

THE CITY OF DAWSON



COMMITTEE OF THE WHOLE MEETING #CW18-19

DATE: TUESDAY, MAY 22, 2018

TIME: 7:00 PM

LOCATION: Council Chambers, City Office

1. CALL TO ORDER

2. ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA

- a) Robert Service School Council RE: Request for Letter of Support – *Time Sensitive Item*
- b) Committee of Whole Agenda CW18-19

3. PUBLIC HEARING

- a) Subdivision Application #18-036 RE: Lot 1075, Quad 116B/03

4. DELEGATIONS AND GUESTS

- a) Corporal Adam Gardiner, Dawson Detachment

5. ADOPTION OF THE MINUTES

- a) Committee of Whole Meeting Minutes CW18-17 of April 17, 2018
- b) Committee of Whole Meeting Minutes CW18-18 of May 8, 2018

6. BUSINESS ARISING FROM THE MINUTES

- a) Committee of Whole Meeting Minutes CW18-17 of April 17, 2018
- b) Committee of Whole Meeting Minutes CW18-18 of May 8, 2018

7. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS

- a) Request for Decision RE: Public Works Vehicle Purchase
- b) Request for Decision RE: Subdivision Application 18-026, Lots 1-4, Block M, Ladue Estate
- c) Request for Decision RE: Subdivision Application 18-023,
- d) Request for Decision RE: Operating Lease Agreement Amendment for the Dawson Golf Course and Clubhouse Operations
- e) Request for Decision RE: Klondike Development Organization Interim Funding
- f) Request for Decision RE: Dredge Tailings Municipal Historic Site
- g) Request for Direction RE: Development Permit #18-043, Left Side of Dome Road, Placer Mining within the Dome Road Realignment Area

8. BYLAWS AND POLICIES

- a) *Business Licence Bylaw #2017-11* RE: Proposed Amendments to Template Bylaw
- b) Request for Decision RE: *Tiered Recreation Rate Policy*

9. CORRESPONDENCE

- a) Robert Service School Council RE: Request for Letter of Support – *If accepted*

10. PUBLIC QUESTIONS

11. INCAMERA SESSION

- a) Land and Legal Related Matters

12. ADJOURNMENT



THE CITY OF DAWSON

P.O BOX 308, DAWSON CITY, YUKON Y0B 1G0
PH: (867) 993-7400, FAX: (867) 993-7434

NOTICE OF PUBLIC HEARING: SUBDIVISION APPLICATION

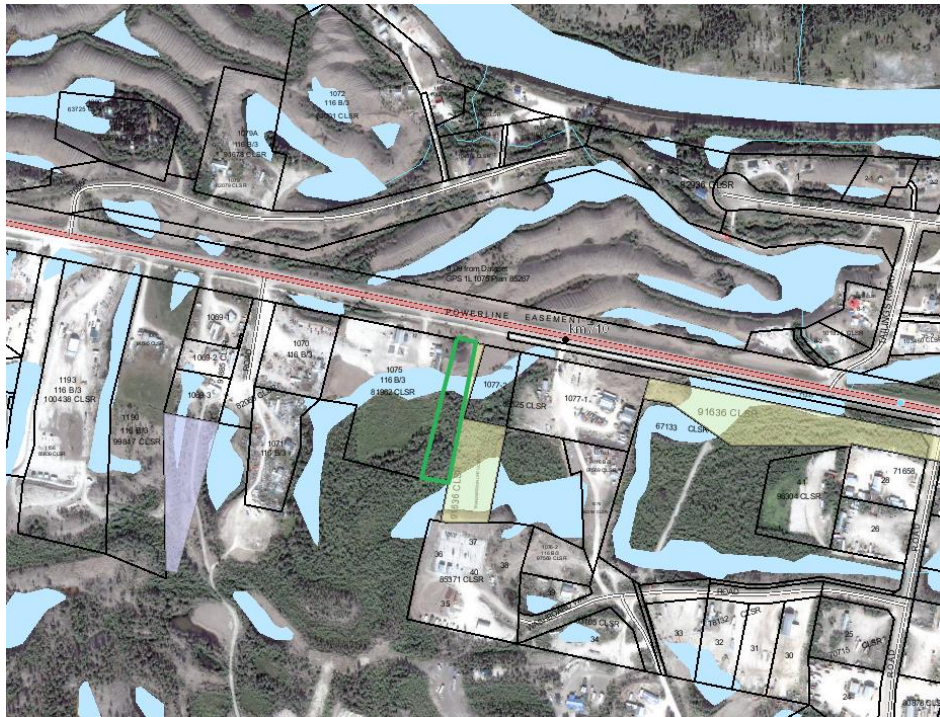
Subdivision Application: #18-036

Subject Property: Lot 1075, Quad 116B/03

Date: May 22, 2018

Time: 7:00pm

Location: Council Chambers, Town Hall



As per the *Municipal Act*, S. 319.4, upon receiving an application for subdivision, council must give public notice of the application.

Therefore, the City of Dawson is now requesting input from the public regarding the enlargement of Lot 1075, Quad 116B/3.

For more information, to view the application details, or to provide your input confidentially prior to the public meeting, please contact the Community Development Officer using the following contact information:

Clarissa Huffman

Community Development Officer

Box 308, Dawson City YT Y0B1G0

cdo@cityofdawson.ca

867-993-7400 ext. 414

DAWSON CITY — HEART OF THE KLONDIKE

MINUTES OF COMMITTEE OF WHOLE MEETING CW18-17 of the council of the City of Dawson called for 7:00 PM on Tuesday, April 17, 2018 in the City of Dawson Council Chambers.

PRESENT:

Mayor	Wayne Potoroka
Councillor	Jay Farr
Councillor	Stephen Johnson
Councillor	Bill Kendrick
Councillor	Kyla MacArthur

ALSO PRESENT:

CAO	Cory Bellmore
EA	Heather Favron
A/PW Superintendent	Mark Dauphinee
CFO	Obrian Kydd
CDO	Clarissa Huffman

Agenda Item: Call to Order

The Chair, Wayne Potoroka called the meeting to order at 7:00 PM.

In celebration of National Poetry month, both Councillor Johnson and Dan Davidson provided poetry readings.

Agenda Item: Agenda

CW18-17-01 Moved by Mayor Potoroka, seconded by Councillor Kendrick that the agenda for committee of the whole meeting #CW18-17 be accepted as presented.
Carried 5-0

Agenda Item: Public Hearings

a) Moose Hide Slide Municipal Historic Site Designation

The Chair called for submissions.

Ronald Johnson

Mr. Ronald Johnson was in attendance to share his stories of Moosehide Slide. He explained for a long time many people have asked him, "where were you born?", and his answer to them has been, "under Moosehide Slide; many Dawsonites were born there." Moosehide Slide is a landmark and one of the first things you see when you come into town on the river or on the road. He informed council that he supports the designation.

Chief Roberta Joseph

Chief Joseph was present on behalf of Tr'ondëk Hwëch'in to provide strong support for the designation of Moosehide Slide as a heritage site. Moosehide Slide has strong value and is very meaningful to Tr'ondëk Hwëch'in people. When their ancestors walked the land Moosehide slide was a really important landmark. For generations it has been a very important landmark for visitors to Tr'ondëk Hwëch'in's Traditional Territory. Tr'ondëk Hwëch'in would like to ensure that the slide remains intact and natural for generations to come. They would like future generations to have the opportunity to also walk the path of their ancestors, smell the fresh air, see the trees and plants that they saw and what we see today. While walking the path of their ancestors, they will be able to tell stories and bond out on the land, which is how culture and traditions are passed on.

The Chair called a second time for submissions.

Glenda Bolt

Ms. Glenda Bolt voiced her support for the designation of Moosehide Slide as a heritage site. During her 31 years in Dawson she has had the opportunity to speak to many visitors, both through her work as an interpreter of Parks Canada and her time working at the Dänojà Zho Cultural Centre. The first question visitors often ask is, “tell me about the slide?” The slide has so many stories – it is a place marker, something to return to, its geological story is interesting, its connection to our goldrush history. She explained for her personally, the more important stories are the deep, old stories. By protecting and celebrating Moosehide, we protect and celebrate those important stories and that culture. Ms. Glenda Bolt also shared a personal anecdote about having camped under the slide during her first month in Dawson thus developing a personal respect and feeling for the slide, its movement and how it holds the land. She hopes it will be designated.

