

**MINUTES OF COUNCIL MEETING #C11-09** of the Council of the City of Dawson called for 7:00p.m. on Wednesday, April 13, 2011 in the Town of the City of Dawson Council Chambers.

---

**PRESENT:** Mayor Peter Jenkins  
Councillor Stephen Johnson  
Councillor Wayne Potoroka  
Councillor Rick Riemer  
Councillor Bill Kendrick (arrived at 7:08PM)

**ALSO PRESENT:** CAO Jeff Renaud  
Secretary Chelsea Parent

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

**AGENDA**

It was noted to remove the following items from, New Business:

- (d) Water and Sewer Bylaw – in-law suite options
- (e) Water and Sewer Bylaw – non-residential kitchens
- (f) YG Rural Domestic Water Well Program

**C11-09-01** Moved by Councillor Johnson, Seconded by Councillor Potoroka that the agenda for Council Meeting #C11-09 be adopted as amended.

**CARRIED 4-0**

**DELEGATIONS**

**C11-09-02** Moved by Councillor Johnson, Seconded by Councillor Potoroka that Council move into Committee of the Whole for the purpose of hearing delegations.

**CARRIED 4-0**

**Mr. Jim Taggart** was present to address his letter regarding the Slinky Mine development permit, and the response letter received from Yukon Government (YG) Community Services. Mr. Taggart noted he believes there is some uncertainty within Council whether a development permit is required for any mining activity in municipal boundaries, and requested clarification on the matter. Mr. Taggart noted he believes the conditions put on Slinky Mine's development permit were restricted to protect municipal infrastructure and did not address residents' safety. Mr. Taggart queried whether Council would consider adding more stringent conditions on said development permit. Mr. Taggart requested that Council prepare a guide that would outline the basic standards that would normally be included on a mining development permit. It was noted such a guideline would benefit residents to which they would have something to refer to should any future mining development permits come to pass. Mr. Taggart noted the current process for free-entry staking does not require any consultation with any levels of government or residents. Mr. Taggart suggested within the development permit process, the City could request a development permit be issued prior to any staking taking place in the municipality. It was noted this process would provide sufficient notice to the municipality and residents alike. Mr. Taggart added this process would also allow Council to enter into discussions with the proponent, specifically as to what would be expected from them should mining occur.

Councillor Kendrick arrived in Council Chambers at 7:08PM.

Mr. Taggart noted the City of Whitehorse is actively looking into removing vulnerable areas from mineral staking, and requested that Council follow suit. Mr. Taggart added that the issue of mining within municipalities has been brought to the attention of the Association of Yukon Communities (AYC), and has requested an update on such discussions. Mr. Taggart also requested an update on the Slinky Mine lawsuit. Mr. Taggart noted he believes it is nonsensical to issue Mr. Darrell Carey a development permit while Council is actively pursuing legal action against him. Mr. Taggart requested that Council rescind the development permit until the matter is legally resolved. Mr. Taggart also requested that Council reconsider pursuing the legal argument of intensification of use.

It was noted Mr. Taggart's letter will be forwarded to the AYC and a response will be provided as soon as possible.

**Ms. Glenda Bolt** was present to discuss her letter to Council, and stated that she simply cannot accept the issuance of a development permit to Slinky Mine. Ms. Bolt noted she would like Council to appeal the development permit completely, reconsider the points Mr. Taggart and she herself have brought forward, and review the current information coming out of the City of Whitehorse. Ms. Bolt stated that many people are watching how the City of Dawson handles this issue as the same problems are coming their way. Ms. Bolt stated should the City refuse to reconsider these points, then she is requesting to appeal the conditions set out in Slinky Mine's development permit. It was noted the conditions only address the municipality's infrastructure concerns, but does not address the neighbourhood, the people who use that area for recreation, nor the impact it would have on visitors. Ms. Bolt added she believes her request to limit the hours of operation should be considered to reflect the community's needs. Ms. Bolt stated it is not her duty to monitor Slinky Mine, but added that a mine monitor be retained by Mr. Darrell Carey to oversee his compliance with the conditions set out in his development permit. Ms. Bolt agreed with Mr. Taggart that she believes issuing Mr. Carey a development permit is nonsensical while there is a pending lawsuit. Ms. Bolt added that the City should be working with its allies. Ms. Bolt requested how Council is planning to monitor this situation.

