

MINUTES OF COUNCIL MEETING #C08-25 of the Council of the City of Dawson called for 7:00 p.m. on Tuesday, November 4, 2008 in the Town of the City of Dawson Council Chambers.

PRESENT: Mayor John Steins
Councillor Diana Andrew
Councillor Ed Kormendy
Councillor Rick Riemer

ALSO PRESENT A/CAO Jim Regimbal
Secretary Karen Fischer

ABSENT Councillor Ashley Doiron

CALL TO ORDER: Mayor Steins called the meeting to order at 7:00PM.

AGENDA

C08-25-01 Moved by Councillor Andrew Seconded by Councillor Kormendy that agenda for Council Meeting # C08-25 is adopted as amended to **add** under Adoption of Minutes c) Minutes of Recreation Board Meeting R08-09, under New Business k) Ski Hill and under Unfinished Business Outstanding loan from former mayor.

CARRIED 4-0

C08-25-02 Moved by Councillor Kormendy, Seconded by Councillor Riemer that Council move to Committee of the Whole for the purpose of hearing delegations.

CARRIED 4-0

DELEGATIONS

- a) Shirley Pennell was present to discuss and review the purchase issues regarding the Mitander property. Ms. Pennell provided Council with a recap of the negotiations with Mr. Mitander noting that past CAO had been aware of the discussions as well as the pending agreement for sale of the property to Ms. Pennell. A contract for sale had been signed by the two parties and witnessed by past CAO and noted that she had incurred personal costs and had both parties had acted in good faith. Council inquired on what costs had been incurred and if Ms. Pennell had been aware of the City's interest in the property. Ms. Pennell noted her costs and advised that she had been in contact with City's SFO at the beginning of her discussions with Mr. Mitander.
- b) Paul Derhak was present to discuss water and sewer fees at his property on the corner of 2nd Ave and Duke St. He expressed his confusion at having to continue paying water and sewer fees even though he has had the service shut off. He briefly reviewed his difficulties with the property transfer at the time of purchase and noted that he had inquired about water and sewer but not followed up with PWS. Mr. Derhak provided his interpretation of W & S bylaw 06-17 section K-3 advising that "...hereunder for that year..." means for the year immediately prior to disconnection of service. Council commented on the fact that the Municipal Act is clear that duly imposed fees may not be forgiven by Council and that the current W&S bylaw may be flawed.
- c) JP Hawkins was present to discuss the school bus parking issue noting that he has extended his driveway in order to park the bus safely and plug it in when needed. He

noted that it runs for 10-15 min prior to departing. Mr. Hawkins further noted that he has spoken to his immediate neighbours and they do not have a problem with the school bus, the only resistance is from a resident down the street. Council inquired if his employer was aware he is here tonight...yes. Mr. Hawkins advised that he wants to keep his job, but if the bus has to move to the maintenance contractor to be parked, that is too far to drive. He noted that the school has not responded to his request.

C08-25-03 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Committee of the Whole reverts to Council and proceed with the agenda.

CARRIED 4-0

BUSINESS ARISING FROM DELEGATIONS

NONE

ADDOPTION OF MINUTES

a) Council Meeting C08-24

C08-25-04 Moved by Councillor Kormendy, Seconded by Councillor Andrew that the minutes of Council Meeting C08-24 of October 21, 2008 are approved as presented.

CARRIED 4-0

b) Planning Board Meeting P08-15

C08-25-05 Moved by Councillor Andrew, Seconded by Councillor Riemer that the minutes of Planning Board Meeting P08-15 of October 6, 2008 are accepted as presented.

CARRIED 4-0

c) Recreation Board Meeting R08-09

C08-25-06 Moved by Councillor Kormendy, Seconded by Councillor Andrew that the minutes of Recreation Board Meeting R08-09 of September 8, 2008 are accepted as presented.