The Chair called a third and final time for submissions.
The Chair declared public hearing closed at 7:15 PM.

b) Subdivision Application RE: Lot 29 Dredge Pond Subdivision

The Chair called for submissions.
The Chair called a second time for submissions.
The Chair called a third and final time for submissions.
The Chair declared the public hearing closed at 7:17 PM

Agenda Item: Adoption of Minutes

a) Special Committee of Whole Meeting Minutes CW18-13 of March 19, 2018

CW18-17-02 Moved by Mayor Potoroka, seconded by Councillor MacArthur that the minutes of special committee of the whole meeting #CW18-13 of March 19, 2018, be accepted as presented.
Carried 5-0

b) Special Committee of Whole Meeting Minutes CW18-14 of March 19, 2018

CW18-17-03 Moved by Councillor MacArthur, seconded by Councillor Johnson that the minutes of special committee of the whole meeting #CW18-14 of March 19, 2018, be accepted as presented.
Carried 5-0

c) Special Committee of Whole Meeting Minutes CW18-15 of March 21, 2018

CW18-17-04 Moved by Councillor MacArthur, seconded by Councillor Farr that the minutes of special committee of the whole meeting #CW18-15 of March 21, 2018, be accepted as presented.
Carried 5-0

d) Committee of Whole Meeting Minutes CW18-16 of March 26, 2018

CW18-17-05 Moved by Mayor Potoroka, seconded by Councillor MacArthur that the minutes of committee of the whole meeting #CW18-16 of March 26, 2018, be accepted as presented.
Carried 5-0

Agenda Item: Special Meeting, Committee, and Departmental Reports

- a) Request for Decision RE: Sale and Consolidation, Lots 9 &10, Block LA, Ladue Estate

Mayor Potoroka passed the chair to Deputy Mayor Johnson and stepped down from council at 7:22 PM. Councillor Kendrick stepped down from committee at 7:22 PM.

Committee requested further information be provided to council regarding market value of land. CDO to provide more information at the next council meeting.

- CW18-17-06** Moved by Councillor MacArthur, seconded by Councillor Farr that committee of the whole forwards the request for decision RE: Sale and Consolidation, Lots 9 & 10, Block LA, Ladue Estate to council for a decision.
Carried 3-0

Councillor Kendrick rejoined council at 7:36 PM

Mayor Potoroka rejoined council at 7:36 PM. Deputy Mayor Johnson passed the chair to Mayor Potoroka.

Agenda Item: Delegations and Guests

- a) Jane Koepke, Groundswell Planning RE: North End Planning Options

Ms. Jane Koepke was in attendance to provide the committee with a status update on the North End Planning Project.

The recent trip to Dawson was busy. A very successful lunch was held with contractors, developers and Dawsonites. There was strong interest to see the North End developed differently with strong values around the unique green space and trying to retain some of it and not creating a gravel pile. A North End residents session and walk about was held. Encroachment issues, density, changes to drainage, roads, and development challenges were topics discussed with the group. There was a general public meeting held where a lot of interesting ideas were raised. Affordability was an issue that came up throughout their trip to Dawson and in the survey as well. There have been concerns raised that the process appears to be rushed. It will be important moving forward to ensure property owners in the area are aware of what is going on ahead of time.

The public survey results indicate support towards, and almost acceptance of, working towards a serviced development.

The committee requested concept options be released to the public as per the regular practice of releasing at a regular meeting of council.

Agenda Item: Special Meeting, Committee, and Departmental Reports

- b) Request for Decision RE: Development Incentive Application #18-014 RE: Lot 5 Block R Ladue

CW18-17-07 Moved by Councillor MacArthur, seconded by Mayor Potoroka that committee of the whole forwards the request for decision RE: Development Incentive Application #18-014 to council with a recommendation to approve. Carried 5-0

c) Committee Discussion RE: Yukon Environment, Site Assessment and Remediation Unit RE: Metals Study in Dawson area

The CAO explained the information provided in the package was in response to a request for additional information regarding the metal study sent to Yukon Environment. The additional information requested included why the study was initiated and what they intended to do with the study when it was finished.

Lengthy discussion took place regarding the pros and cons of allowing testing on city property.

d) Committee Discussion RE: Investigate Water Metering System for Water Billing Determinations

The Acting Superintendent presented the committee with a written report that outlines what would be required to start a water metering program.

e) Committee Discussion RE: Review 2018 Council Priorities

The committee thanked the CAO for providing the information.

Agenda Item: In Camera Session

a) Land and Financial Related Matters

CW18-17-08 Moved by Mayor Potoroka, seconded by Councillor MacArthur that committee of the whole move into a closed session for the purposes of discussing land and financial related matters as authorized by section 213 (3) of the Municipal Act.
Carried 5-0

CW18-17-09 Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda.
and extends meeting CW18-17.
Carried 5-0

CW18-17-10 Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole extends meeting CW18-17.
Carried 5-0

CW18-17-11 Moved by Mayor Potoroka, seconded by Councillor Johnson that Cow revert to a closed session for the purposes of discussing land matters.
Carried 5-0

CW18-17-12 Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole reverts to an open session to proceed with agenda.
Carried 5-0

Agenda Item: Adjournment

CW18-17-13 Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole meeting CW18-17 be adjourned at 10:44 PM.
Carried 5-0

**THE MINUTES OF COMMITTEE OF WHOLE MEETING CW18-17 WERE APPROVED BY
COMMITTEE OF WHOLE RESOLUTION #CW18-__ - __ AT COMMITTEE OF WHOLE MEETING
CW18-__ OF MAY 8, 2018.**

Wayne Potoroka, Chair

Cory Bellmore, CAO

MINUTES OF COMMITTEE OF WHOLE MEETING CW18-18 of the council of the City of Dawson called for 7:00 PM on Tuesday, May 8, 2018 in the City of Dawson Council Chambers.

PRESENT: Mayor Wayne Potoroka
Councillor Stephen Johnson
Councillor Bill Kendrick
Councillor Kyla MacArthur

ABSENT: Councillor Jay Farr

ALSO PRESENT: CAO Cory Bellmore
A/EA Brooke Edmonds
Recreation Manager Marta Selassie

Agenda Item: Call to Order

The Chair, Wayne Potoroka called the meeting to order at 7:00 PM.

Agenda Item: Agenda

CW18-18-01 Moved by Mayor Potoroka, seconded by Councillor MacArthur that correspondence from Dawson City Golf Association be added to the agenda.
Carried 5-0

CW18-18-02 Moved by Mayor Potoroka, seconded by Councillor Kendrick that the agenda for committee of the whole meeting #CW18-17 be accepted as presented.
Carried 5-0

Agenda Item: Public Hearings

a) Dredge Tailings Historic Site Designation

The Chair called for submissions.

Rick Reimer

Mr. Reimer asked council what is planned for designation of country residential development in this area if it is designated as a Municipal Historic Site. The other area suitable for country residential lots, Slinky Mines, is unavailable and there is not a lot of other available areas for country residential. Council responded that the area is still in consideration for country residential, and the area was incorrectly designated parks and greenspace, but with the OCP being opened up this year, there is the possibility of changing this.

Mr. Reimer also inquired if council had approached Yukon Government or the Tr'ondëk Hwëch'in about whether there was another suitable site for this designation. Council explained the area was identified on account of it being within municipal boundaries (so within local control), observable from the road, and unencumbered by mining claims.

The Chair called a second time for submissions.

Alice Thompson

Ms. Thompson wanted to acknowledge that she thought Ms. Evelyn Pollock wrote an excellent letter with excellent points. Ms. Thompson agreed the idea of a park/waterfront area was a good idea and would be appreciated by the community, particularly if this did become a country residential area.

The Chair called a third and final time for submissions.

The Chair declared public hearing closed at 7:10 PM.

b) Subdivision Application #18-023

The Chair called for submissions.

Jim Taggart

Mr. Taggart asked for more information about the application. Council responded that it is a residential zoned area that the applicant would like divided into two lots.

The Chair called a second time for submissions.

The Chair called a third and final time for submissions.

The Chair declared the public hearing closed at 7:13 PM

c) Subdivision Application #18-026

The Chair called for submissions.

Alice Thompson

On behalf of Ms. Josée Savard, Ms. Thompson stated they had come up with a new proposal in place of the application which is included in council's package. In the new proposal, dividing the land would not require any rezoning as the current proposal does. Ms. Thompson and Ms. Savard believe the new proposal makes the best use of the land and needs of the community as well as better rationalizes the business structure.

The Chair called a second time for submissions.

The Chair called a third and final time for submissions.

The Chair declared the public hearing closed at 7:19 PM

Agenda Item: Special Meeting, Committee, and Departmental Reports

a) Request for Decision RE: Lot 29 Dredge Pond Subdivision

CW18-18-03 Moved by Councillor Kendrick, seconded by Councillor Johnson that committee of the whole forwards the request for decision RE: Lot 29 Dredge Pond Subdivision to council for a decision.
Carried 4-0

b) Request for Decision RE: Subdivision Application #18-026, Official Community Plan Amendment #18-027, and Zoning By-Law amendment #18-027, Lots 1, 2, 3, and 4

CW18-18-04 Moved by Mayor Potoroka, seconded by Councillor MacArthur to remove resolution from the table.
Carried 4-0

c) Request for Decision RE: Fitness Centre Policy

CW18-18-05 Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole forwards the request for decision RE: Fitness Centre Policy to council for a decision.
Carried 4-0

d) Request for Decision RE: Farmers Market

CW18-18-06 Moved by Councillor Johnson, seconded by Councillor Kendrick that committee of the whole forwards the request for decision RE: Farmers Market Lease to council for a decision.
Carried 4-0

Agenda Item: In Camera Session

a) Land Related Matters

CW18-18-07 Moved by Councillor Johnson, seconded by Councillor MacArthur that committee of the whole move into a closed session for the purposes of discussing land and financial related matters as authorized by section 213 (3) of the Municipal Act.
Carried 4-0

CW18-18-08 Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda.
Carried 4-0

Agenda Item: Adjournment

CW18-18-19 Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole meeting CW18-18 be adjourned at 8:36 PM.
Carried 4-0

THE MINUTES OF COMMITTEE OF WHOLE MEETING CW18-18 WERE APPROVED BY COMMITTEE OF WHOLE RESOLUTION #CW18-__ - __ AT COMMITTEE OF WHOLE MEETING CW18-__ OF MAY 22, 2018.