It was noted the Water License and the City's Development Permit allows for eighty-four (84) hours of work a week. It was also noted the restrictions Ms. Bolt is requesting, constitute as an intensification of use.

Councillor Kendrick left Council Chambers at 7:25PM, and immediately returned.

Ms. Bolt stated that Slinky Mine's hours of operation interrupts her enjoyment of her property.

CAO left Council Chambers at 7:26PM.

Council pointed out that the development permit states 200 meters from a residence compared to the Water License being 100 meters from a residence.

CAO returned to Council Chambers at 7:27PM.

Ms. Bolt suggested that in a country residential area, the distance should be measured from the property line, not the distance from a house.

Council noted that protecting infrastructure does protect residents, such as the case with the Dome right-a-way. It was also noted that if the City should rescind the development permit, the court may see that as unfair.

Council provided an update on the legal proceedings against Slinky Mine. It was noted that the City is suing Mr. Carey to remedy the damages to the Dome right-a-way.

It was noted the City requires the conditional permit in order to monitor the mining activities.

Ms. Bolt noted she believes that YG and the City did not do their due diligence when the Dome properties were put into place as a new residential area.

**Ms. Gail Hendley** was present to find out the status on her subdivision request.

It was noted a land surveyor will be arriving in Dawson June 2011. It was also noted the land surveyor is aware of the conditions in which the septic field cannot encroach beyond the property line, as well as any setback requirements.

Ms. Hendley stated she invited Council to view the property themselves as the septic field is visibly 150 feet from the proposed lot line.

It was noted the City has a responsibility and legal requirements to ensure such encroachments do not occur.

Ms. Hendley stated that, like her driveway, she is wrapped up in yet another waiting game.

Council stated YG Highways and Public Works have specific guidelines to follow in order to allow driveway access to the highway.

It was noted the Hendley subdivision is on the agenda, at which time it will be discussed in greater detail.

**C11-09-03** Moved by Councillor Riemer, Seconded by Councillor Kendrick that the Committee of the Whole revert to Council and proceed with the Agenda.  
**CARRIED 5-0**

## **BUSINESS ARISING FROM DELEGATIONS**

NONE

## **ADOPTION OF MINUTES**

### Council Meeting C11-07

It was noted that Councillor Riemer was serving the term of Deputy Mayor, but due to his absence, Councillor Johnson chaired the meeting.

Amendment: Deputy Mayor Johnson to be amended to Councillor Johnson.

It was also noted there is an error with resolution #C11-07-06, being that Councillor Johnson did not move said motion as he chaired the meeting. It was noted that Mayor Jenkins moved the motion and requested that it be amended accordingly.

Amendment: Resolution #C11-07-06, that Mayor Jenkins moved the motion.

- C11-09-04** Moved by Councillor Johnson, Seconded by Councillor Potoroka that the Minutes of Council Meeting C11-07 of March 23, 2011, are approved as amended.  
**CARRIED 5-0**

Special Council Meeting C11-08

- C11-09-05** Moved by Councillor Potoroka, Seconded by Councillor Kendrick that the Minutes of Special Council Meeting C11-08 of March 30, 2011, are approved as presented.  
**CARRIED 5-0**

HAC Meeting HA#10-27, HA11-01, HA11-05 and HA11-06

- C11-09-06** Moved by Councillor Potoroka, Seconded by Councillor Riemer that the Minutes of HAC Meeting:
- HA10-27 of December 20, 2010; and
  - HA11-01 of January 10, 2011;
  - HA11-05 of March 7, 2011;
  - HA11-06 of March 21, 2011, are received as information.
- CARRIED 5-0**

Recreation Board Meeting R11-03 and R11-04

- C11-09-07** Moved by Councillor Johnson, Seconded by Councillor Riemer that the Minutes of Recreation Board Meeting R11-03 of February 21, 2011, and R11-04 of March 7, 2011 are received as information.  
**CARRIED 5-0**

**BUSINESS ARISING FROM MINUTES**

Council Meeting C11-07

Council requested clarification whether there were penalty fees allocated in the invoice received from Yukon Worker's Compensation. CAO stated there were no penalty fees, and noted the SFO provided Council with a spreadsheet outlining the charges from said invoice.