CARRIED 4-0

BUSINESS ARISING FORM MINUTES

NONE

ACCOUNTS PAYABLE

Final Cheque registers for AP Batches #456, #457 and #458

The following items were questioned:

Team Skyline Sports

Waterfront Building Gym and general Rec. equipment

Yukon Travel

Public Works travel for training

Yukon T.V. Inspection

Annual inspection and additional inspection work.

C08-25-07 Moved by Councillor Andrew, Seconded by Councillor Kormendy that the Accounts Payable Final Cheque Registers dated

➤ October 29, 2008 in the amount of **\$3,042.80** covering AP Batch #456

➤ October 30, 2008 in the amount of **\$185,672.68** covering AP Batch # 457 and

➤ October 31, 2008 in the amount of **\$2,900.68** covering AP Batch #458
Totalling **\$191,616.16** is approved for payment
CARRIED 4-0

REPORTS

a) Bylaw Report

Council requested clarification on Zoning Bylaw section 10. A/CAO noted that this is what was brought up last meeting. Upon request A/CAO also provided information on the methods used by the bylaw officer to capture dogs. Council requested follow-up on the letters sent to Dredge Pond Residents for compliance by July 30, 2008.

C08-25-08 Moved by Councillor Riemer Seconded by Councillor Andrew that Council acknowledge as received Bylaw Constable's Report dated October 29, 2008 for informational purposes.

CARRIED 4-0

b) Superintendent of Public Works Report

Mayor Steins noted the extension of the RFQ to November 13, 2008. Discussion ensued regarding the make up of the review committee and whether or not Council should have a seat on the committee. It was further noted that all parties have agreed to the extension of the project completion to December 31, 2011. It was noted that PWS has a seat on the committee. A/CAO advised that the work on the Front Street wells will not take place until April due to unforeseen circumstances. Councillor Riemer wished to note that the steps at the curling rink need attention.

C08-25-09 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Council acknowledge as received Superintendent of Public Works Report dated October 28, 2008 for informational purposes.

CARRIED 4-0

BYLAWS

a) Bylaw 08-18 being the Management Bylaw Amendment No. 3 Bylaw – **Third Reading**

C08-25-10 Moved by Councillor Kormendy, Seconded by Councillor Andrew that that Bylaw 08-18, being the Management Bylaw Amendment No. 3 Bylaw be given **Third & Final Reading**

CARRIED 4-0

b) Bylaw 08-19 being the KVA Diamond Tooth Gertie's Lease Bylaw – **Second Reading**

C08-25-11 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Bylaw 08-19, being the Klondike Visitors' Association Lease Bylaw be given **Second Reading**.

CARRIED 4-0

c) Bylaw 08-21 being the Many Rivers Counselling and Support Services Lease Bylaw **Second Reading**

C08-25-12 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Bylaw 08-21 being the Many Rivers Counselling and Support Services Bylaw be given **Second Reading.**

CARRIED 4-0

d) Bylaw 08-20 being the Literary Society of the Klondike Lease Bylaw – **Second Reading**

C08-25-13 Moved by Councillor Kormendy, Seconded by Councillor Riemer that Bylaw 08-20 being the Literary Society of the Klondike Lease Bylaw be given **Second Reading.**

CARRIED 4-0

e) Bylaw 08-20 being the Literary Society of the Klondike Lease Bylaw – **Third Reading**
There was a brief discussion on the fact that the Literary Society is in arrears in their rent.

C08-25-14 Moved by Councillor Kormendy, Seconded by Councillor Andrew that Bylaw 08-20 being the Literary Society of the Klondike Lease Bylaw be given **Third and Final Reading.**

CARRIED 3-1

f) Bylaw 08-21 being the Many Rivers Counselling and Support Services Lease Bylaw **Third Reading**

C08-25-15 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Bylaw 08-21 being the Many Rivers Counselling and Support Services Lease Bylaw be given **Third & Final Reading.**

CARRIED 4-0

UNFINISHED BUSINESS

a) Commercial Compost Proposal

C08-25-16 Moved by Councillor Riemer, Seconded by Councillor Andrew that Council acknowledges receipt of Memo dated October 28, 2008 from PWS re: Continuation of Commercial Compost Pickup for Winter 2008/09. Council hereby directs the Commercial Compost Pickup continue until April 30, 2009. Furthermore Council will reach a decision regarding the future of this program prior to tendering the Solid Waste Collection Contract in January 2009.

