

CITY OF WHITEHORSE
REGULAR Council Meeting #2023-16

DATE: Monday September 25, 2023
TIME: 5:30 p.m.

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

AGENDA

CALL TO ORDER 5:30 p.m.

AGENDA Adoption

PROCLAMATIONS National Day for Truth and Reconciliation (September 30)

MINUTES Regular Council meeting dated August 28, 2023
Special Council meeting dated August 31, 2023

DELEGATIONS

PUBLIC HEARING

STANDING COMMITTEE REPORTS

City Operations Committee – *Councillors Boyd and Curteanu*

1. Active Transportation Initiatives – Traffic Bylaw Amendment

Community Services Committee – *Councillors Friesen and Cameron*

1. Sister City – Chortkiv, Ukraine

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

Corporate Services Committee – *Councillors Cameron and Laking*

1. Capital Budget Variance Reporting 2nd Quarter
2. Operating Budget Variance Reporting 2nd Quarter – For Information Only
3. Budget Amendment – Marwell Lift Station Pump

City Planning Committee – *Councillors Laking and Friesen*

1. Zoning Amendment – Range Point Joint Master Plan

Development Services Committee – *Councillors Murray and Boyd*

NEW AND UNFINISHED BUSINESS

1. Motion – Councillor Murray – Arctic Inspiration Prize

BYLAWS

2023-29	Zoning Amendments – Range Point Joint Master Plan	1 st Reading
2023-24	Traffic Bylaw Amendment – Active Transportation Initiatives	1 st and 2 nd Reading
2023-23	Yukon River Recreation Lease	3 rd Reading

ADJOURNMENT



PROCLAMATION

National Day for Truth and Reconciliation

September 30, 2023

WHEREAS the City of Whitehorse is located on the Traditional Territories of the Ta'an Kwäch'än Council and the Kwanlin Dün First Nation; and

WHEREAS the City of Whitehorse is committed to working with First Nations Governments and to better understand, recognize, and incorporate the important role they, and their people play in shaping the community; and

WHEREAS in a place where First Nations are a key part of our community fabric, it is important for all of us to reflect on the work we are doing to advance Reconciliation in our own lives; and

WHEREAS it is important to learn the truth of residential schools, and how events have impacted and continue to impact indigenous families and communities; and

WHEREAS the City of Whitehorse aims to be a community leader in the journey towards Reconciliation and is focused on making tangible changes and decisions that reflect that work; and

NOW THEREFORE, I, Mayor Laura Cabott, do hereby proclaim September 30th to be the National Day for Truth and Reconciliation in the City of Whitehorse.

Laura Cabott
Mayor

MINUTES of REGULAR Meeting #2023-15 of the Council of the City of Whitehorse
called for 5:30pm on Monday, August 28, 2023, in Council Chambers, City Hall.

PRESENT: Mayor Laura Cabott
Councillors Kirk Cameron, Deputy Mayor
*Dan Boyd
Ted Laking
Melissa Murray

ABSENT: Councillors Jocelyn Curteanu
Michelle Friesen

ALSO PRESENT: City Manager Jeff O'Farrell
Director of Community Services Krista Mroz
Director of Development Services Mike Gau
Director of People and Culture Lindsay Schneider
Director of Operations and Infrastructure Tracy Allen
Manager of Legislative Services Wendy Donnithorne

* Indicates electronic participation

Mayor Cabott called the meeting to order at 5:30pm

CALL TO ORDER

AGENDA

2023-15-01

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

PROCLAMATIONS

Mayor Cabott proclaimed the month of September to be
Prostate Cancer Awareness Month.

Proclamation – Prostate
Cancer Awareness Month

MINUTES

2023-15-02

It was duly moved and seconded
THAT the Minutes of the Regular Council meeting dated
August 14, 2023 be adopted as presented.
Carried Unanimously

COMMITTEE REPORTS

City Operations Committee

A Committee member requested an update on the landscaping and drainage issues in the “green streets” of Whistle Bend.

New Business – Green
Streets

A Committee member highlighted continued traffic congestion issues from Porter Creek to Downtown.

New Business – Traffic
Congestion

Community Services Committee

A Committee member raised reports of accumulating construction waste in Whistle Bend. Administration provided information of an upcoming fall community clean up event, including Whistle Bend.

New Business – Construction
Waste in Whistle Bend

Delegate Donna Reimchen presented on the Ukrainian Canadian Association of Yukon's request for hosting delegates from Chortkiv, Ukraine.

Delegate – Donna Reimchen,
Ukrainian Canadian
Association of Yukon – Sister
City Chortkiv, Ukraine

Public Health and Safety Committee

A Committee member emphasized concerns related to wildfires in the north and in BC, and asked if Whitehorse has plans to support Yukon and other communities. Administration indicated that discussions are ongoing with Yukon Government.

New Business – Local
Wildfire Readiness

A Committee member emphasized the importance of the public burning permit process and requirements for the fall season.

New Business – Burn Permits

Corporate Services Committee

Administration presented a bi-monthly update on forthcoming procurements with an anticipated value greater than \$100,000 for September and October.

Administration provided additional information regarding the slope scanner and the EV charging stations.

Upcoming Procurements
(September/October) – For
Information Only

2023-15-03

It was duly moved and seconded
THAT the proposed Council Building Signage Policy be
amended to include “and modern treaty relationships” after the
word colonization;

Building and Signage Policy
and Budget Amendment

THAT Council adopt the new Council Building Signage Policy
as amended; and

THAT Council approve amending the scope of Capital Project
100c00223 Southern Tutchone Place Names – City Buildings
to include policy implementation activities.

