership** (the "Corporation") who executed the annexed instrument.
- 2) I am the person who subscribed my name to the attached instrument.
- 3) I am authorized by the Corporation to subscribe my name to the attached instrument, and I have authority to do so without a corporate seal.
- 4) The Corporation exists as of the date hereof.

SEVERALLY SWORN BEFORE ME)
at the City of Whitehorse,)
in the Yukon Territory,)
this day of _____,)
2023.)

Rick O'Brien, Director

**A Notary Public in and for
the Yukon Territory**

Print Name of Notary Public

Notary Public in and for Yukon;
or Notary Public or Commissioner for Oaths in and
for _____
(My commission expires: _____)

AFFIDAVIT OF WITNESS

CANADA) I, _____
) of the City of Whitehorse,
 YUKON TERRITORY) in the Yukon Territory,
)
 TO WIT:) MAKE OATH AND SAY AS FOLLOWS:

- 1) I was personally present and did see **Rick O'Brien** named in the within instrument, who identified himself to me to be the person named therein, duly sign and execute the same on behalf of the **33225 YUKON INC as general partner for Lynn Building Limited Partnership** for the purpose therein named;
- 2) The said instrument was executed at the City of Whitehorse, in the Yukon Territory, and that I am the subscribing witness thereto;
- 3) The said party is in my belief of the full age of nineteen years.

SWORN BEFORE ME)
at the City of Whitehorse,)
in the Yukon Territory,)
this day of , _____)
2023.)

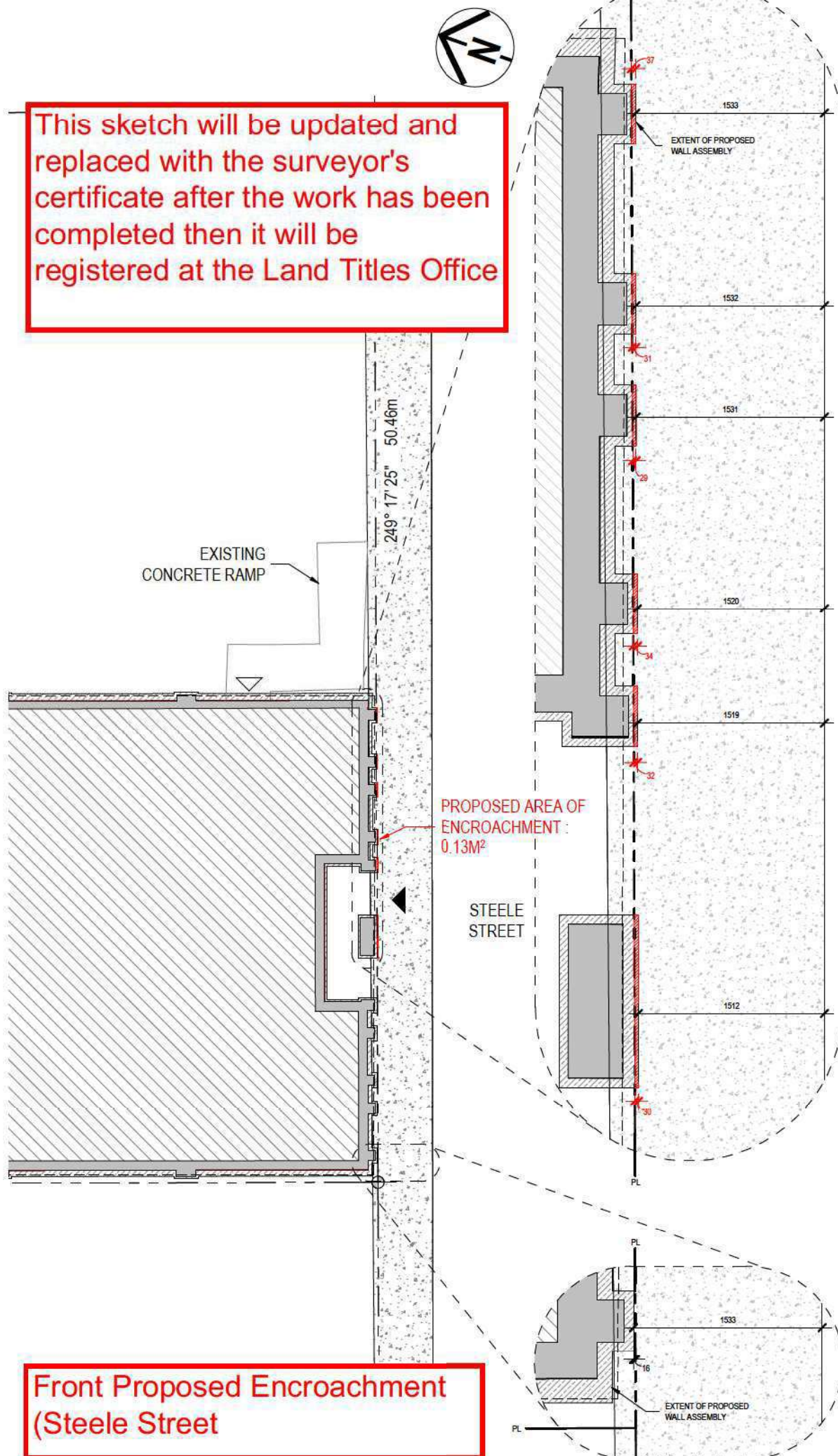
**A Notary Public in and for
the Yukon Territory**