Wayne Potoroka, Chair

Cory Bellmore, CAO

THE CITY OF DAWSON

Request for Decision



TO: Mayor and Council
FROM: Mark Dauphinee, Superintendent of Public Works
DATE: May 17, 2018
SUBJECT: Pumphouse On-Call Truck Award

RECOMMENDATION

That Council award the purchase of a 2018 Nissan Frontier to Yukon Nissan for \$32,402.00 (plus GST) as per their submitted bid.

PURPOSE

To award the purchase of a Yukon Nissan to replace the Pumphouse Toyota Tacoma On-Call truck, as per the Public Works 2018 Equipment Replacement Plan.

BACKGROUND

As per the City of Dawson 10 Year Equipment Replacement Plan, the 2009 Toyota Tacoma is due for replacement - replaced every 9 years. There is \$40,000 allocated for the purchase of a replacement vehicle.

The new vehicle will serve as the on-call truck for the Pumphouse. The replaced pick-up truck will remain in the Public Works fleet.

CURRENT STATUS

The Request for Quotes was issued for tender on May 3, 2018 and closed May 17, 2018. 3 bids were received:

Dealer	Make/Model	Price excluding GST	Fuel Economy - Combined	Tons/Yr of CO2 Emissions @ 24K km/year
Yukon Nissan	2018 - Nissan Frontier King Cab	\$34,022.10	13.9 l/100km	10.4
Mic Mac Toyota	2018 - Tacoma 4cyl access cab	\$42,169.58	11.7 l/100km	6.6

Klondike Motors	2018 - GMC Canyon	\$41,099.90	12.2 l/100km	6.91
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CONSIDERATIONS / DISCUSSION

All 3 bids met the minimum requirements as stipulated in the bid documents:

- All wheel or 4-wheel drive
- Access or extended cab
- Back up camera
- Automatic transmission
- Automatic start
- Hands free operation for mobile devices(Bluetooth)
- Minimum 72" truck bed
- Minimum towing capacity of 3500lbs.
- Must include block heater, oil pan heater, and battery blanket to winterize
- Vendors to supply warranty and extended warranty details and cost
- Delivery date and availability
- Bids must include fuel efficiency ratings
- Bids must include CO2 yearly estimated emissions

The 2018 Nissan Frontier has the lowest capital cost but also has the worst fuel economy. Calculating the additional fuel usage into the cost over the expected ten-year life span of the vehicle at current fuel prices still results in a lower cost for the Nissan.

The 2018 Capital Budget includes \$40,000 for the vehicle replacement. As Yukon Nissan's quote fits within the \$40,000 budget Administration recommends the purchase of the 2018 Nissan Frontier for \$32,402 + GST.

IMPLICATIONS

General: Replacing equipment at regular intervals is essential to be able to continue providing reliable service to our citizens.

Financial: \$32,402 plus GST is to be funded from the 2018 Public Works Capital Budget as scheduled in the Equipment Replacement Plan.

Follow up Action: Upon approval from Council, Public Works will purchase the pick-up truck.

OPTIONS

1. That Council award the purchase of a 2018 Nissan Frontier to Yukon Nissan for \$32,402.00 (plus GST) as per their submitted bid.
2. That Council not award the purchase of a Pumphouse On-Call Truck.

APPROVAL & CAO COMMENTS

Cory Bellmore, CAO
Date: May 17, 2018



THE CITY OF DAWSON

Request for Decision

TO: Mayor and Council
FROM: Clarissa Huffman, CDO
DATE: 16 May, 2018
SUBJECT: Subdivision Application #18-026

RECOMMENDATION

It is respectfully recommended that:

1. Council forward Subdivision Application #18-026 for approval, subject to the following conditions:
 - 1.1. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
 - 1.2. The encroaching cabins of Lot B be resolved in one of two ways: a) the cabins are moved to resolve the encroachment as shown on the registered survey to the satisfaction of the CDO OR b) an easement be registered on title legally granting Lot B the right to encroach onto Lot A.
 - 1.3. The applicant provide details of FAR compliance as per a C1 zone for proposed Lots A, B, and C to the satisfaction of the CDO.
 - 1.4. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
 - 1.5. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.
 - 1.6. A permanent road closure by-law pass third and final reading for the closure of the alley as per the attached map.
 - 1.7. The registered plan of survey shows registered easement on title providing access to all underground utilities that cross a property line.
 - 1.8. Detailed dimensions of parking stalls for Lots A, B, and C be submitted as per Zoning By-Law Schedule F, and a parking easement registered on title to the satisfaction of the CDO.
 - 1.9. Access details for Lots A, B, and C submitted as per the Municipal Act S. 314, to the satisfaction of the CDO and the Public Works Superintendent.

PURPOSE

The applicant wishes to consolidate and adjust the boundary lines of Lots 1, 2, 3, and 4, Block M, Ladue, known as Klondike Kate's Restaurant, into three separate properties.

BACKGROUND

The applicant submitted an application on April 17, 2018 to consolidate and adjust the boundary lines of Lots 1, 2, 3, and 4, Block M, Ladue, into a configuration of three new properties. This proposal effectively creates a separate lot for each the restaurant, the office building, and the residence. The majority of the cabins are not included in this proposal (though there are a few that remain on the proposed office property).

The application was advertised in April 2018, with a Public Hearing that took place on May 8, 2018.

CURRENT STATUS

In order to meet legislated timelines for the subdivision application, the deadline for decision on this application is July 17, 2018.

The original application contained a proposal for an Official Community Plan and Zoning By-Law Amendment, which was recommended for refusal by the CDO. Subsequently, the applicant submitted a revised draft plan of subdivision that resolved the identified issues. This revised plan is presented here for consideration.

CONSIDERATIONS / DISCUSSION**Comments**

Public Works was asked to comment on this application for purposes of assessing access, lot grading, slope stability, and other operating requirements. No negative impacts were identified, however it was noted that a Stormwater Management Plan should be submitted as a condition of approval, and that all underground services that cross a property line should have access protected through a registered easement.

The application was also circulated to every property owner in a 1km radius of this property, inviting comments and questions. No direct concerns were identified during this consultation process at the time of writing of this report.

This proposal also includes a proposed closure of the alley, and a by-law would have to be passed to this effect.

Subdivision By-Law

Subdivision Control By-Law S3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw. The Considerations/Discussion section of this report is

intended to discuss the proposal's conformity with the provisions outlined in the relevant legislation, policies, and plans.

Municipal Act

The Municipal Act S. 314 details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. It is recommended that the applicant provide details of the proposed access points in order to meet the requirements of S. 314.

S. 319 stipulates that an approval may be valid for a period of up to twelve months. If the applicant has not provided proof that the conditions of approval have been met, under the Act approval is void. The applicant can request an extension of a further twelve months, which may be granted in whole or in part, at the discretion of the approval authority.

Official Community Plan

The property is currently designated as DC – Downtown Core. Uses associated with this designation include commercial buildings, mixed-use buildings, and multi-unit residential dwellings. Proposed 'Lot A' (restaurant) and proposed 'Lot B' (office and cabins) both comply with the intent of the Official Community Plan. The revised version of proposed 'Lot C' is also compliant with this designation, with two tourist accommodation cabins, staff housing, and a commercial storage shed.

The purpose of an Official Community Plan is to convey the long-term vision of a municipality, and delineating areas where certain classes of land use should be directed (for example – residential, commercial, industrial). Currently, the Official Community Plan supports mixed-use and multi-residential developments in the Downtown Core zone, both of which would promote developments that would be compatible in size, scale, and land use with the commercial fabric of the existing and future Downtown Core. The revised plan illustrates a long-term approach for the lot, allowing for future commercial development that is more compatible with the Official Community Plan, and is also compatible with the City of Dawson's Development Incentive Policy, which exists to encourage higher-density, mixed-use, and multi-residential dwellings within the Downtown Core. Administration is of the opinion that this type of use would be more suitable than the originally proposed amendment, and as such the revised plan of subdivision is recommended for approval.

Zoning By-Law

The property is currently zoned C1 – Downtown Core. The Zoning By-Law is intended to implement the goals of the OCP. Therefore, the purpose of the C1 zone as per the Zoning By-Law is to foster a vibrant core with a range of residential and commercial uses. A full range of permitted uses and associated provisions are contained in the Zoning By-Law, and any future development of the proposed lots must also conform with the Zoning By-Law. It should be noted that single-detached residential is not a permitted use within the Downtown Core zone.