Carried Unanimously

2023-15-04

It was duly moved and seconded

THAT Council direct that the 2023 to 2026 Capital Expenditure
Plan be amended by changing the scope of the project
240c00323 Kulan Snow Storage Facility Expansion to allow for
Phase 1 construction, with no change to the budget amount.

Budget Amendment – Kulan
Snow Storage Facility
Expansion

Carried Unanimously

2023-15-05

It was duly moved and seconded

THAT Council approve a grant of \$1,500 funded from the
Council donation account.

Council Grant – Family
Transit Passes

Carried Unanimously

City Planning Committee

2023-15-06

It was duly moved and seconded

THAT Council direct that Bylaw 2023-23, a Bylaw to enter into
a Lease Agreement with the Government of Yukon for the
lease of approximately 6.39 hectares of vacant
Commissioner’s Land adjacent to Nisutlin Drive in Riverdale,
for the purpose of maintaining recreation, be brought forward
for consideration under the bylaw process.

Yukon River Recreation
Lease

Carried Unanimously

A Committee member requested an update regarding the
renaming of streets in McIntyre.

New Business – Renaming
Streets in McIntyre
Subdivision

A Committee member asked for a detailed update on lot development in the community, specifically the Whistle Bend expansions, expressing concerns over Phase 6B and Phase 8, which were anticipated to come to market by the fall of the previous year.

New Business – Request for
Update on Whistle Bend
Phases

Development Services Committee

There is no report from the Development Services Committee.

No Report

BYLAWS

2023-15-07

It was duly moved and seconded
THAT Bylaw 2023-23, a bylaw to enter into a Lease Agreement with the Government of Yukon for the lease of approximately 6.39 hectares of vacant Commissioner's Land adjacent to Nisutlin Drive in Riverdale, for the purpose of maintaining opps recreation, be given First Reading.

Carried Unanimously

BYLAW 2023-23
Yukon River Recreation
Lease
FIRST READING

2023-15-08

It was duly moved and seconded
THAT Bylaw 2023-23 be given Second Reading.

Carried Unanimously

BYLAW 2023-23
Yukon River Recreation
Lease
SECOND READING

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

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

Adopted by Resolution at Meeting #2023-17

MINUTES of SPECIAL Meeting #2023-16 of the Council of the City of Whitehorse called for 12:00 PM on Thursday, August 31, 2023, in Heritage Boardroom, City Hall.

PRESENT: Mayor Laura Cabott
Deputy Mayor Kirk Cameron
Councillors Dan Boyd*
Melissa Murray

ABSENT: Councillors Ted Laking
Jocelyn Curteanu
Michelle Friesen

ALSO PRESENT: City Manager Jeff O'Farrell
A/Director of Corporate Services Peter O'Blenes
Director of Development Services Mike Gau
Director of Operations Tracy Allen
A/Director of Community Services Ryan Leef
Manager of Legislative Services Wendy Donnithorne

*Indicates electronic participation

Mayor Laura Cabott called the meeting to order at 12:05 p.m.

CALL TO ORDER

2023-16-01

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

AGENDA

Carried Unanimously

2023-16-02

It was duly moved and seconded
THAT the Standing Committee meeting scheduled for Tuesday,
September 5, 2023 and the Regular Council meeting scheduled for
September 11, 2023 be cancelled.

Cancel Standing And
Regular Council Meetings

Carried Unanimously

There being no further business, the meeting adjourned at 12:16 p.m.

ADJOURNMENT

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

ADOPTED by Resolution at Meeting #2022-17



Minutes of the meeting of the City Operations Committee

Date	September 18, 2023	2023-17
Location	Council Chambers, City Hall	
	Councillor Jocelyn Curteanu – Vice-Chair	
	Mayor Laura Cabott	
Committee Members Present	*Deputy Mayor Dan Boyd	
	Councillor Kirk Cameron	
	Councillor Michelle Friesen	
	Councillor Ted Laking	
	Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Valerie Braga, Director of Corporate Services	
	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, 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. Traffic Bylaw Amendment - Active Transportation Initiatives

The Committee was presented with a proposed amendment to the City's Traffic Bylaw, to support implementation of the Chilkooot Way active transportation corridor between Two Mile Hill and Quartz Road. The amendment would set the maximum speed limit at 30 kilometres per hour on Chilkooot Way in order to provide for increased public safety for all road users.

The Recommendation of the City Operations Committee is

THAT Council approve an amendment to the Traffic Bylaw to reduce the speed limit on Chilkooot Way between Two Mile Hill and Quartz Road to a maximum of 30km per hour.

2. New Business – Black Street Construction

A Committee member raised concerns about construction work happening on Black Street that has removed the sidewalk. Administration confirmed a sidewalk will be installed by the developer, and that snow removal will continue to be maintained by the City. Additional information was requested on the expected duration of the project.

3. New Business – Range Road and Mountain View Progress

A Committee member requested an update on the Range Road and Mountainview Drive construction. Administration confirmed the project is on schedule and anticipated to be completed by the end of October 2023, including the reopening of Range Road. Given the time of season, the compaction and paving of Range Road will be completed in 2024.



Minutes of the meeting of the Community Services Committee

Date	September 18, 2023	2023-17
Location	Council Chambers, City Hall	
	Councillor Michelle Friesen - Chair	
	Mayor Laura Cabott	
Committee Members Present	*Deputy Mayor Dan Boyd	
	Councillor Kirk Cameron	
	Councillor Jocelyn Curteanu	
	Councillor Ted Laking	
	Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Valerie Braga, Director of Corporate Services	
	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, 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. Sister City – Chortkiv, Ukraine

The Committee was presented with a report to consider a formal Honourary Sister City relationship between the City of Whitehorse and the City of Chortkiv, Ukraine. Administration provided information on Honourary and Active Sister City relationships that can be established under the Council Sister Cities Relationship Policy, and an update on communications with the City of Chortkiv and Ukrainian Canadian Association of Yukon.