Council requested an update in regards to the noise from the skate park ramps. CAO noted the best solution would be to utilize the spray foam insulation, being the same product that will be utilized at the arena. It was noted the foam is light weight and may reduce the noise coming from the hollow ramps.

Council requested an update in regards to seeking out a not-for-profit organization to come to Dawson to neuter/spay animals. CAO noted Administration did contact an organization, but stated they are currently still in the negotiation stages. CAO added he will follow up on the matter again sometime soon.

Recreation Board Meeting R11-04

Council requested clarification whether the City of Dawson has received the geotechnical reports regarding the location for the proposed new Recreation Center. CAO stated that the reports have been received.

## ACCOUNTS PAYABLE

### Final Cheque register dated April 7, 2011

The following cheques were questioned:

42400	AECOM Canada Ltd.	Year-end testing for Water License
42403	Alexander Holburn...,LLP	legal fees
42410	Cirque Consulting	waterfront interpretive signs to be created and installed
42436	North of 60 Petro	Council requested a breakdown of cost – SFO to provide
42440	Northwest Wireless	Council requested a breakdown of cost – SFO to provide
42423	Ed Repair	City did not receive invoices as vendor was out of town
42457	Williams Construction	waterfront project – CAO to provide info on both contracts
42459	Yukon Energy Corp	poles rented – YG funded

Council noted that in past years, the General Store paid for off-street parking, located near the old Bank of Commerce building, and requested that Administration look into whether it is still occurring.

**C11-09-08** Moved by Councillor Johnson, Seconded by Councillor Riemer that the Accounts Payable Final Cheque Register dated April 7, 2011, in the amount of **\$285,151.47** is approved for payment.

**CARRIED 5-0**

## FINANCIAL

NONE

## REPORTS

### a) CAO Report

Council thanked the CAO and SFO for all their hard work on 2011 Budget.

CAO added he was contacted by the Canadian Association for Municipal Administrators (CAMA), and they requested that he partake in a panel detailing what the successful CAO will require as attributes in the next five (5) to ten (10) years. CAO noted that the City of Dawson will be highlighted at the next CAMA Convention being May 30, 2011, to June 1, 2011.

Council requested confirmation that the SFO will be taking some much earned vacation pursuant to her hard work on the budget, and the financial changeover to the Diamond Software.

Council noted that several years ago, Gammie Trucking Ltd. sponsored a project at the Crocus Bluff baseball diamond, and requested that Administration investigate whether the signs have in fact been advertised accordingly.

**C11-09-09** Moved by Councillor Kendrick, Seconded by Councillor Potoroka that Council acknowledges receipt of CAO Report dated April 11, 2011 provided for informational purposes.

**CARRIED 5-0**

b) CDO Report

It was noted there is a typographical error in the report, being the OCO procedures. It was noted that it should read, OCP procedures.

- C11-09-10** Moved by Councillor Potoroka, Seconded by Councillor Johnson that Council acknowledge receipt of the CDO Report for April 2011, provided for informational purposes.

**CARRIED 5-0**

c) Fire Chief Report

Council requested clarification on the Annual Flood Preparation Meeting. CAO noted the meeting occurred earlier in the day and stated that it was a customary meeting which allowed key agencies to meet face-to-face and understand everyone's role.

- C11-09-11** Moved by Councillor Kendrick, Seconded by Councillor Riemer that Council acknowledge receipt of the Fire Chief Report for April 2011, provided for informational purposes.

**CARRIED 5-0**

d) Recreation Manager Report

It was noted the Community Garden movie and Seed Saturday events occurred in early April.

It was noted the Pool has a tentative opening date of May 1, 2011.

Council discussed the arena closure and the minimal attendance record for the month of March. CAO noted that the interest begins to taper off in March as the days are getting longer and residents are more inclined to be out doing other things.

It was suggested that Administration look into purchasing electronic locks for the weight room.

- C11-09-12** Moved by Councillor Johnson, Seconded by Councillor Kendrick that Council acknowledge receipt of the Recreation Manager Report for April 2011, provided for informational purposes.