CARRIED 4-0

b) HMP Implementation

Council expressed concern that partner funding is not confirmed and wishes it to be in place before continuing with the project. A/CAO advised letters have been sent to prospective partners but no responses have been received. Mayor Steins expressed concern at delaying the project too long. Council expressed a desire to initiate meetings with new Chief and Council.

C08-25-17 Moved by Councillor Riemer Andrew, Seconded by Councillor Kormendy that Council acknowledges receipt of memo dated October 29, 2008 from CDO. Council further directs administration to seek partner funding for this project.

CARRIED 4-0

c) Town Winter Garbage Cans
Council inquired why this was before them and were advised that it was a result of the previous Council meeting and at the request of Councillor Doiron

C08-25-18 Moved by Councillor Kormendy, Seconded by Councillor Andrew that Council acknowledge receipt of memo dated October 31, 2008 from PWS re: Town Winter Garbage Cans. Council approves the placement of 5-6 Garbage barrels be placed in downtown locations for the winter months. City Public Works employees will collect the waste and monitor usage and community response.

CARRIED 4-0

d) Legal opinion re: former Mayor

C08-25-19 Moved by Councillor Andrew, Seconded by Councillor Riemer that Council direct administration to contact City lawyer to provide briefing of City's legal position in perusing legal action for outstanding loans from former mayor

CARRIED 4-0

NEW BUSINESS

a) Restorative Justice Week Proclamation

C08-25-20 Moved by Councillor Kormendy, Seconded by Councillor Riemer that Council acknowledges receipt of memo dated October 29, 2008 re Restorative Justice and hereby request Mayor Steins to declare the week of November 16-23, 2008 Restorative Justice Week in the City of Dawson.

CARRIED 4-0

b) Literary Society of the Klondike

C08-25-21 Moved by Councillor Kormendy, Seconded by Councillor Riemer that Council move to Committee of the Whole for the purpose of discussion re: Klondike Literary Society Lease.

CARRIED 4-0

Council invited Mr. Davidson to address the rent owing from the Literary Society of the Klondike. Mr. Davidson provided the history noting that in the past the City and the newspaper had operated on "advertising for rent" and noted the greatest difficulty arose when the City went into trusteeship. Mr. Davidson noted the amount of advertising from the City dropped, but is increasing again and further noted that the Society is struggling financially. He requested that the City issue a monthly account statement to the Society in order that they can track the advertising payments being applied to back rent.

C08-25-22 Moved by Councillor Riemer, Seconded by Councillor Kormendy the Committee of the Whole reverts to Council and proceed with the agenda.

CARRIED 4-0

C08-25-23 Moved by Councillor Kormendy Seconded by Councillor Andrew that Council acknowledges receipt of memo from SFO re Literary Society of the Klondike (Klondike Sun). Council directs administration to advise the Literary Society of the Klondike by letter that any future fees owed to the Society from the City for advertising in the Klondike Sun will be applied to outstanding rent arrears and to keep future payments on time as per section 3 of the lease agreement.

CARRIED 4-0

c) Health Centre

Council engaged in a brief discussion on who should research other locations for the health centre.

C08-25-24 Moved by Councillor Andrew, Seconded by Councillor Kormendy that Council acknowledge receipt of memo dated October 29, 2008 re: request to relinquish lease to accommodate new health centre and letter dated October 8, 2008 from DM Health and Social Services. Council directs Mayor to respond to Health and Social Services DM Whitely, QC, requesting further information on how concerns noted in memo can be addressed and to provide clarification of land area required.