The Recommendation of the Community Services Committee is

THAT Council enter into an Honourary Sister City relationship with the City of Chortkiv, Ukraine under the Council Sister Cities Relationship Policy.

2. New Business – Transit (CASA Agreement Update)

A Committee member requested an update on “free transit” initiatives as provided for under the CASA Agreement, and research on expected costs. Administration advised

there have been discussions, but the City is not a party to the CASA, and that the general costs of operating transit annually are set out in the City's budget documents. Administration confirmed that an RFP for the City's "Free Fare Transit Study" will be released shortly, which will review possible methods to provide for free transit. The study results are expected in early 2024.

3. New Business – Thank You to Yukon Family Literacy

A Committee member thanked the Yukon Family Literacy Centre for their work in providing programming to families in the community and asked about City support for the organization. Administration confirmed that the City is actively working with the Centre to provide pop-up programming and events, helping to identify temporary storage options, and advocating for the Centre to the Yukon Government.



Minutes of the meeting of the Public Health and Safety Committee

Date	September 18, 2023	2023-17
Location	Council Chambers, City Hall	
	Councillor Jocelyn Curteanu - Chair	
	Mayor Laura Cabott	
Committee Members Present	*Deputy Mayor Dan Boyd	
	Councillor Kirk Cameron	
	Councillor Michelle Friesen	
	Councillor Ted Laking	
	Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Valerie Braga, Director of Corporate Services	
	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, 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. New Business – Lodgepole Lane

A Committee member requested an update on the Lodgepole Lane property. Administration provided information on efforts to date and to resolve an ownership issue that will allow for further progress for the property to be cleaned up. Additional information on fire inspections was also requested as follow up.

2. New Business – City Release Against “1 Million March 4 Children” Rally

Mayor Laura Cabott gave an official statement on behalf of the City with respect to the “1 Million March 4 Children” rally and provided the City’s strong support for the 2SLGBTQIA+ Community and for a safer and inclusive city as a whole.

Councillor Friesen also voiced full support for the City’s statement and safety and inclusion of the 2SLGBTQIA+ Community.



Minutes of the meeting of the Corporate Services Committee

Date	September 18, 2023	2023-17
Location	Council Chambers, City Hall	
	Councillor Kirk Cameron - Chair	
	Mayor Laura Cabott	
Committee Members Present	*Deputy Mayor Dan Boyd	
	Councillor Jocelyn Curteanu	
	Councillor Michelle Friesen	
	Councillor Ted Laking	
	Councillor Mellisa Murray	
Staff Present	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
	Valerie Braga, Director of Corporate Services	
	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

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

1. Capital Budget Variance Reporting – 2nd Quarter – For Information Only

Administration presented the Second Quarter Variance Report on the Capital Budget projections which included a high-level summary of anticipated capital spending and proposed amendments to the 2023-2026 Capital Expenditure Program.

The Recommendation of the Corporate Services Committee is

THAT Council authorizes amendments totalling \$548,761 to reduce the 2023 to 2026 Capital Expenditure Program.

2. Operating Budget Variance Reporting – 2nd Quarter – For Information Only

The Committee was presented with the Second Quarter Operating Budget Variance Report and a forecast of operating results for the end of the 2023 fiscal year. Administration clarified how “vacancy overlay” is calculated and the Town Square budget. Administration was requested to provide additional information on the breakdown of government transfers which have resulted in higher than expected revenues.

3. Budget Amendment – Marwell Lift Station Pump

The Committee was presented with a proposed budget amendment to purchase a spare pump for the Marwell Lift Station to ensure back-up for this critical infrastructure.

The Recommendation of the Corporate Services Committee is

THAT Council amend the 2023-2026 Capital Expenditure Plan and approve the creation of a new Capital Project in the amount of \$300,000 to purchase a spare electric pump and related parts for the Marwell Lift Station, funded by the Water and Sewer Reserve.

4. Notice of Motion – Mellisa Murray – Arctic Inspiration Prize

Councillor Mellisa Murray presented a Notice of Motion to bring forward at the next Regular Council meeting on September 25, 2023, proposing that Council direct Administration to increase the 2023 Operating Budget under the Council Donation fund by \$5,000 to support the Arctic Inspiration Prize.



Minutes of the meeting of the City Planning Committee

Date	September 18, 2023	2023-17
Location	Council Chambers, City Hall	
	Councillor Ted Laking - Chair	
	Mayor Laura Cabott	
Committee Members Present	*Deputy Mayor Dan Boyd	
	Councillor Kirk Cameron	
	Councillor Jocelyn Curteanu	
	Councillor Michelle Friesen	
	Councillor Mellisa Murray	
	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Valerie Braga, Director of Corporate Services	
	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

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

1. Zoning Amendment – Range Point Joint Master Plan

The Committee was presented with an application to amend the zoning for the Range Point Joint Master Plan area consisting of Kwanlin Dün First Nation and Yukon Government land to allow for a diverse mix of housing developments as set out in the Joint Master Plan.

The Recommendation of the City Planning Committee is

THAT Council direct that Bylaw 2023-29, a Bylaw to amend the zoning of the Range Point Joint Master Plan site to allow for a diverse mix of housing developments, be brought forward for consideration under the bylaw process.

2. New Business – Underutilized Property (Lot 419 Range Road)

A Committee member asked whether 419 Range Road was included in the federal strategy to divest under-utilized properties so that they could be used for housing. Administration indicated that federal staff had confirmed this property was not eligible as it was still in use as government offices, but that another lot in the area may be eligible. Discussions are in progress regarding potential lots and the overall program.