This proposal is intended to consolidate and realign the lot boundaries of Lots 1, 2, 3 and 4, Block M, Ladue Estate, into three new lots, as follows:

Lot Description	Current Use	Proposed Size	Proposed Zoning
A	Restaurant	5,022 square feet	C1 (no change)
B	Office/Cabins	10,043 square feet	C1 (no change)
C	Staff Housing	7,935 square feet	C1 (no change)

A full zoning assessment has been conducted on the subject properties in their proposed configurations to ensure conformity with the proposed zoning of each lot. Neither proposed Lots A nor B fully conform with the zoning regulations currently in place for a C1 zone. The proposed configuration would mean that proposed Lot B has two cabins encroaching onto Lot A by 4.5 feet and 2.5 feet respectively. The Zoning By-Law does not allow for encroachments onto neighbouring properties or rights-of-way (this is one of many reasons for including setback provisions in zoning by-laws). A subdivision could be approved conditional upon registration of an easement on title legalizing these encroachments.

The applicant did not provide Floor Area Ratios (FARs) for any of the structures, so if approval is recommended, a final condition would be that the applicant provide details of FAR compliance as per a C1 zone for proposed Lots A and B.

Proposed Lot C is proposed to contain two tourist accommodation cabins, Klondike Kate’s staff housing, and a commercial storage building. This use is consistent with the provisions for permitted uses in a C1 zone.

The applicant included in their original proposal that the reason for requesting an R2 zoning is as follows:

“In the future, when the house is no longer required as a family home by the current owners and reaches the end of its useable life, having an R2 zoning would allow the lot to

be redeveloped to higher density that will be compatible with the use of lots 5 to 8 directly to the east."

Based on this rationale, staff believe that this result could be achieved by not re-zoning the property, allowing it to remain as C1. Allowed uses in an R2 zone include apartments, townhouses, and accessory buildings. This is a quite restrictive zone that is intended to introduce density in a controlled way into residential areas. In the C1 zone, both apartments and townhouses are still permitted, with the addition of a multitude of other uses, including commercial/residential mixed use, retail, restaurants, professional offices, etc. Therefore, if the goal is to introduce density to a redevelopment of this property, located in the Downtown Core of Dawson, leaving this property zoned C1 would be a more effective long-term strategy. Through further discussions with the CDO, the applicant agreed with this rationale and amended the plan of subdivision accordingly, as reflected in the revised plan being assessed in this report.

Heritage Management Plan

The subject property is located on the boundary of the historic Downtown Character Area and the North End Character Area. In the Heritage Management Plan, the North End is defined as north of York Street. This property is the block south of York Street between Third and Fourth Avenue. Therefore, this block is considered to be within the historic Downtown Core area and should be considered appropriately.

The significance of the Downtown Core character area is that it "best depicts the commercial core of Dawson during the Gold Rush". It is considered to contain the majority of the Town's Gold Rush-era commercial structures, and single-family uses are not contemplated in this definition. This is consistent with the block being designated as 'Downtown Core' and 'Core Commercial' in the OCP and ZBL, respectively.

Based on this, it is the opinion of administration that the Heritage Management Plan also supports the recommendation to not re-designate or re-zone this property, which is reflected in the revised plan of subdivision.

OPTIONS

Council may consider one of the following options regarding this application, listed in order of administrative preference:

Option 1

1. Council refuse Subdivision Application #18-026.

Option 2 (recommended)

1. Council approve Subdivision Application #18-026, subject to the following conditions:
 - 1.1. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
 - 1.2. The encroaching cabins of Lot B be resolved in one of two ways: a) the cabins are moved to resolve the encroachment as shown on the registered survey to the satisfaction of the CDO OR b) an easement be registered on title legally granting Lot B the right to encroach onto Lot A.
 - 1.3. The applicant provide details of FAR compliance as per a C1 zone for proposed Lots A, B, and C to the satisfaction of the CDO.
 - 1.4. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
 - 1.5. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.
 - 1.6. A permanent road closure by-law pass third and final reading for the closure of the alley.
 - 1.7. The registered plan of survey shows registered easement on title providing access to all underground utilities that cross a property line.
 - 1.8. Detailed dimensions of parking stalls for Lots A, B, and C be submitted as per Zoning By-Law Schedule F, and a parking easement registered on title to the satisfaction of the CDO.
 - 1.9. Access details for Lots A, B, and C submitted as per the Municipal Act S. 314, to the satisfaction of the CDO and the Public Works Superintendent.

APPENDICES / SCHEDULES

- Appendix A. Agent Authorization
- Appendix B. Subdivision Application #18-026
- Appendix C. Revised Plan of Subdivision

APPROVAL & CAO COMMENTS

Respectfully Submitted,

Clarissa Huffman, CDO

Date

I have reviewed and have no further comments regarding this report.

Cory Bellmore, CAO

Date

RECEIVED
APR 09 2018

City of Dawson & Public Works
PO Box 308
1336 Front Street
Dawson City, YT Y0B 1G0

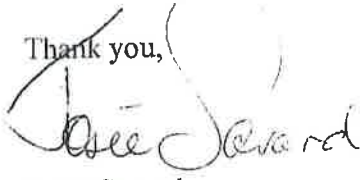
Klondike Kate's Restaurant and Cabins
Josee Savard, CEO
Box 415
1100 Block East, Third Avenue
Dawson City, YT Y0B 1G0

April 9, 2018

Dear City of Dawson,

This letter is to notify you that my Real Estate Agent, Alice Thompson, is authorized throughout 2018 to work with the City of Dawson and with Dawson's Public Works department to determine costs and requirements involved with a subdivision of the Klondike Kate's property on 1100 Block East, Third Avenue, and to work with the City of Dawson Development Officer on the subdivision process.

Thank you,



Josee Savard
CEO Klondike Kate's

FORM 1A - BYLAW #95-08

APPLICATION FOR SUBDIVISION/CONSOLIDATION APPROVAL

- By plan of subdivision
- By plan of consolidation
- By other instrument

FOR OFFICE USE ONLY

Date of Receipt: 17/04/18 File # 18-026
 Fees Submitted: 315⁰⁰ + GST Received by: CM

THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND WHICH IS THE SUBJECT OF THE APPLICATION OR BY AN AUTHORIZED PERSON ACTING ON HIS BEHALF.

1. a. Name (printed) of registered owner of land:
14129 Yukon Inc., CEO Josee Savard
- b. Address & telephone number of registered owner:
Box 417, 1100 Block East, 3rd Avenue, Dawson City YT, Y0B 1G0
Office: (867) 993-6527 Cell: (867) 993-3745

2. a. Name (printed) of Authorized person acting on behalf of owner: Alice Thompson
- b. Address & telephone number of authorized person:
Box 1681, Dawson City YT Y0B 1G0
Ph: (867) 993-2532

3. FULL LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED/CONSOLIDATED:
Lots 1, 2, 3 and 4, Block M, Ladue Estate, Plan 8338A, Dawson City YT Y0B 1G

4. LOCATION OF LAND TO BE SUBDIVIDED/CONSOLIDATED

- a. Is the land situated within 0.5 miles of a river, stream, watercourse, lake or other permanent body of water, or a canal or drainage ditch? Yes No
- b. If yes, state its name: The lots are on 3rd Avenue, 2 blocks from Front Street and Yukon River

5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED/CONSOLIDATED

- a. Describe existing use of the land: A Restaurant, a small gift store and Office, Accommodation Cabins and a personal residence used for the Manager.
- b. Describe proposed use of the land: Same use of land, but organized to create 2 independant freestanding businesses and a freestanding personal residence

6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED/CONSOLIDATED

- a. Describe the nature of the topography of the land (flat, rolling, steep, mixed):
Level graveled and grassed urban buildings and landscaping.
- b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc. & sloughs, creeks, etc.): Fully developed commercial and residential buildings with graveled parking areas. graveled areas and lawn.
- c. Describe the kind of soil on the land (sandy, loam, clay, etc.): Primarily hard packed dirt & gravel

7. EXISTING BUILDINGS ON THE LAND PROPOSED TO BE SUBDIVIDED/CONSOLIDATED

Describe any buildings, historical or otherwise, and any structures on the land and whether they are to be demolished or moved: On proposed Lot A, is the Klondike Kate Restaurant a Gold Rush building fully upgraded in 1997. There is a proposed parking easement on Lot A for cabins on lot B. On proposed Lot B is the Office built new in 2002, and 3 duplex cabins and one triplex cabin built in 1970 and renovated in 2002. On Lot C is a residential 3 Bedroom home made from 3 older buildings put together with additions & a shed and garage built in the 1979..

8. REGISTERED OWNER

I, JOSEE SAVARD hereby certify that I am the registered owner and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision/consolidation approval.

Joëe Savard
SIGNATURE OF REGISTERED OWNER

April 16 2018
DATE

Lots 1 through 4 are reorganized into lots A, B and C for the following reasons. At the time the business was assembled, the owners as young entrepreneurs were were developing Klondike Kate's as a whole, as a restaurant and accommodation business. They built up the business and restored and brought up to code the historic building housing the restaurant, and have preserved and kept functional 2 other heritage buildings, the Transport Building and the Lucky Inn.

Now they are starting to plan for their retirement, and find their combined business is not affordable by young entrepreneurs seeking a business opportunity, but their business is not in a traditional enough format to interest the hoteliers that can afford their business.