Witness Signature

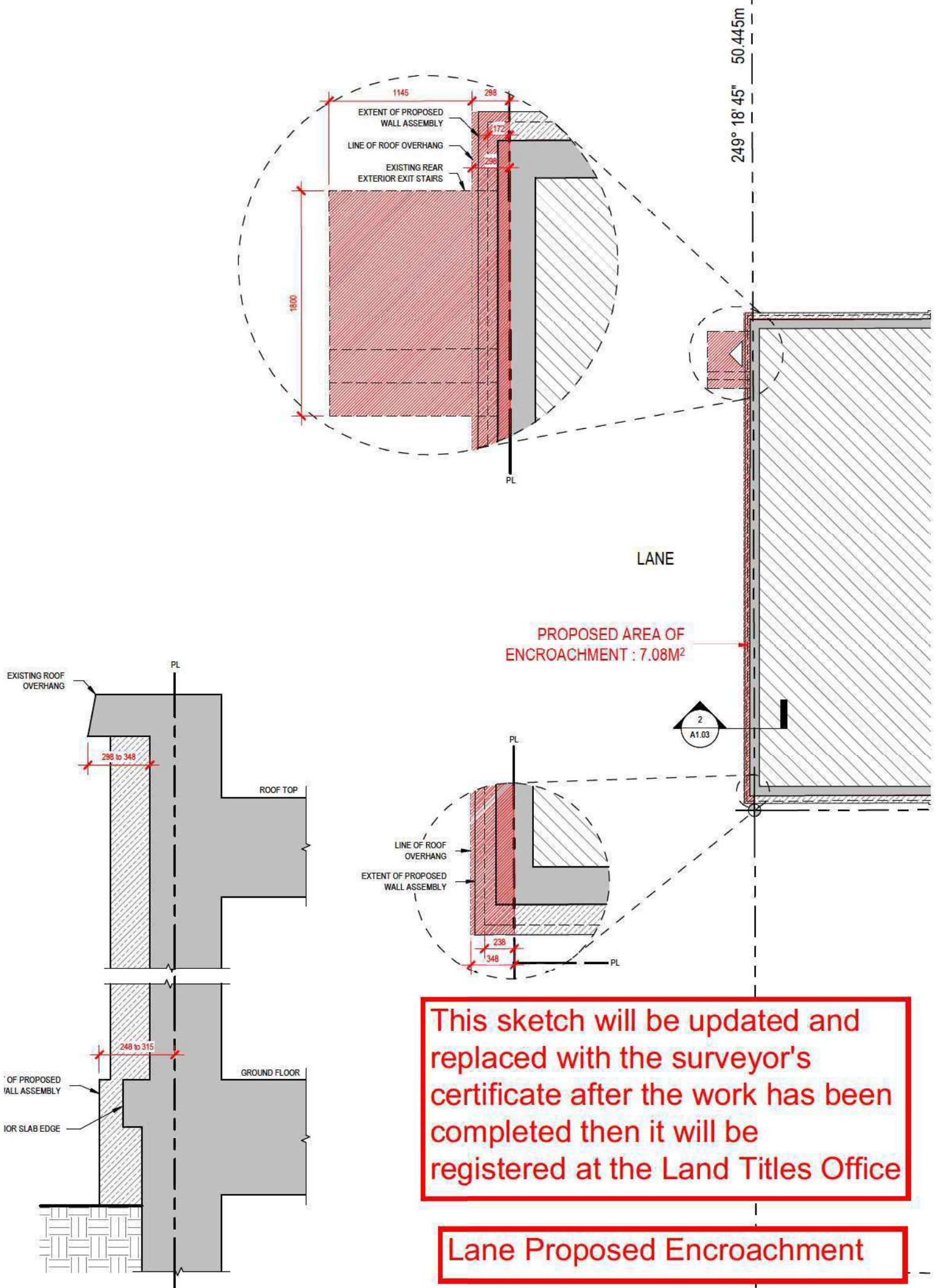
Print Name of Notary Public

Notary Public in and for Yukon;
or Notary Public or Commissioner for Oaths in and
for _____
(My commission expires: _____)

This sketch will be updated and replaced with the surveyor's certificate after the work has been completed then it will be registered at the Land Titles Office



Front Proposed Encroachment
(Steele Street)



CITY OF WHITEHORSE

BYLAW 2023-17

A bylaw to amend the 2023 to 2026 Capital Expenditure Program Bylaw 2022-41

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 which increases total expenditures above what was approved in the Annual Operating Budget or the Capital Budget unless such expenditure is approved by bylaw; and

WHEREAS it has become necessary to increase the 2023 Capital Budget to provide for funding approved associated with the Transfer Station Upgrades; and

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

1. The 2023 to 2026 Capital Expenditure Program is hereby amended by increasing the 2023 Capital Budget in the amount of \$2,200,000 to provide for the funding approved for the Transfer Station Upgrades.
2. This bylaw shall come into full force and effect upon final passing thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

CITY OF WHITEHORSE
BYLAW 2023-11

A bylaw to amend Zoning Bylaw 2012-20

WHEREAS Section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS Section 294 of the *Municipal Act* provides for amendment of the Zoning Bylaw; and

WHEREAS it is deemed desirable that the Whitehorse Zoning Bylaw be amended to allow for an Industrial Service development and the establishment of a Greenbelt on Lots 55 and 355, Mount Sima Subdivision.

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

1. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a portion of Lot 55 and all of Lot 335, Mount Sima Industrial Subdivision, from FP – Future Planning to IS – Industrial Service and PG – Greenbelt (Appendix A).
2. This bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

February 27, 2023

PUBLIC NOTICE:

March 3, 2023 and March 10, 2023

PUBLIC HEARING:

March 27, 2023

SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

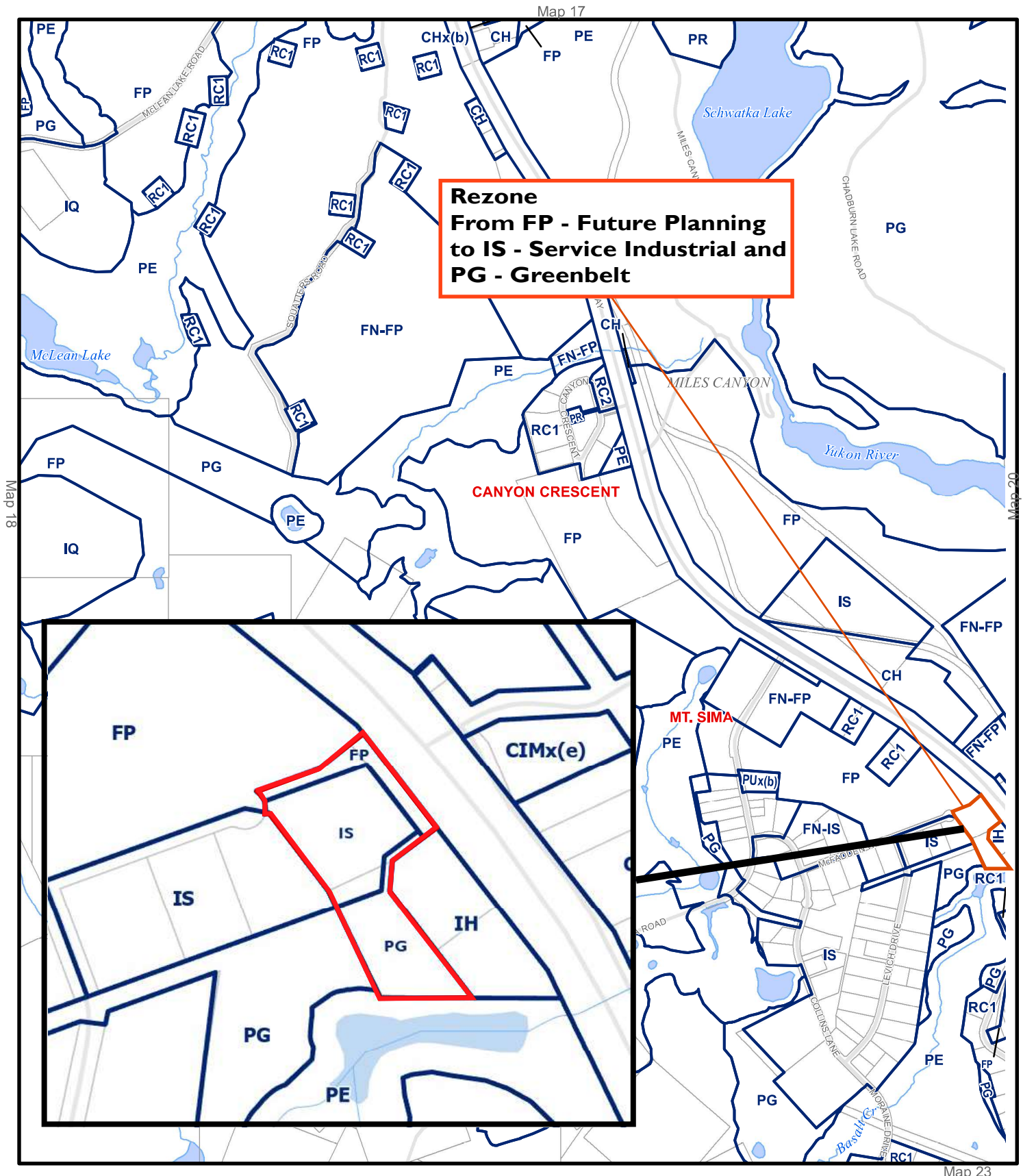
Wendy Donnithorne, City Clerk

MAP 19

Appendix A, Bylaw 2023-11

CANYON CRESCENT

MT. SIMA



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



0 925

Meters

Projection: NAD 1983 UTM Zone 8

Consolidation date:
December 17, 2021

CITY OF WHITEHORSE

BYLAW 2023-16

A bylaw to authorize the sale and disposition of approximately 0.75 ha portion of Lot 1183, Quad 105D/11, Plan 2001-0273 LTO and a 2.21 ha portion of Lot 423, Group 5 (804), Plan 26830 LTO to the Government of Yukon.

WHEREAS section 265 of the *Municipal Act* (R.S.Y. 2002) provides that Council may by bylaw authorize the sale and disposition of any real property; and

WHEREAS it is deemed desirable that an undeveloped portion of land in the Puckett's Gulch area be sold and disposed;

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 sell and dispose a portions of Lot 423, Group 5 (804), Plan 26830 LTO, and Lot 1183, Quad 105D/11, Plan 2001-0273 LTO, Whitehorse, Yukon, comprising a total area of approximately 2.96 ha, as shown on the sketch attached hereto as Appendix "A" and forming part of this bylaw;
2. The parcel will be offered for sale at nominal value (\$1.00) to the Government of Yukon.
3. The Mayor and Clerk are hereby authorized to execute on behalf of the City of Whitehorse all documentation required for the completion of the sale and transfer of ownership of the said lands in an expeditious manner; and
4. This bylaw shall come into full force and effect on the final passing thereof.