3. New Business – Underutilized Property (Downtown)

A Committee member asked about a City initiative to revive underutilized property in the Downtown core. Administration noted that the project is designed so that different incentive strategies could be made based on consultations with property owners to evaluate the different circumstances. Administration is hoping to bring this information forward to Council in November along with incentives and program amendments in the new year.



Minutes of the meeting of the Development Services Committee

Date	September 18, 2023	2023-17
Location	Council Chambers, City Hall	
	Councillor Mellisa Murray - Chair	
	Mayor Laura Cabott	
Committee Members Present	*Deputy Mayor Dan Boyd	
	Councillor Kirk Cameron	
	Councillor Jocelyn Curteanu	
	Councillor Michelle Friesen	
	Councillor Ted Laking	
	Jeff O'Farrell, City Manager	
	Krista Mroz, Director of Community Services	
Staff Present	Valerie Braga, Director of Corporate Services	
	Lindsay Schneider, Director of People and Culture	
	Mike Gau, Director of Development Services	
	Tracy Allen, Director of Operations and Infrastructure	
	Wendy Donnithorne, Manager of Legislative Services	

* Indicates electronic participation

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

1. New Business – Main Street Town Square Public Engagement

A Committee member requested information on the public engagement process for the Main Street Town Square Pilot Project, and the initial responses. Administration confirmed that the survey was sent out to both businesses and the public, advertised by public service announcements, social media, and radio, and can be completed online, in person, or over the phone. The response to date has been significant.

2. New Business – Fridays for Futures Yukon Rally Concerns

Administration provided information in response to a Committee member bringing forward questions and concerns on behalf of youth that attended the Fridays for Futures Yukon climate rally, including to clarify that transit services continue to be available on the route to Yukon University and that downtown compost bins are currently being evaluated.

3. New Business – Point in Time Survey Results

A few Committee members presented questions on the community housing situation based on the results of the recent Point in Time Survey by Safe at Home. Administration confirmed that the Housing and Land Development Advisory Committee is currently discussing some of the issues brought up by the results, including potential incentives to fast-track investment in new affordable rentals, and that Committee recommendations can be expected later this year.

There being no further business the meeting adjourned at 7:25 P.M.

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

Motion

TO: Council

From: Councillor Mellisa Murray

Date: Regular Council Meeting – September 25, 2023

Re: Motion - Arctic Inspiration Prize

I, Councillor Mellisa Murray, having given notice at the Standing Committee Meeting held September 18, 2023, now move as follows:

WHEREAS this Council's Strategic Priorities include supporting programming to assist with crime prevention, increase our knowledge and recognition of Indigenous culture and history in support of Truth and Reconciliation, and create more recreational programming; and

WHEREAS The Arctic Inspiration Prize is by the North and for the North and represents a community of people and groups, including Indigenous organizations, academia, governments, non-governmental organizations, industry, philanthropy, media and arts and culture organizations, who share a common goal: to recognize northern innovation, excellence and encourage teamwork for the betterment of life in Canada's North; and

WHEREAS the City of Whitehorse has been a prize partner of the Arctic Inspiration Prize since 2017 and has provided \$10,000 in support annually until 2022; and

WHEREAS in previous years many organizations in Whitehorse have been successful laureates of the AIP including Yukon First Nations Wildfire's Resilience Training and Healing Program, House of Wolf's Indigenous Community Safety Partnership Program, Porter Creek Secondary School's Culture Camp, and many more;

THEREFORE, BE IT RESOLVED that Administration be directed to increase the 2023 Operating Budget under the Council Donation fund by \$5,000 to support the Arctic Inspiration Prize.

CITY OF WHITEHORSE
BYLAW 2023-29

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 City of Whitehorse Zoning Bylaw be amended to establish zoning for the Range Point Joint Master Plan site; and

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 Lot 1469, Quad 105D/14, 93163 CLSR, Lot 262-6, Group 804, 71449 CLSR, and approximately 0.3 hectares of unsurveyed vacant Commissioner's Land from FP–Future Planning, RP – Residential Mobile Home Park, and PE – Environmental Protection to RCS2 – Comprehensive Residential Single Family, RCM3 – Cottage Cluster Homes, RCM – Comprehensive Residential Multiple Family, RM – Residential Multiple Housing, PE – Environmental Protection, PR – Parks and Recreation, PG – Greenbelt, and PU – Public Utilities as indicated on Appendix “A” attached hereto and forming part of this bylaw.
2. This Bylaw shall come into force and effect upon the final passing thereof.

FIRST READING:

September 25, 2023

PUBLIC NOTICE:

PUBLIC HEARING:

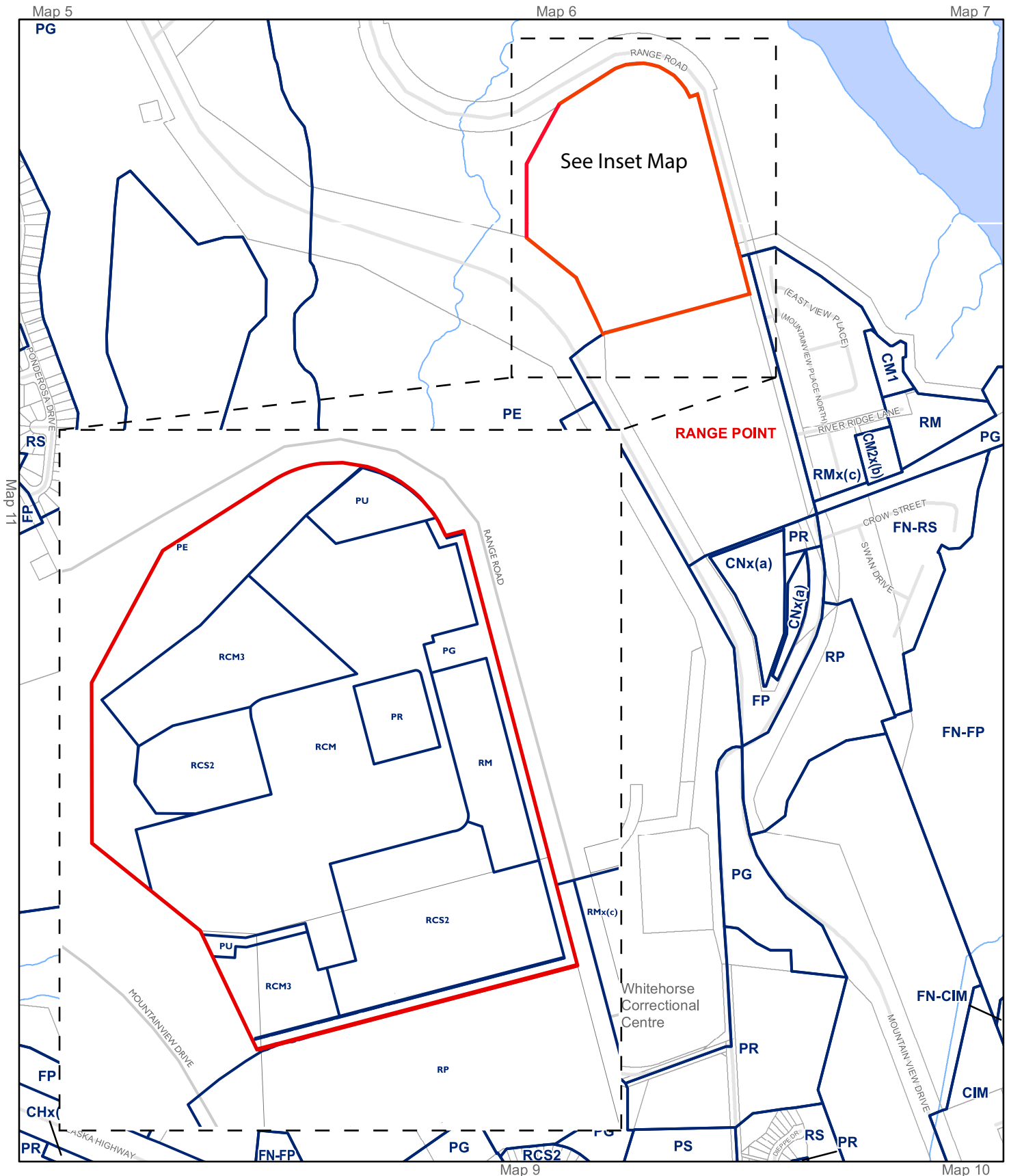
SECOND READING:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

MAP 8



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.



0 440
Meters
Projection: NAD 1983 UTM Zone 8

Consolidation date:
February 20, 2023

CITY OF WHITEHORSE
BYLAW 2023-24 - PROPOSED

A Bylaw to amend Traffic Bylaw 2013-34

WHEREAS Section 124 of the *Motor Vehicles Act* (RSY 2002) provides that a municipality may by bylaw prescribe a maximum speed other than 50 kilometres per hour for all or part of a highway subject to its jurisdiction; and

WHEREAS Section 125 of the *Motor Vehicles Act* provides that a municipality may authorize the placing, erecting, or marking of traffic control devices at any locations considered necessary for controlling highways subject to its jurisdiction; and

WHEREAS it is deemed desirable and expedient that the City of Whitehorse Traffic Bylaw be amended to reduce the maximum speed limit on a specific highway to support implementation of a new active transportation corridor and provide enhanced public safety;

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

1. Traffic Bylaw 2013-34 is hereby amended by adding a new Section 1.(6) to the Operation of Vehicles in the existing Schedule “B” and substituting therefore a new Schedule “B”, attached here as Appendix “A” and forming part of this Bylaw:

OPERATION OF VEHICLES

1. No person shall drive at a greater rate of speed than **30 kilometres per hour** on the following highways between the designated points:
 - (1) on Alsek Road between Duke Road and Blanchard Road;
 - (2) on Mount Sima Road from the ski hill parking lot northward towards the downtown core of the City, for a distance of 600 metres;
 - (3) on Prospector Road from the Alaska Highway to that point where the roadway enters private property;
 - (4) on Sumanik Drive from Hamilton Boulevard to Mount McIntyre Recreation Centre.
 - (5) on Valleyview Drive along its entire length.
 - (6) **on Chilkoot Way between Two Mile Hill and Quartz Road.**

Traffic Bylaw Amendment Bylaw 2023-24

2. This Bylaw shall come into force and effect upon the final passing thereof.

FIRST and SECOND READING:
THIRD READING and ADOPTION:

September 25, 2023

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

CITY OF WHITEHORSE

BYLAW 2023-23

A Bylaw to enter into a Lease Agreement.

WHEREAS Section 265 of the *Municipal Act* (2002) provides that City Council may pass bylaws for municipal purposes respecting the municipality's leasing of any real or personal property; and

WHEREAS it is deemed desirable that the City enter into an agreement with the Government of Yukon for the lease of approximately 6.39 ha of vacant Commissioner's land; for a thirty year period from January 1, 2021 to and including December 31, 2050;

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

1. The Mayor and City Clerk are hereby authorised to execute on behalf of the City of Whitehorse the Lease Agreement, attached hereto as Schedule "A" and forming part of this bylaw.
2. The City of Whitehorse is hereby authorised to enter into a lease agreement with the Government of Yukon with respect to that portion of vacant Crown land comprising 6.39 hectares more or less adjoining Selkirk Street, Plan 92-83 LTO, Whitehorse, Yukon Territory as shown on the sketch attached hereto as Schedule "B" and forming part of this description.
3. This Bylaw shall come into full force and effect upon the final passing thereof.