**CARRIED 5-0**

Councillor Riemer left Council Chambers at 8:07PM.

e) Bylaw Report

Council requested an update on the House Numbering Project. CAO noted the project requires further analysis in order to balance the current bylaw with the proposed changes.

**C11-09-13** Moved by Councillor Kendrick, Seconded by Councillor Johnson that acknowledge receipt of the Bylaw Officer Report for April 2011, provided for informational purposes.

**CARRIED 5-0**

## **BYLAWS**

a) #11-03 Water and Sewer Services Bylaw

It was noted the Water and Sewer Services bylaw was thoroughly discussed during several Bylaw and Policy Committee meetings.

**C11-09-14** Moved by Councillor Johnson, Seconded by Councillor Riemer that Bylaw #11-03 being the Water and Sewer Services Bylaw be given **Third and Final Reading**.

**CARRIED 4-1**

b) #11-05 Procedural Bylaw

Council discussed the proposed Procedural Bylaw, specifically the elimination of Question Period, the addition of presentations, delegation deadlines, and limiting members of Council to speak on a matter. It was noted that Question Period allows the public the opportunity to ask specific questions pertaining to discussions and/or decisions that may have occurred during a meeting.

**C11-09-15** Moved by Councillor Johnson, Seconded by Councillor Riemer that Bylaw #11-05 being the Procedural Bylaw be given **Second Reading**.

**DEFEATED 3-2**

c) #11-07 2011 Taxation Bylaw

**C11-09-16** Moved by Councillor Potoroka, Seconded by Councillor Kendrick that Bylaw #11-07 being the 2011 Taxation Bylaw be given **Second Reading**.

**CARRIED 5-0**

**C11-09-17** Moved by Councillor Potoroka, Seconded by Councillor Johnson that Bylaw #11-07 being the 2011 Taxation Bylaw be given **Third and Final Reading**.

**CARRIED 5-0**

d) #11-08 2011 Annual Operating Budget and 3-Year Capital Expenditure Program

**C11-09-18** Moved by Councillor Johnson, Seconded by Councillor Potoroka that Bylaw #11-08 being the 2011 Annual Operating Budget and 3-Year Capital Expenditure Program be given **Second Reading**.

**CARRIED 5-0**

**C11-09-19** Moved by Councillor Riemer, Seconded by Councillor Johnson that Bylaw #11-08 being the 2011 Annual Operating Budget and 3-Year Capital Expenditure Program be given **Third and Final Reading**.

**CARRIED 5-0**

e) #11-09 Water Delivery Bylaw

Councillor Potoroka, Councillor Riemer, and Councillor Kendrick declared a conflict of interest and left Council Chambers at 8:24PM.

CAO stated that YG has advised that as there was quorum prior to the declaration of interest, those remaining members do constitute a quorum as long as there are two (2) remaining members.

**C11-09-20** Moved by Councillor Johnson, Seconded by Mayor Jenkins that Bylaw #11-09 being the Water Delivery Bylaw be given **First Reading**.  
**CARRIED 2-0**

**C11-09-21** Moved by Councillor Johnson, Seconded by Mayor Jenkins that Bylaw #11-09 being the Water Delivery Bylaw be given **Second Reading**.  
**CARRIED 2-0**

Councillor Potoroka and Councillor Riemer returned to Council Chambers at 8:30PM.  
Councillor Kendrick returned to Council Chambers at 8:31PM.

f) #11-10 Emergency Measures Bylaw

Council briefly discussed the Civil Emergency Measures Plan and requested clarification on how often it is to be reviewed, exercised, and budgeted. CAO stated he will look into said requests.

**C11-09-22** Moved by Councillor Potoroka, Seconded by Councillor Johnson that Bylaw #11-10 being the Emergency Measures Bylaw be given **First Reading**.  
**CARRIED 5-0**

g) #11-11 2011 Bad Debt Write-Off Bylaw

Council queried whether some of the bad debt could still be collected. It was noted that Administration will provide further information prior to third reading.

Mayor Jenkins declared a conflict of interest and abstained from voting.

**C11-09-23** Moved by Councillor Potoroka, Seconded by Councillor Riemer that Bylaw #11-11 being the Bad Debt Wrote-Off Bylaw be given **First Reading**.  
**CARRIED 5-0**

## **UNFINISHED BUSINESS**

### Hendley Subdivision Application

It was noted the City has a legal responsibility to have a land surveyor view the lot.