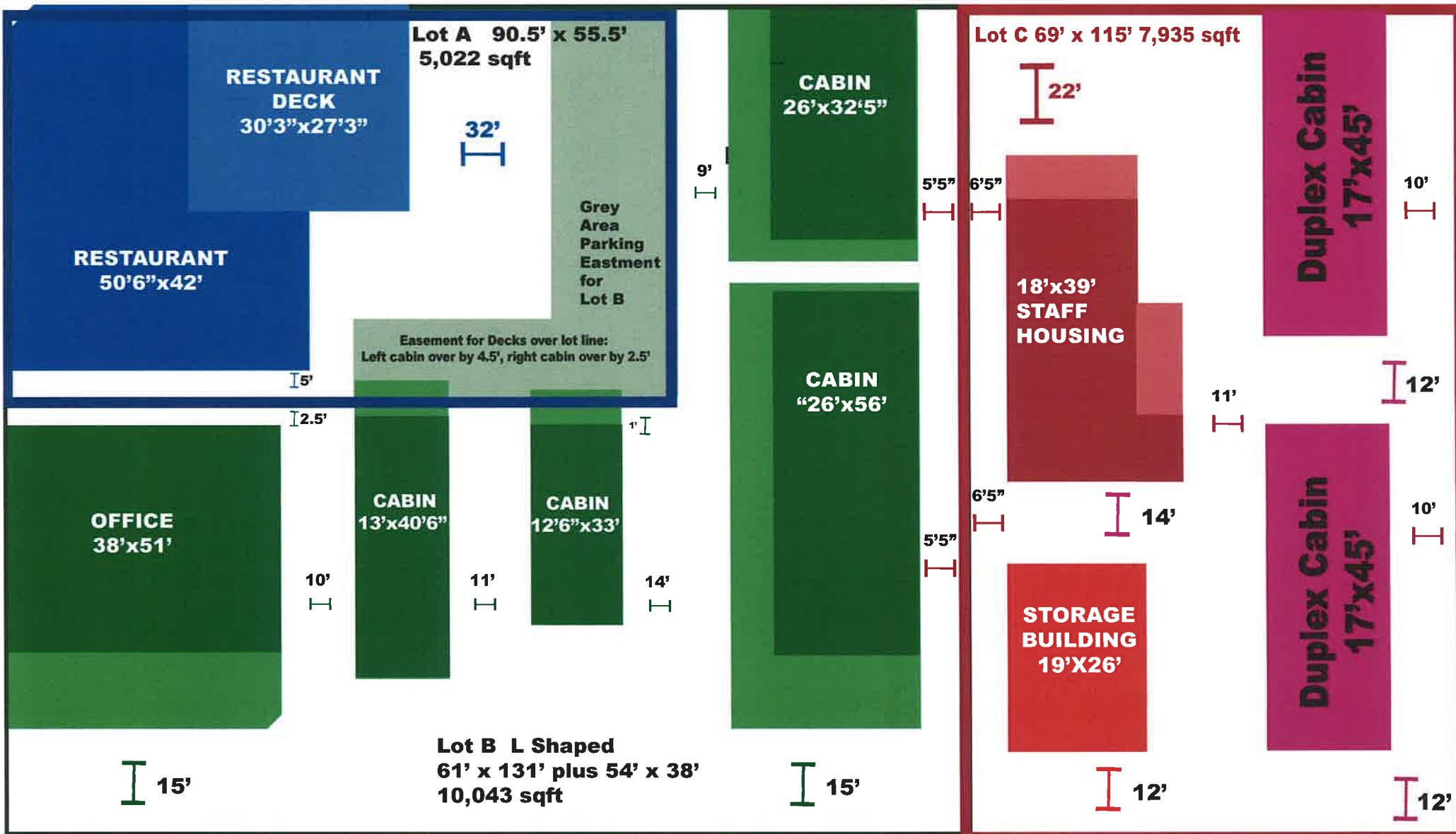
The owners realize that in order to turn their business over to new entrepreneurs who can bring fresh energy to their restaurant and their accommodation business, they need to reorganize the lots to separate the restaurant from the office/accommodation to make each component of the business in an affordable and manageable configuration for an entrepreneurial couple. Otherwise, there is the risk that in order to retire, the restaurant will have to be closed or re-purposed to another commercial use, causing Dawson to loose a vital part of it's food services and a big part of the city's cultural and entertainment ambiance.

This one business, based on the efforts of one couple approaching their planned retirement, can be turned instead into 2 businesses run on the fresh energy and ideas of 2 new entrepreneurial partnerships.

Also, splitting off the residence in proposed lot C will allow the owners to keep their family home at that point in the future when they no longer own the restaurant or accommodation.

The residence on Lot C has only been used as a family home with residential use and has never experienced commercial use, is across from other residences, and meets the setback requirements for residential zoning. In order to change the lot configuration of lots 1 through 4 to proposed lots A, B and C, the sewer service to the office and 2 cabins closest to the office will have to be redone from the south side of Lot B to comply with the bylaws of the City of Dawson. Parking requirements for the cabins on Lot B will be met with the addition of a parking easement on lot A.

There is additional applications in this package to change the OCP and Zoning to change the zoning on Lot C to residential, to allow for Lot C to remain a family home as it has been used since it was moved and rebuilt on it's current site.





THE CITY OF DAWSON

Request for Decision

TO: Mayor and Council
FROM: Clarissa Huffman, CDO
DATE: 16 May, 2018
SUBJECT: Subdivision Application #18-023, Lot 1058 Quad 116 B/03

RECOMMENDATION

It is respectfully recommended that:

1. Council approve Subdivision Application #18-023, subject to the following conditions:
 - 1.1. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
 - 1.2. PRIOR to approval of a plan of subdivision, the applicant shall provide confirmation to the satisfaction of the CDO that all retained structures are raised to the minimum standards listed in S. 8.2 and 4.8 of the Zoning By-Law.
 - 1.3. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
 - 1.4. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.
 - 1.5. Access details for the two proposed lots submitted as per the Municipal Act S. 314, to the satisfaction of the CDO and the Public Works Superintendent.

PURPOSE

The applicant owns property located at 57 Boutillier Road and wishes to subdivide the Country Residential lot into 2 1.25 acre lots.

BACKGROUND

The applicant submitted an application on March 23, 2018 to subdivide Lot 1058 Quad 116 B/03 into two new Country Residential lots.

The application was advertised in April 2018, with a Public Hearing that took place on May 8, 2018.

CURRENT STATUS

In order to meet legislated timelines for the subdivision application, the deadline for decision on this application is June 19, 2018.

CONSIDERATIONS / DISCUSSION**Comments**

Public Works was asked to comment on this application for purposes of assessing access, lot grading, slope stability, and other operating requirements. No negative impacts were identified, however it was noted that a Stormwater Management Plan should be submitted as a condition of approval, and that all underground services that cross a property line should have access protected through a registered easement.

The application was also circulated to every property owner in a 1km radius of this property, inviting comments and questions. No direct concerns were identified during this consultation process at the time of writing of this report.

Subdivision By-Law

Subdivision Control By-Law S3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw. The Considerations/Discussion section of this report is intended to discuss the proposal's conformity with the provisions outlined in the relevant legislation, policies, and plans.

Municipal Act

The Municipal Act S. 314 details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. It is recommended that the applicant provide details of the proposed access points in order to meet the requirements of S. 314.

S. 319 stipulates that an approval may be valid for a period of up to twelve months. If the applicant has not provided proof that the conditions of approval have been met, under the Act approval is void. The applicant can request an extension of a further twelve months, which may be granted in whole or in part, at the discretion of the approval authority.

Official Community Plan

The property is currently designated as R3 – Country Residential. Uses associated with this designation include single detached dwellings, home occupations, secondary suites, and associated low-density residential uses. This proposal is consistent with the intent of the Official Community Plan. Subdivision of land that meets the minimum zoning requirements relating to lot size and setbacks is also consistent with Section 3.3: Housing, which includes implementation approaches for supporting the development of new housing. One such approach is to encourage property owners of under-utilized land to sell or develop this land. This subdivision application is consistent with this goal.

Zoning By-Law

The property is currently zoned R3 – Country Residential. The Zoning By-Law is intended to implement the goals of the OCP. Therefore, the purpose of the R3 zone as per the Zoning By-Law is to permit low-density rural-style residential developments. A full range of permitted uses and associated provisions are contained in the Zoning By-Law, and any future development of the proposed lots must also conform with the Zoning By-Law.

A full zoning assessment has been conducted on the subject property in the proposed configuration to ensure conformity with the proposed zoning of each lot. While the vacant lot complies with all relevant provisions, the lot with two retained structures does not. Section 8.2: Zone Specific Regulations details regulations required of all structures developed in a Country Residential zone. 8.2.4 identifies that the minimum floor area of a dwelling is 904 square feet. The retained cabin is a one-story structure with an approximate floor area of 672 square feet. Therefore, the cabin does not meet the minimum requirement for floor area of a dwelling.

Additionally, S. 4.8.3 states that “in R-zones, accessory buildings and structures may be placed in a required rear or side yard.... Gardens and greenhouses may be located in a front yard”. The applicant details in the site plan that a shed is currently located in the front yard of the lot. No development permit is on file for either the shed or the cabin. It would be the applicant’s responsibility to demonstrate that the structures are legally non-conforming.

However, Subdivision Control By-Law S3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw.