FIRST and SECOND READING:

August 28, 2023

THIRD READING and ADOPTION:

September 25, 2023

Laura Cabott, Mayor

Wendy Donnithorne, City Clerk

GOVERNMENT OF YUKON
LEASE AGREEMENT

BETWEEN:

THE GOVERNMENT OF YUKON
as represented by the Manager of Client Services,
Land Management Branch, Department of Energy, Mines and Resources

("herein after called "Yukon")

AND:

The City of Whitehorse

("herein after called the "Lessee")

A. *Yukon* is the owner of the following lands, namely:

All that parcel of land comprising of 6.39 hectares
more or less, between Nisutlin Drive and the Yukon
River, South of Lot 340, Group 804, Plan 43448
CLSR, Plan 22967 LTO, Northeast of Lot 1022,
Plan 69448 CLSR, Plan 73440 LTO, Quad 105
D/11, Yukon, as shown outlined in red on the
attached sketch dated March 22, 2023 and forming
part of this document.

("herein after called the "Land")

USE

B. That the *Lessee* desires to use the land solely for the following purpose(s): Recreational.

NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:

Yukon hereby grants to the *Lessee* a lease to occupy the *Land*, SUBJECT TO THE
FOLLOWING RESERVATIONS:

- a. all mines and all minerals whether solid, liquid or gaseous which may be found to exist within, upon or under the *Land* together with the full powers to work the same and for that purpose to enter upon, use and occupy the *Land* or so much of the lands and to such an extent as may be necessary for the effectual working and extracting of the said materials;
- b. the rights of the recorded holders of mineral claims and any other claims or permits affecting the *Land*;
- c. all timber that may be on the *Land*;
- d. the right to enter upon, work and remove any rock outcrop required for public purposes;
- e. such right or rights-of-way and of entry as may be required under regulations in force in connection with the construction maintenance, and use of works for the conveyance of water for use in mining operations; and
- f. the right to enter upon the *Land* for the purpose of installing and maintaining any public utility.

TERM

- 1. That this lease shall be for a period of Thirty years (30) commencing on the first (1st) day of January, 2021, and ending on the thirty-first (31st) day of December, 2050.

2. YIELDING AND PAYING THEREFORE, for the first five (5) years, annually and in advance, the sum of One Hundred and Fifty Dollars and Zero Cents (\$150.00) plus GST.
3. That the *Lessee* shall use the *Land* solely for the purpose(s) listed in Recital B.
4. That this lease replaces lease number 710011 dated the First (1st) day of January, 1971.
5. That breach of any clause shall be a fundamental breach of the lease and may result in termination.
6. Acceptance of rent after the expiry of the term of this lease does not create a new periodic tenancy or a re-instatement of the lease and its acceptance is on a “without prejudice” basis
7. That a lease term longer than five years the lease rental shall be reviewed after five years, and every five years thereafter by *Yukon* in accordance with the provisions of the *Territorial Lands (Yukon) Act* and the *Territorial Lands Regulations* made thereunder in effect on the date of determination.
8. That the *Lessee* is responsible for and shall pay all taxes, local improvement rates and assessments and all public utility charges respecting the *Land* during the term of this lease.

IMPROVEMENTS

9. That the *Lessee* is responsible for ensuring that all structures or improvements made on the *Land* are contained within the boundaries of the *Land*.
10. That the *Lessee* will not erect on the said *Land* any new buildings or structures, except fencing, nearer that a distance of two (2) metres from any boundary of the *Land*.
11. That no buildings are within the setback of a creek.
12. That the *Lessee* shall maintain the existing improvements now situated on the *Land* on the effective date of this lease, or any similar improvements which may be constructed, in a manner and condition satisfactory to *Yukon*.
13. That the *Lessee* shall not place any permanent structures and/or buildings on the *Land* without the written approval of *Yukon* or in accordance with the improvement clauses if applicable and included in this lease.

ENVIRONMENTAL

14. That the *Lessee* shall dispose of all timber and slash cleared on the *Land* in accordance with direction from the Forest Officer and satisfactory to *Yukon*.
15. That if the *Lessee* by its operations on the *Land* has contributed to any detrimental environmental change, the *Lessee*, shall pay its proportionate share of any costs of remedial action which may be considered necessary, as determined by *Yukon*.
16. That the *Lessee* will take all reasonable precautions to prevent any fire from occurring or spreading on the *Land* and will pay all reasonable costs of suppressing or containing any fire caused by or attributable to the negligence of the *Lessee* and its employees.
17. That the *Lessee* shall not construct any new facilities within thirty point four eight (30.48) metres of the ordinary high water mark of any body of water without the written approval of *Yukon*.
18. That no notice of default given herein by *Yukon* shall be valid or of any effect unless it is also given to any mortgagee of the *Lessee*, in respect of the leased *Land*, of whom *Yukon* shall have received written notice.
19. That the *Lessee* will allow entry in and under or upon the *Land* or so much thereof as is reasonable for the purpose of constructing, maintaining and operating sewer, water, telephone, electric power, street lighting and fire and police protection installations, and on request by *Yukon* will execute any documents necessary to confirm such right.

20. That the boundaries of the *Land* are subject to such adjustment and alteration as may be shown by survey to be necessary.