FIRST READING April 11, 2023

SECOND READING: April 24, 2023

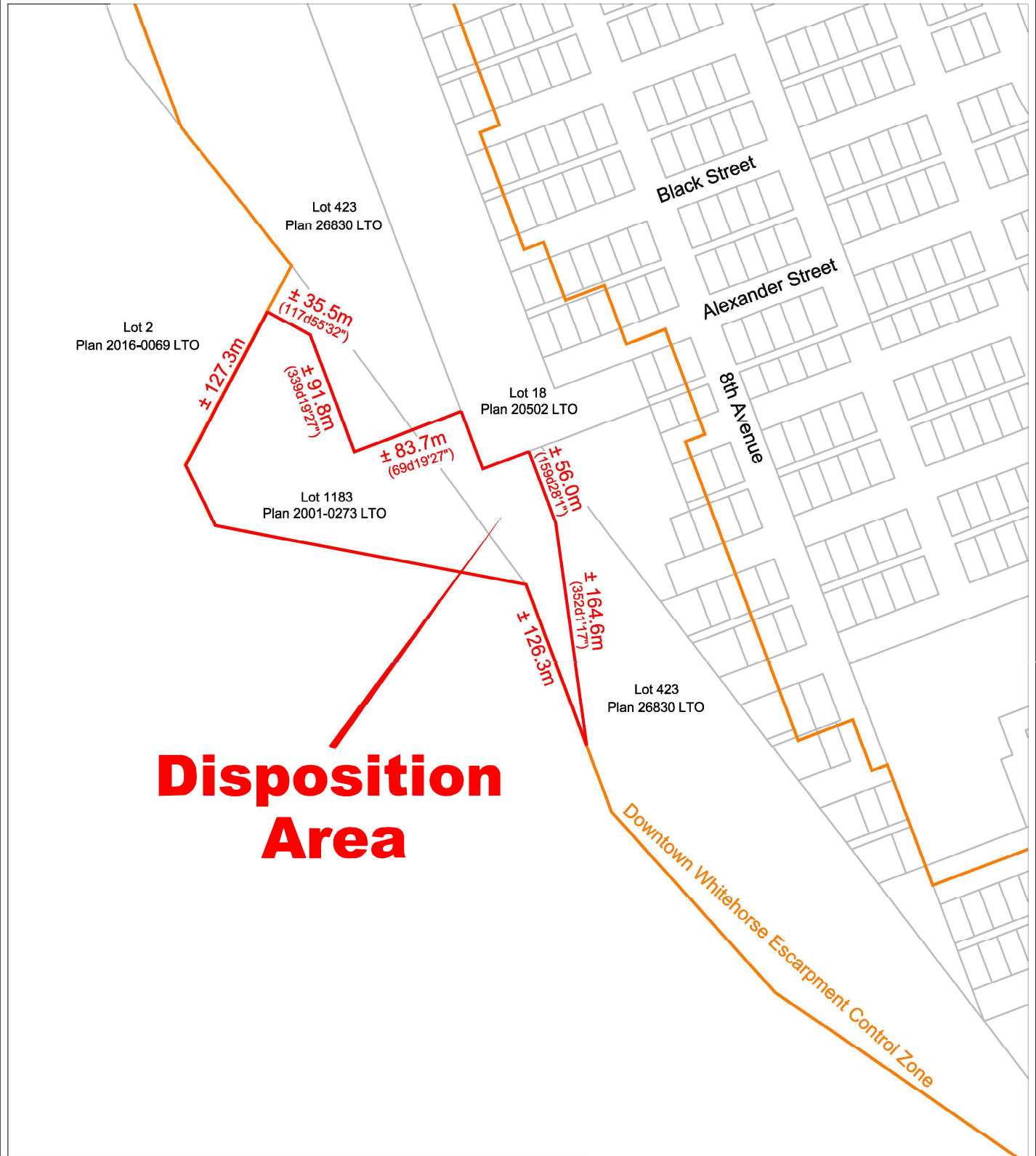
THIRD READING and ADOPTION: April 24, 2023

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk



CITY OF WHITEHORSE
BYLAW 2016-25
APPENDIX 'A'




**Disposition
Area**

BYLAW 2023-16

Disposition of approximately 2.96 ha portion of City owned lots (Lot 423, Plan 26830 LTO and Lot 1183, Plan 2001-0273) for the development of a runway extension and other airport improvements.

LEGEND

 SUBJECT AREA