It was also noted the surveyor is to determine whether the septic field encroaches on the property line.

- C11-09-24** Moved by Councillor Kendrick, Seconded by Councillor Potoroka that Council acknowledge receipt of memo dated April 8, 2011, from the CDO re Hendley Subdivision and accepts the recommendation of the CDO to waive the requirement for a certificate of non-encroachment.

**DEFEATED 3-2**

## **NEW BUSINESS**

a) Deputy Mayor Appointment

- C11-09-25** Moved by Councillor Johnson, Seconded by Councillor Potoroka that Council hereby makes the following appointment with respect to the position of Deputy Mayor:

- Councillor Johnson for the term expiring June 30, 2011; and
- Councillor Potoroka for the term of July 1, 2011 to September 30, 2011;
- Councillor Kendrick for the term of October 1, 2011 to December 31, 2011.

**CARRIED 5-0**

b) Detached secondary suites

It was noted that the City's current bylaw allows for the construction of secondary suites, but precludes the construction of detached suites. It was also noted that Yukon Housing Corporation recently announced a program that offers low cost loans for home owners to either build a detached suite or fix one up. It was noted the City and home owners alike could benefit from this program.

Moved by Councillor Johnson, Seconded by Councillor Riemer that Council direct Administration to prepare an amendment to the Zoning and Heritage Management Bylaw for Council's consideration that allows for the construction of detached secondary suites.

**TABLED**

c) Temporary living accommodations

It was noted the current bylaw allows for one recreational vehicle, tent, trailer or camper to be maintained on a parcel of land for not more than 21 consecutive days.

It was suggested that Dawson is going to have a very busy summer, and the City should prepare for alternative accommodations such as granting a variance for temporary living accommodations.

- C11-09-26** Moved by Councillor Johnson, Seconded by Councillor Riemer that Council direct Administration to recommend options for a blanket variance for the summer of 2011 that would extend temporary living accommodation provisions in the Zoning and Heritage Management Bylaw from 21 days to 120 days.

**DEFEATED 3-2**

d) Klondike Development Organization (KDO) update

It was noted Councillor Kendrick will provide a KDO report to Council as soon as possible.

- C11-09-27** Moved by Councillor Potoroka, Seconded by Councillor Kendrick that Council requests a report from their KDO representative(s) on progress and upcoming initiatives.

**CARRIED 5-0**

**CORRESPONDENCE**

- C11-09-28** Moved by Councillor Johnson, Seconded by Councillor Kendrick that Council acknowledges receipt of the following for informational purposes:

- Letter dated March 17, 2011, from HAC re request to Council; and
- Letter dated March 22, 2011, from KVA re Thaw di Gras Spring Carnival;
- Email dated March 31, 2011, from Adeline Griffin re Water Delivery;
- Letter dated April 2, 2011, from Glenda Bolt re Slinky Mine;
- Letter dated April 7, 2011, from Jim Taggart re Slinky Mine & YG response letter;
- Letter dated April 8, 2011, from John Steins re Slinky Mine

**CARRIED 5-0**

**INFORMATION**

- C11-09-29** Moved by Councillor Riemer, Seconded by Councillor Potoroka that Council acknowledge receipt of the following information:

- Resolution Action Items for April 2011; and
- Public Meeting notes on Water and Sewer rates;
- Finance Committee notes of March 30, 2011;
- Bylaw and Policy Committee meeting notes of March 30, 2011, and April 8, 2011.

**CARRIED 5-0**

**QUESTION PERIOD**

- C11-09-30** Moved by Councillor Riemer, Seconded by Councillor Potoroka that Council move to Committee of the Whole for the purpose of Question Period.

**CARRIED 5-0**

**Ms. Diana Andrews** noted she appreciates hearing Council address and discuss the housing crisis in Dawson. Ms. Andrews requested whether Council has had any formal discussions with Yukon Housing regarding the future of the Korbo Apartments.

It was noted the Korbo Apartments have several safety issues. CAO added that Ms. Laura Prentice had recently met with Yukon Housing representatives to discuss said apartments. It was noted that an update will be available soon.

Councillor Riemer left Council Chambers at 9:10PM.