ASSIGNMENTS

21. That the *Lessee* **may not assign this lease**, or sublet this lease or the privileges or rights hereby conferred to other than the registered holder(s) of the adjacent lot or leaseholder for the area in which the *Land* is located, in whole or in part, to any other person, group, organization, company or corporation or the privileges or rights hereby conferred, **except with the written consent of Yukon**. If *Yukon* consents to an assignment the *Lessee* shall pay any outstanding lease fees and furnish *Yukon* with a properly executed unconditional assignment document, in duplicate, of the lease together with a registration fee of Ten Dollars (\$10.00) and a certificate from the proper official of the Government of Yukon, municipality, or other local authority that all taxes on the *Land* covered by the lease have been paid.

OVERHOLD

22. In the event that the *Lessee* remains in possession of the *Land* after the end of the term of this lease:
- (a) with the consent of *Yukon* and without the execution and delivery of a new lease; or
 - (b) without the written consent of *Yukon*,

there shall be no tacit renewal of this lease notwithstanding any statutory provision to the contrary and the *Lessee* shall be deemed to be occupying the *Land* as:

- (c) a monthly tenant if *Yukon* did consent in writing to the overholding and such tenancy may be terminated by either party on 30 days written notice to the other; or
- (d) a tenant at will if *Yukon* did not consent in writing to the overholding and such tenancy may be terminated by *Yukon* on 14 days written notice to the *Lessee*;

and otherwise on the same terms as herein contained, except for any right of renewal. Nothing herein shall limit the liability of the *Lessee* in damages or otherwise for any overholding and the *Lessee* shall forthwith indemnify and hold harmless *Yukon* from and against any and all claims incurred by *Yukon* as a result of the *Lessee's* overholding after the expiry of the term.

FUEL AND HAZARDOUS CHEMICALS

23. That the *Lessee* shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum products and/or fuel over the ground surface or through seepage in the ground or into any body of water.
24. That the *Lessee* shall handle, store, dispose and keep records of all hazardous and toxic chemicals in accordance with the law.
25. That the *Lessee* shall ensure that fuel storage containers are not located within thirty point forty-eight (30.48) metres of the ordinary high water mark of any body of water unless otherwise authorized by *Yukon*.
26. That the *Lessee* shall establish and maintain fuel storage and dispensing facilities in accordance with applicable federal, territorial, local regulations, municipal acts, zoning, permits, or by-laws. No spilled or leaked fuel shall be allowed to spread to surrounding lands or into any waters. Liquid-tight containers or sumps shall be placed below each tap, valve and nozzle used to dispense fuel.
27. That the *Lessee* will be required to undertake such corrective measures as may be specified by *Yukon* in the event of waste spill on the *Land* or water or wind erosion of the *Land* resulting from the *Lessee's* operations.

GENERAL

28. That the *Lessee* shall conform to all applicable federal, territorial, local regulations, municipal acts, zoning, permits, or by-laws.
29. (a) If it is brought to the attention of the Minister that
- (i) a clerical error was made respecting the name or description of the *Lessee* or one of them, the description of the *Land* or any other material part of this lease or disposition;
 - (ii) the *Land* was not available for disposition;
 - (iii) the survey of the *Land* is incorrect; or
 - (iv) the information furnished by the *Lessee* was incorrect, the Minister may cancel this lease or disposition or make whatever changes or adjustments the Minister considers appropriate.
- (b) If the Minister cancels this lease or disposition pursuant to subsection (a), the Minister may
- (i) repay to the *Lessee* the whole or any part of the amount of money paid in respect of the lease or disposition or spent as a result thereof; and
 - (ii) pay to the *Lessee* whatever compensation the Minister considers appropriate in the circumstances.
30. That the *Lessee* shall have vacant possession of the *Land* upon execution of this lease.
31. That *Yukon* assumes no liability expressed or implied, to provide access to the *Land*.
32. That *Yukon* may enter the *Land* at any time for the purpose of inspection.
33. That the *Lessee* shall hold *Yukon* free of all liabilities concerning the *Land* during the term of this lease, and shall indemnify and save harmless *Yukon*, from and against all actions, claims, demands, costs and damages whatsoever resulting from all uses of the *Land*, or anything done or omitted to be done by, the *Lessee*, his/her servants, agents and employees, save and except for damages caused by *Yukon*.
34. That unless a waiver is given in writing by *Yukon*, *Yukon* will not be deemed to have waived any breach by the *Lessee* of any of the terms of the lease, and a waiver relates only to the specific breach to which it refers.
35. That on the termination or expiration of this lease, the *Lessee* will deliver up possession of the *Land* in a condition satisfactory to *Yukon*. In particular, *Yukon* may require the *Lessee* to remove any improvements affixed to or placed on the *Land*, and any chattels or other property placed on the *Land*, excepting any utility infrastructure associated with Licence of Occupation 2001-0157 or other overlapping easements, and otherwise to restore the *Land*. In the event the *Lessee* does not carry out such removals and restoration within ninety (90) days of termination of the lease, despite being requested to do so, *Yukon* may carry out the removals and restoration and may recover the cost of so doing from the *Lessee*.
36. That where the *Lessee* does not remove the buildings or other structures within such time, a public officer designated by *Yukon* shall make an appraisal of the buildings or other structures that have been left on the *Land* by the *Lessee* and *Yukon* may direct the sale of the same by public auction.
37. That from the proceeds realized from the sale of a building or any other structure under this section, the designated public officer shall, after deducting any expenses of sale and any arrears of rent and taxes, pay to the *Lessee* the balance remaining from that sale.
38. That in the event that any portion of the rental remains unpaid after it becomes due, whether formally demanded or not, or if the *Lessee* is in default of any other term of this lease, upon serving such notice as is reasonable in *Yukon*'s sole discretion if the default is not remedied to the satisfaction of *Yukon*, *Yukon* may cancel this lease. Such cancellation will be effective immediately, whether or not *Yukon* has re-entered the *Land* or done any act or thing with respect to it.