CARRIED 4-0

d) Mitander Property Transfer

There was a brief discussion of the process. Council was advised that the City's lawyer has reviewed the issue and there are no legal concerns. The notation to "uphold the heritage integrity" can be included as a *caveat* in the sale agreement

C08-25-25 Moved by Councillor Andrew, Seconded by Councillor Kormendy that Council move to Committee of the Whole for the purpose of discussion re: Pennell/Mitander property.

CARRIED 4-0

Council queried the make-up of the property, as it appears to be 4 lots. Ms. Pennell presented a map showing the property and clarified that this property is made up of 4 portion lots and is not large enough to subdivide.

C08-25-26 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Committee of the Whole reverts to Council and proceed with the agenda.

CARRIED 4-0

C08-25-27 Moved by Councillor Riemer, Seconded by Councillor Andrew that Council acknowledge receipt memo dated October 29, 2008 from SFO re: Mitander Property Roll # 84010107 and, noting the "agreement of sale" between Ms. Pennell and Mr. Mitander is dated September 2, 2008 and the City legally took ownership September 4, 2008, direct administration to proceed with the legal process of the "sale of property" to Ms. Pennell, ensuring the heritage integrity of the house is upheld, place a time frame on the development of the property, and transfer title in a timely manner.

CARRIED 4-0

e) Christmas Office Operation

Upon request A/CAO confirmed that there were no complaints last year and that no payments are due either Dec 31 or Jan 1.

C08-25-28 Moved by Councillor Kormendy, Seconded by Councillor Riemer that Council acknowledge receipt of memo dated November 4, 2008 from A/CAO re: Christmas break. As per Bylaw 07-16, section 7.06 Council hereby approves the following closure during the 2008 holiday season: Option C as per memo.

CARRIED 3-1

f) Janitorial Contract

Upon request A/CAO confirmed that the current contractor has expressed an interest in renewing for a further year and that there is no request for more money.

C08-25-29 Moved by Councillor Andrew, Seconded by Councillor Kormendy that Council acknowledge receipt of memo dated October 29, 2008 from Exec. Assistant re: Janitorial Contract-Admin Building. Council direct the current contract with Sylvia Burkhard be renewed for 1 year, expiring December 31, 2009.

CARRIED 4-0

g) Paul Derhak re Utility Payment

Immediate comment was made that the bylaw is maybe outdated from when the City collected an annual water and sewer payment.

C08-25-30 Moved by Councillor Kormendy, Seconded by Councillor Riemer that Council move to Committee of the Whole for the purpose of discussion re: Paul Derhak utility payment

CARRIED 4-0

Mr. Derhak stated that under his interpretation of the bylaw, it is clear that he should not be paying for the service after he had the service shut off. He provided further review of his purchasing and the difficulties he experienced.

C08-25-31 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Committee of the Whole reverts to Council and proceed with the agenda.

CARRIED 4-0

C08-25-32 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Council acknowledge receipt of memo dated October 30, 2008 from Exec. Assistant re: Water and Sewer service billing-Paul Derhak. Council does not approve, for the time being, waiving the balance of 2008 water and sewer fees for the property roll # 82041104 located at 1291 Second Ave pending a legal review.

CARRIED 4-0

h) School bus parking within residential zoning

C08-25-30 Moved by Councillor Andrew, Seconded by Councillor Riemer that Council move to Committee of the Whole for the purpose of hearing issues re: school bus parking in residential area

CARRIED 4-0

Council noted that bylaws are in place for a reason. Mr. Hawkins noted that he is hoping Council will consider amending the bylaw to reflect the School Bus only. He further noted that the basis of the complaint is the noise and air pollution. Council agreed that a regular diesel pick up truck has the same noise and air pollution. A/CAO advised Council that the issue goes back to May, just before the end of the school year and at that time

he had been in contact with the driver and the bus company advising them of the issue and allowing the bus to park at the residence until the end of the school year, but the issue would have to be dealt with by the beginning of the next school year. Council discussed several options that the bus contractor could pursue. Clarification was provided re: commercial vehicle vs. school bus... residential parking is based on GVW, not commercial vehicle designation.