The Municipal Act is the legislation that informs how non-conforming uses are managed. Section 302(1) states that “ *a non-conforming building or other structure existing at the date of the adoption of an official community plan or zoning bylaw or amendments may*

continue to be used, but the building or other structure may not be enlarged, added to, rebuilt, or structurally altered except to increase its conformity."

Additionally, Section 303(1) states that " the lawful use of a portion of the land or a part of a building or other structure existing at the time of the approval of an official community plan or zoning bylaw that does not conform to the official community plan or zoning bylaw may be extended throughout the rest of the building, other structure or land, but no structural alterations or construction of other buildings or other structures, except those required by statute or bylaw, shall be made while the non-conforming use is continued."

If a legal non-conforming use for the cabin and shed was established, based on the clauses above, they are considered to be legally non-conforming so long as the structures and uses are not materially altered. A subdivision of land could be interpreted to be considered an alteration to the land, and therefore such an alteration should only be made to increase conformity. In this case, the proposed subdivision does not increase the conformity of the land/structures, and therefore it is the opinion of staff that based on the legislation, this subdivision application as presented cannot be approved without first mitigating this discrepancy.

The applicant can remedy this situation by applying for development permits to bring the existing structures up to the current minimum requirements of the zoning by-law prior to applying to subdivide.

Council could elect to decline the subdivision application, allowing the applicant to resolve the issue at their own leisure. Alternatively, Council could approve the subdivision conditional upon successful resolution of the discrepancies. This second option would allow the standard one-year period for satisfaction of all conditions.

Heritage Management Plan

The property is outside of the area currently under the jurisdiction of the Heritage Management Plan. Therefore, the Heritage Advisory Committee is not required to review this proposal. However, the applicant and any future owners are urged to consider the unique heritage of Dawson City when considering new development of these lots.

IMPLICATIONS

General: Declining this subdivision application is compliant with the Subdivision By-Law provision that requires Council to only consider approval of a subdivision that meets all of the requirements set out in the relevant legislation. To approve this subdivision may be considered to be a contravention of this provision.

Financial: The applicant is responsible for all associated fees and charges, therefore there is no financial cost to Dawson City.

Communication: Notice of decision will be provided to the applicant by mail at the address listed on the application.

OPTIONS

Council may consider one of the following options regarding this application, listed in order of administrative preference:

Option 1

1. Council refuse Subdivision Application #18-023.

Option 2 (recommended)

2. Council approve Subdivision Application #18-023, subject to the following conditions:
 - 2.1. The applicant submit a Stormwater Management Plan to the satisfaction of the CDO and Public Works Superintendent.
 - 2.2. PRIOR to approval of a plan of subdivision, the applicant shall provide confirmation to the satisfaction of the CDO that all retained structures are raised to the minimum standards listed in S. 8.2 and 4.8 of the Zoning By-Law.
 - 2.3. The applicant submits a plan of subdivision completed by a certified lands surveyor drawn in conformity with the approval.
 - 2.4. The applicant shall, on approval of the subdivision plan by the City of Dawson, take all necessary steps to enable the registrar under the Land Titles Act to register the plan of subdivision.
 - 2.5. Access details for the two proposed lots submitted as per the Municipal Act S. 314, to the satisfaction of the CDO and the Public Works Superintendent.

APPENDICES / SCHEDULES

Appendix A. Subdivision Application #18-023

Appendix B. Site Plans

APPROVAL & CAO COMMENTS

Respectfully Submitted,

Clarissa Huffman, CDO

Date

I have reviewed and have no further comments regarding this report.

Cory Bellmore, CAO

Date

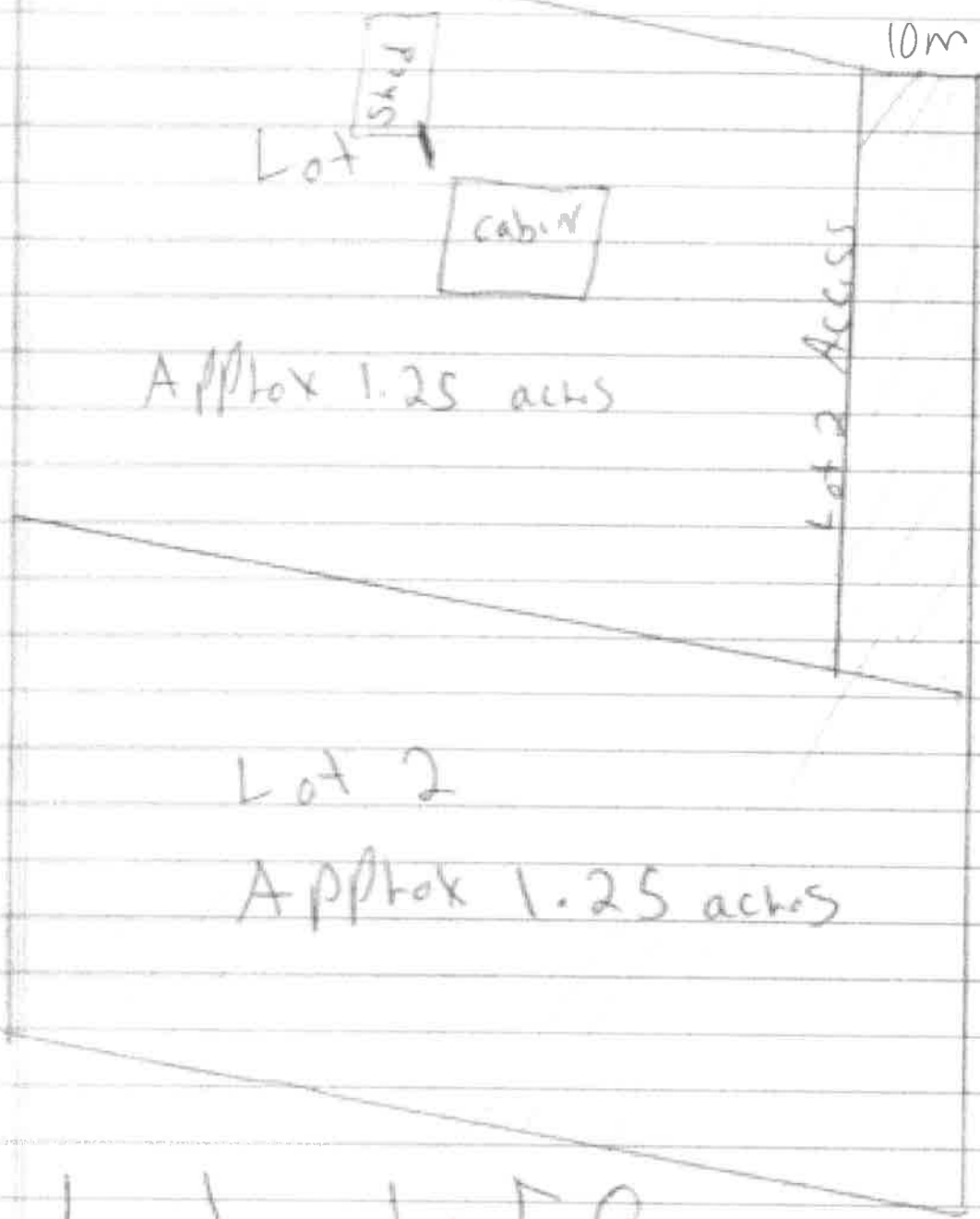
RECEIVED
MAR 23 2018

FORM 1A - BYLAW #95-08

<p>APPLICATION FOR SUBDIVISION/CONSOLIDATION APPROVAL</p> <p><input checked="" type="checkbox"/> By plan of subdivision</p> <p><input type="checkbox"/> By plan of consolidation</p> <p><input type="checkbox"/> By other instrument</p>	<p>FOR OFFICE USE ONLY</p> <p>Date of Receipt: 23-03-18 File # 18-023</p> <p>Fees Submitted: 250 Received by: CB</p>
<p>THIS FORM IS TO BE COMPLETED IN FULL WHEREVER APPLICABLE BY THE REGISTERED OWNER OF THE LAND WHICH IS THE SUBJECT OF THE APPLICATION OR BY AN AUTHORIZED PERSON ACTING ON HIS BEHALF.</p>	
<p>1. a. Name (printed) of registered owner of land: Thor Max Drilling Ltd</p> <p>b. Address & telephone number of registered owner: 806 Black St Whitehorse YT Y1A 2P1</p>	
<p>2. a. Name (printed) of Authorized person acting on behalf of owner: Carl Mackenzie</p> <p>b. Address & telephone number of authorized person: 806 Black St Whitehorse YT Y1A 2P1 867 332 8337</p>	
<p>3. FULL LEGAL DESCRIPTION OF LAND TO BE SUBDIVIDED/CONSOLIDATED: Lot 1058 Quad 116 B/3 Plan 76360 CLSR - 94-60 LTO</p>	
<p>4. LOCATION OF LAND TO BE SUBDIVIDED/CONSOLIDATED</p> <p>a. Is the land situated within 0.5 miles of a river, stream, watercourse, lake or other permanent body of water, or a canal or drainage ditch? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>b. If yes, state its name: <u>Blondyde River</u></p>	
<p>5. EXISTING AND PROPOSED USE OF LAND TO BE SUBDIVIDED/CONSOLIDATED</p> <p>a. Describe existing use of the land: <u>1 Cabin - 1 out building vacant</u></p> <p>b. Describe proposed use of the land: <u>Divide into 2 - 1.25 acre lots</u> <u>County Res.</u></p>	
<p>6. PHYSICAL CHARACTERISTICS OF LAND TO BE SUBDIVIDED/CONSOLIDATED</p> <p>a. Describe the nature of the topography of the land (flat, rolling, steep, mixed): <u>Mixed, Flat, some Mining Piles, some original.</u></p> <p>b. Describe the nature of the vegetation and water on the land (brush, shrubs, tree stands, woodlots, etc. & sloughs, creeks, etc.): <u>1 small Pond, some trees (Native) and some 30 year old alder bushes.</u></p> <p>c. Describe the kind of soil on the land (sandy, loam, clay, etc.): <u>Some gravel some Native top soil.</u></p>	
<p>7. EXISTING BUILDINGS ON THE LAND PROPOSED TO BE SUBDIVIDED/CONSOLIDATED</p> <p>Describe any buildings, historical or otherwise, and any structures on the land and whether they are to be demolished or moved: <u>1 Log Cabin, 1 out building to be left on 1 of proposed lots</u></p>	
<p>8. REGISTERED OWNER</p> <p>I, <u>Carl Mackenzie</u> hereby certify that I am the registered owner and that the information given on this form is full and complete and is, to the best of my knowledge, a true statement of the facts relating to this application for subdivision/consolidation approval.</p> <p><u>[Signature]</u> <u>March 13 2018</u></p> <p>SIGNATURE OF REGISTERED OWNER DATE</p>	