39. That termination of this lease will not prejudice *Yukon's* right to unpaid rents or any other right arising under the lease.
40. That time shall be of the essence of this lease.
41. That this lease shall enure to the benefit of and be binding upon the heirs, executors, administrators, and successors of the parties hereto.
42. That the provisions of the *Territorial Lands (Yukon) Act* and the *Territorial Lands Regulations* are binding in this agreement and form part of the terms of it.
43. That all written notices respecting the *Land* or this lease shall be deemed to have been delivered to the *Lessee* when mailed to:

City of Whitehorse
2121 2nd Avenue,
Whitehorse, Yukon
Y1A 1C2

or such other address as the *Lessee* subsequently provides;

and to *Yukon* at:

Land Management Branch
Department of Energy, Mines and Resources
Government of Yukon
Box 2703 (K-320)
Whitehorse, Yukon Y1A 2C6

CORPORATE SIGNING AUTHORITY

IN WITNESS WHEREOF, "*Yukon*" and the *Lessee* have duly executed these presents this _____ day of _____, 2023.

Corporate Seal of the City of Whitehorse
Was hereunto affixed in the presence of:

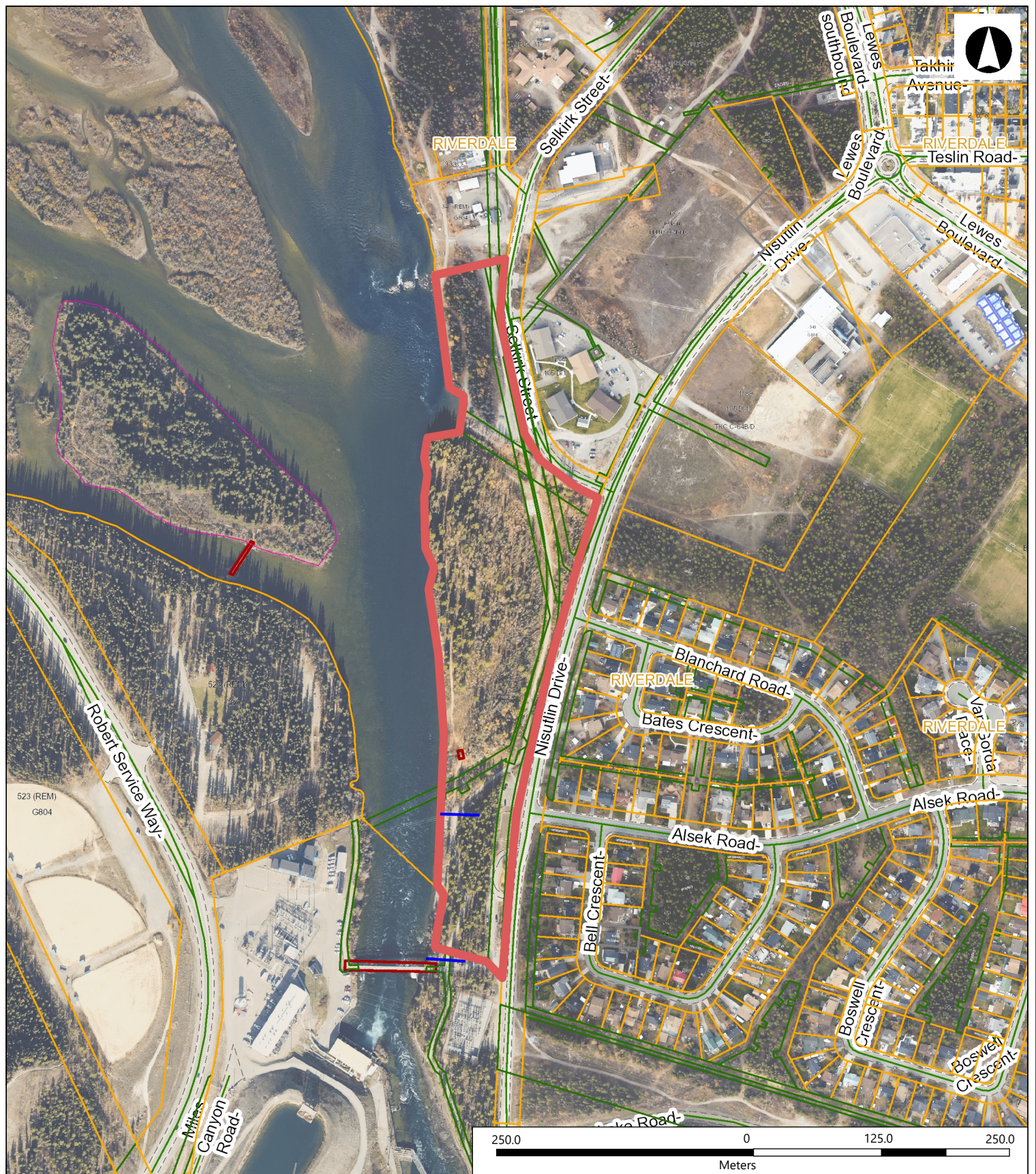
Laura Cabott
Mayor, City of Whitehorse

Wendy Donnithorne
City Clerk, City of Whitehorse

SIGNED on behalf of the Commissioner of Yukon at the City of Whitehorse, Yukon, this _____ day of _____, 2023.

Witness

Susan Antpoehler
Manager, Client Services,
Land Management Branch
Department of Energy, Mines and Resources



SCALE:
1: 5,000

DATE:
April 20, 2023

FILE:
Recreation Lease

DWN BY:
KK

REV NO:
1

CITY OF WHITEHORSE - LAND AND BUILDING SERVICES

Bylaw 2023-23 Schedule B - Location Sketch
Proposed 6.39 ha recreation lease with Government of Yukon