**Mr. Jim Taggart** stated that Question Period is an integral part of a Council meeting. Mr. Taggart added that it allows residents the opportunity to ask questions pertaining to any comments and or decisions made during a Council meeting. Mr. Taggart stated he supports keeping Question Period and requested that Council do the same.

Councillor Riemer returned to Council Chambers at 9:12PM.

Mr. Taggart requested if Council is aware that intensification of use relates specifically to what is proposed against what actually took place over a certain period of time.

It was noted that if the hours of operation decrease, the work would intensify in order to move the same amount of material.

Mr. Taggart requested when he and Ms. Glenda Bolt would receive a response from Council regarding some of the questions raised during Delegations.

It was noted Council will get together to discuss the questions and concerns, and a response will be provide in due course.

**Ms. Gail Hendley** requested, with reference to the Bylaw and Policy Committee notes, that RV Park owners be included in the discussions for their water and sewer rates prior to the bylaw receiving third and final reading.

Council stated the bylaw received third and final reading earlier this evening. It was noted often times, bylaws are given first and second reading then recommended to the Bylaw and Policy Review Committee for further discussion. Council stated that the notes Ms. Hendley is referring to are notes from the Bylaw and Policy Committee meetings.

**Ms. Colleen Smith** requested clarification, with reference to the expenditures in the 2011 Operating Budget, whether the cemetery includes maintenance costs such as grass cutting. Ms. Smith noted that such costs did not occur in previous years.

CAO stated that it was an item identified by Council of an area that they requested an improved service.

Ms. Smith stated that the Taxation Bylaw is confusing to read, and noted that it does not explain how the rates are to be applied nor does it include any definitions.

Council stated that YG manages the Assessments and noted that around December of each year, property owners will receive a notice disclosing the value of the land and whether there are improvements on said land. It was also noted within the municipality, there are several classifications to which a property is applied to.

CAO stated that it is common practice, that municipalities include an information pamphlet with the tax notices. CAO suggested that perhaps this is something Council would like to consider. Council was in agreement that an information pamphlet explaining the mill rate be included with the tax notices. CAO added that the Taxation Bylaw will be rewritten in time for the following tax year.

Ms. Smith requested clarification, in regards to the water and sewer bylaw, whether the load capacity charge is assessed annually.

Council stated that a load capacity charge is a one (1) time charge only.

**Ms. Diana Andrews** queried whether the mill rates and the minimum taxes on vacant land have remained unchanged from last year.

Council stated that is a correct statement. CAO added that should property owners notice a change in the amount due on their taxes, it is merely a reflection of the Assessment and not the taxation levels set by the municipality.

Council added that YG does not pay taxes or grant in lieu on vacant land.

It was noted that Council has started to consider options on strategies to encourage vacant land to be developed.

**Mr. Dan Davidson** stated he is glad to hear that Council has reconsidered keeping Question Period.

**C11-09-31** Moved by Councillor Johnson, Seconded by Councillor Kendrick that Committee of the Whole moves In-Camera pursuant to Section 231 (3)(b)(viii) of the Municipal Act for a period not to exceed thirty (30) minutes.

**Time In-Camera session commences 9:27PM**

**Time In-Camera session concludes 9:51PM**

**CARRIED 5-0**

**C11-09-32** Moved by Councillor Riemer, Seconded by Councillor Johnson that Committee of the Whole reverts to Council and proceeds with the Agenda.

**CARRIED 5-0**

## **ADJOURNMENT**

**C11-09-33** Moved by Councillor Potoroka, Seconded by Councillor Johnson that Council Meeting C11-09 be adjourned at 9:53 PM with the next regular scheduled meeting being Wednesday April 27<sup>th</sup>, 2011 at 7PM in the Council Chambers.

**CARRIED 5-0**

**THE MINUTES OF COUNCIL MEETING C11-07 WERE APPROVED BY COUNCIL RESOLUTION #C11-09-04; AND THE MINUTES OF SPECIAL COUNCIL MEETING C11-08 WERE APPROVED BY COUNCIL RESOLUTION #C11-09-05 AT COUNCIL MEETING C11-09 OF April 13, 2011.**

**Originals signed by**  
Peter Jenkins  
MAYOR

**Originals signed by**  
Jeff Renaud  
CAO