[Handwritten signature]

Boutillick Rd.



Approx 1.25 acres

Lot 2

Approx 1.25 acres

Lot 1058

#57 Boutillick Rd
Dawson City

Boutillier Rd

foot
→

24
sheds

60 ft
cabin

10m

180 ft

113 ft

28 ft

180 ft

140 ft

150 ft

1.25 acres

1.25 acres

THE CITY OF DAWSON

Request for Decision



TO: Mayor and Council
FROM: Cory Bellmore, CAO
DATE: May 8th, 2018
SUBJECT: Operating Lease Agreement amendment for the City of Dawson Golf course and Clubhouse Operations with the Dawson Golf Association (DGA)

RECOMMENDATION

It is recommended that Council consider the lease amendment request and direct administration to prepare a budget amendment to increase the financial support to the DGA from \$35000 to \$50000 for this fiscal year to bring to council for approval. As well as to forward an amendment to the Operating lease agreement for this funding increase to council.

And,

It is recommended that council continue to require that the DGA maintain the accounting requirements as per the Amendment to the operating lease agreement in 2016 (amendment attached).

PURPOSE

Bylaw #10-10 "Lease and Rental Bylaw" requires a resolution of Council to lease or rent property from another party. Upon passing of a resolution the authority is delegated to the CAO to undertake action to meet the objectives of council. Administration is seeking a resolution of Council to amend the operating lease agreement with the Dawson Golf Association for the Golf Course and Clubhouse Operations.

BACKGROUND

The Dawson Golf Association maintains and operates the City of Dawson Golf Course and Clubhouse each summer. The original Operation Lease agreement (attached) began in 2012 and extends to 2022. The agreement was amended in 2016 (attached) to update the accounting and reporting requirements of the lease.

The Dawson City Golf Association maintains and operates the City of Dawson Golf Course and Clubhouse each summer. In a meeting with the association on May 4th, they indicated that there is a growing demand on their limited annual revenue and they are facing some upcoming projects that have larger financial requirements (repainting the clubhouse, additional storage and vehicle replacement) as well as some larger needs

identified (such as staff accommodation replacement, clubhouse renovations and increased staffing) that they are expecting to require in the near future to continue to be a sustainable recreation option.

CONSIDERATIONS / DISCUSSION

The Dawson Golf Association provides a valuable recreational opportunity in our community for a relatively low annual financial contribution currently provided by the City of Dawson. They operate and maintain our asset each season with our financial support, own source revenue and grant applications.

Continuing to grow the relationship with the association will allow the City of Dawson to ensure that residents continue to have the opportunity to use this facility.

IMPLICATIONS

General: Residents will continue to enjoy the use of this facility, the City will continue to own the asset and the Association will continue to manage the Golf Course and Clubhouse Operations

Staffing: Minor staff time to administrate the lease and budget amendment

Financial: increase the financial contribution from \$35000 to \$50000 annually

Policy / Legislated Requirements: Requires a budget amendment to Bylaw 2018-03 2018 Annual Operating Budget and Capital Expenditure Program

Follow up Action: Propose a budget amendment for council approval. Finalize lease amendment with DGA

ALIGNMENT TO OFFICIAL COMMUNITY PLAN & MUNICIPAL PRIORITIES

Official Community Plan: Meets the OCP long term goal to ensure the provision and/or development of municipal infrastructure is effective and efficient.

OPTIONS

1. THAT Council direct administration to prepare an amendment the 2018-03 2018 Annual Operating Budget and Capital Expenditure Program to increase funding to the DGA to \$50000 from \$35000 and forward these amendments to council.
2. THAT Council not direct administration to prepare an amendment the 2018-03 2018 Annual Operating Budget and Capital Expenditure Program to increase funding to the DGA to \$50000 from \$35000 and continue the lease and financial support as currently written.

APPENDICES / SCHEDULES

- Correspondence from the Dawson City Golf Association requesting the lease amendment and
- Dawson Golf Association current status report and unaudited financials
- Operating Lease Agreement
- Amendment to Operating Lease Agreement

APPROVAL & CAO COMMENTS

Cory Bellmore, CAO

Date:



May 4, 2018

Cory Bellmore,
Chief Administrative Officer,
City of Dawson,
Box 308,
Dawson City,
Y0B1G0

Dear Mayor and Council of the City of Dawson,

This letter is to request an amendment to the operating lease between the Dawson Golf Association and the City of Dawson for the Dawson City Golf Course.

The Dawson Golf Association board requests that the following amendments be made to our current agreement as early as possible:

- Adjustment of financial contribution from City of Dawson from \$30,000 on an annual basis to \$50,000 on an annual basis.
- Removal of requirement for an annual financial review. DGA requests that this activity every (5) five years

We ask that Mayor and Council consider these amendments at their convenience. Should any questions arise during the review of this lease, do not hesitate to contact us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Robitaille", is written over a light blue horizontal line.

Paul Robitaille,
President, Dawson Golf Association
Box 1689,
Dawson City, YT,
Y0B1G0
DawsonGolf@hotmail.ca / 867-993-2936

March 23, 2016

AMENDMENT TO OPERATING LEASE AGREEMENT

For the Management of the Golf Course and Clubhouse Operations

This amendment replaces section "8. Accounting" under the operating lease signed and dated May 7, 2012 effective immediately.

Current Agreement:

"8. Accounting


DGA shall maintain financial records relating to the business activities of the Golf Course in its customary manner and in accordance with generally accepted accounting principles, separate from its other books and records."

TO BE REPLACED WITH:

8. Accounting

DGA shall maintain financial records relating to the business activities of the Golf Course in its customary manner and in accordance with generally accepted accounting principles, separate from its other books and records. DGA shall provide the City annual financial statements that have undergone a Review and Engagement by a professional accounting firm. The City agrees to pay for this review provided the Review and Engagement is completed by the City auditors. Should DGA decide to use a different accounting firm, the City will contribute \$3,500.00 each year to DGA towards the cost of the Annual Review and Engagement.

FOR DGA:



Mr. Paul Robitaille, President

March 29, 2016

Date of Signature

FOR CITY OF DAWSON:

 CAO

André Larabie, CAO

Mar 31 / 2016

Date of Signature

OPERATING LEASE AGREEMENT

For the Management of Golf Course and Clubhouse Operations

This Operations Lease Agreement (the "Agreement") dated May 7, 2012, is by and between The Town of the City of Dawson ("Dawson") and Dawson Golf Association ("DGA"), a Yukon-based registered not-for-profit organization.

WHEREAS, Dawson desires to allow DGA to manage and operate the Golf Course located at lot 1087, Quad 116B/03, Plan 83533.

Now, for and in consideration of the covenants and agreements contained herein, the parties hereto agree as follows:

1. Term of the Agreement

The initial term of this Agreement shall begin on the date hereof (the "Start Date") and shall end on December 31st, 2022, subject to annual renewal. This Agreement shall automatically renew for one (1) year periods upon the same terms and conditions stated herein, unless the Agreement is cancelled by either party for any reason; provided, however, that any party desiring to cancel this Agreement after its initial term shall provide written notice to the other party advising said party of the desire to cancel the Agreement no later than December 31st in the year preceding the cancellation becoming effective.

2. Services to be performed by the DGA

After the Start Date, DGA shall manage, operate and staff the Golf Course in accordance with the terms of this Agreement. DGA shall have all reasonable discretion in the operation, direction, management, maintenance and supervision of the Golf Course. Without limiting the foregoing, DGA rights, obligations and functions for operating and managing the Golf Course pursuant to the terms of this Agreement shall include the following:

- a) To bill, collect, handle and administer all Gross Revenues.
- b) To undertake, or cause to be undertaken, such action as may be necessary to comply promptly with the requirements of any applicable law or regulation or any governmental approval, permits or licenses with respect to the operation or maintenance of the Golf Course.