C08-25-34 Moved by Councillor Riemer, Seconded by Councillor Kormendy that Committee of the Whole reverts to Council and proceed with the agenda.

CARRIED 4-0

C08-25-35 Moved by Councillor Kormendy, Seconded by Councillor Riemer that Council acknowledge receipt of memo previously received, dated August 29, 2008 from past CAO re: School bus parking as well as relevant minutes of Meeting C08-20-resolution C08-20-21 and letter dated September 3, 2008 to Takhini Transport from City of Dawson. Council does not approve amending Bylaws 97-25 Zoning & Historical Control Bylaw or 00-21 Traffic Bylaw and that A/CAO follow up on utility pole solution to help mitigate parking problem.

CARRIED 4-0

i) Landfill Winter Hours

C08-25-36 Moved by Councillor Riemer, Seconded by Councillor Andrew that Council acknowledge receipt of memo dated October 28, 2008 from PWS re: Winter Landfill Hours. Council approves the reduction of Quigley Landfill hours as listed for the period of November 11, 2008 to April 13, 2009.

CARRIED 4-0

j) Recreation Board Appointments

C08-25-37 Moved by Councillor Kormendy, Seconded by Councillor Andrew that Council acknowledge receipt of memo dated October 30, 2008 re: Recreation Board Membership. Council hereby appoints the following community members, Peter Menzies, Janice Rose and Wayne Rachel to the Recreation Board for a 2-year terms expiring October 31, 2010.

CARRIED 4-0

k) Ski Hill

Councillor Riemer advised that he has contacted the Ski Association requesting to meet to discuss their long term planning and their back taxes. Notation was made that the Rec Board should be included.

C08-25-38 Moved by Councillor Kormendy, Seconded by Councillor Andrew that Councillor Riemer will attend meeting Ski Hill Association regarding their plan and back taxes and will report back to Council. A member of Rec Board will also be invited.

CARRIED 4-0

CORRESPONDENCE

a) Letter of appreciation dated October 16, 2008 from AYC

C08-25-39 Moved by Councillor Andrew Seconded by Councillor Riemer that Council acknowledge receipt of letter of appreciation dated October 16, 2008 from AYC president Bev Buckway re: Mr. Paul Moore's support of CTTS.

CARRIED 4-0

INFORMATION

NONE

QUESTION PERIOD

C08-25-40 Moved by Councillor Andrew, Seconded by Councillor Riemer that Council move to Committee of the Whole for the purpose of Question Period.

CARRIED 4-0

Ms. Pennell Thanked Council for their decision and inquired why the stipulation of maintaining the historic integrity. Council noted that caveats are added as normal practice. Ms. Pennell inquired further regarding how long the paperwork related to the sale will take. Council advised to Ms. Pennell to contact SFO.

Dan Davidson inquired regarding the SST hearing. Mayor Steins noted that it was an exchange between Queen's Counsel and our Counsel. The joint application to extend completion to 2011 has been accepted. Communication is still an issue and Judge Lilles is looking for parallel development of planning for lagoon and mechanical plant.

C08-25-41 Moved by Councillor Rick, Seconded by Councillor Andrew that Committee of the Whole revert to Council and proceed with the agenda.

CARRIED 4-0

ADJOURNMENT

C08-25-42 Moved by Councillor Andrew, Seconded by Councillor Riemer that Council Meeting C08-25 be adjourned at 9:36 PM with the next scheduled meeting Tuesday November 18, 2008 at 7PM in Council Chambers.

CARRIED 4-0

THE MINUTES OF COUNCIL MEETING #C08-25 WERE APPROVED BY COUNCIL RESOLUTION #C08-26-04 AT COUNCIL MEETING #C08-26 ON November 18, 2008

Originals signed by

John Steins
MAYOR

Jim Regimbal
A/CAO