- c) To make arrangements, negotiate and enter into (in the name of the DGA) any contractual services required for the operation or maintenance of the Golf Course
- d) To obtain and renew all licenses, permits, and certificates required in connection with the operation of the Golf Course.
- e) To install, operate and maintain, suitable security and safety measures, procedures and systems on an in the operation of the Golf Course.
- f) To operate a snack bar and beverage cart services and, upon securing all necessary liquor licenses, to sell alcoholic beverages, should such services be deemed to be part of DGA's operational plan. Such operation shall be conducted according to all requirements of applicable law(s). Dawson shall promptly cooperate with DGA in order to obtain and maintain the liquor license.

3. Fees

The Golf Course shall be open to the general public. All fees and/or pricing with respect to operation of the golf course facilities or services shall be within the discretion of the DGA.

4. Periodic Operational Review

DGA shall, on an on-going and continuing basis, as shall be reasonable and necessary or as requested by Dawson, review its management work, program and efforts. The purpose of this review shall be to determine operational best practices in pursuit of achieving revenue-cost neutrality.

5. Promotion of Golf Activities

DGA shall create and produce, as part of the operating expenses of the Golf Course, such material as deemed necessary by the DGA for the on-going marketing of the Golf Course.

6. Golf Course Personnel

DGA shall recruit, interview, hire, promote, discharge and supervise the work of all staff for the Golf Course and clubhouse, including all on-site management personnel, all food and beverage staff, all clubhouse and grounds maintenance personnel, janitorial staff, etc. All personnel shall be employed or contracted by DGA, and shall not be, nor shall they be deemed to be employees of Dawson for any purpose. The salaries of employees and any and all liabilities, costs, and expenses associated therewith, including, without limitation any and all costs of or associated with health and life insurance, vacation pay, sick leave, workers compensation,

unemployment insurance, CPP, taxes, shall remain the responsibility of the DGA at all times. The DGA does hereby acknowledge and accept that it shall be solely responsible for all matters relating to employer-employee and contractor relations.

7. Lease Agreement

Dawson shall lease to DGA the Golf Course property legally described as Lot 1087, Quad 116B/03, Plan 83533 including all structures and buildings within the boundaries of the property for a yearly sum of zero dollars. This lease shall remain in effect unless terminated by either party pursuant to the terms of this agreement.

In exchange for the services to be rendered by the DGA hereunder, DGA shall be provided access to a maximum of thirty thousand dollars (\$30,000) payable by Dawson for the purposes of cash flow and operating deficit reduction.

In the event that DGA is able to generate an operating surplus in any given year of this agreement, Dawson may request repayment of funds forwarded to DGA during that calendar year. Upon request DGA shall reimburse such funds. At no time shall Dawson request repayment of funds in an amount that would create an operating deficit for the current year. It is expected that DGA will, as part of the successful operation of the golf course, establish a reserve to assist with future expenditures. Reasonable contributions to such a reserve shall be deemed appropriate operating expenditure.

8. Accounting

DGA shall maintain financial records relating to the business activities of the Golf Course in its customary manner and in accordance with generally accepted accounting principles, separate from its other books and records.

9. Indemnity

DGA, including its subcontractors and agents, is not an employee or partner of or a joint venture with Dawson hereunder, and all DGA activities relating to the Golf Course shall be in its capacity as independent contractor to Dawson.

a) *Indemnification by DGA*

DGA shall indemnify and save and hold harmless Dawson, its officials, employees, agents, representatives, successors, and assigns from any and all claims, suits or actions of every nature and kind arising or growing out of defaults under or breaches of this Agreement caused by DGA, its officers, agents, employees, representatives, successors and assigns under this Agreement or out of the alleged infringement of any copyright, trademark or other proprietary rights of any third party caused by actions of DGA,

including without limitations claims for personal injury, death and property damage and all costs and expenses relating thereto.

b) *Indemnification by Dawson*

Dawson shall indemnify and save and hold harmless DGA, its officials, employees, agents, representatives, successors, and assigns from any and all claims, suits or actions of every nature and kind arising or growing out of defaults under or breaches of this Agreement caused by Dawson, its officers, agents, employees, representatives, successors and assigns under this Agreement or out of the alleged infringement of any copyright, trademark or other proprietary rights of any third party caused by actions of Dawson, including without limitations claims for personal injury, death and property damage and all costs and expenses relating thereto.

c) *Notice of Claims*

DGA and Dawson will provide each other with prompt and timely notice of any event covered by this section, and in the event that a claim is filed, each party may employ legal counsel of its own choosing to appear and defend the claim or action on its behalf.

10. Insurance

- a) DGA shall maintain general liability insurance in amount not less than two million dollars. This policy shall list the Town of the City of Dawson as an additionally named insured.
- b) Should DGA determine that the sale of alcohol is to be a part of their operation, DGA shall obtain and maintain liquor liability insurance in an amount not less than two million dollars. This insurance policy shall list the Town of the city of Dawson as an additionally named insured.
- c) Dawson agrees to maintain insurance on the equipment and facilities as is deemed necessary by Dawson.

11. Miscellaneous

a) *Assignment*

The rights and obligations under this Agreement are not assignable by either party without the written consent of the other party hereto.

b) *Notices*

In the event of delivery of any notice provided for or required under this Agreement, the notice shall be in writing and shall be effective

upon delivery if delivered in person or by messenger, or upon the third (3rd) business day after postmark and shall be addressed as follows:

To Dawson: City of Dawson
PO Box 308
Dawson, YT
Y0B 1G0
ATTN: Chief Administrative Officer

To DGA: Dawson Golf Association
c/o Box 58
Dawson, YT
Y0B 1G0
ATTN: President

Any party may change its address for notification purposes by giving the other party written notice of such change in the manner provided above.

c) *Entire Agreement*

This Agreement constitutes the entire agreement between the parties pertaining to the subject matter hereof, and this Agreement supersedes all prior letter agreements and correspondence with respect to the subject matter of this Agreement. This Agreement may not be amended except by written Amendment, signed by the parties hereto.

d) *Parties Bound*


With the exception of the limitation on assignability of this Agreement as provided above, this Agreement shall bind the respective successors and assigns of the parties to this Agreement.

In recognition of the covenants herein contained, the parties do hereby affix their signatures.

FOR DGA:

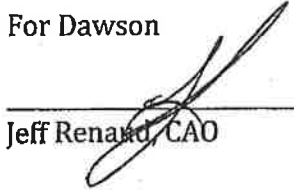


Mr. Gary Parker, President

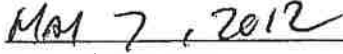


Date of Signature

For Dawson



Jeff Renard, CAO



Date of Signature



Who is the Dawson Golf Association?

- Dawson Golf Association's (DGA) mandate is to promote golf in the Klondike as a healthy recreational sport for all ages

Current Situation

- **DGA operates the Dawson City Golf Course** as part of a lease with the City of Dawson. This lease has been active since 2012 and expires in 2022.
 - **Includes the provision of the following activities:**
 - Operation of clubhouse, including pro shop, bar, food service
 - Maintenance of 9 holes of golf, clubhouse, housing facilities, cook house, outhouses, storage areas, roads, equipment and driving range
 - Annual instruction courses for youth, beginners and experienced golfers
 - Over 10 annual special events
- **Golf course annual average income:** \$140,000
- **Golf course annual average expenses:** \$165,000
- **City contribution:** \$35,000 (\$30,000 for operations - \$5,000 for audit)
- **Members** – 54 in 2017-2018
- **Employees:** 3 full time – 4 part time employees annually

Capital Projects We've Completed

- **2014- Mower and Greens Keeping Equipment Upgrades - \$93,000 (CDF)**
Much needed used equipment was purchased from Fort Nelson Golf Course and is still being utilized. Resulted in immediate improved conditions and play. City of Dawson assisted with \$20,000 necessary to cover DGA portion of CDF and provided a letter of support.
- **2016- New golf carts - \$10,000 (Lotteries Yukon)**
5 used carts replaced dilapidated ones at course. Assists those with mobility issues, ameliorates experience for users and increases income from rentals.
- **2015-2017- Solar System Installation - \$80,000 (CDF)**
Big undertaking which resulted in cutting our fuel costs from over \$20,000 to approximately \$8,000 on an annual basis. Original project cost \$60,000 through CDF. DGA invested an additional \$20,000 to install additional panels and fulfill energy capacity of solar infrastructure.
- **2016-2017- Tee Box Replacements - \$10,000**
New boxes on hole 5 and hole 6 completely funded by DGA

Projects We're Working On

- **Repainting Clubhouse- \$10,000 (Lotteries Yukon Application)**
Clubhouse has not been painted in over 10 years and is essential in protecting the space and improving the esthetic
- **Additional Storage- \$50,000 (CDF Application)**
Attempting to purchase 6 new sea cans to provide shelter for equipment and create makeshift workshop
- **Vehicle Replacement- \$5,000**
Used vehicle purchased to provide staff with ability to haul water, perform liquor pickups and do general maintenance at course

Things We Need to Address

- **Staff Accommodation- \$100,000**
Current staff resides at golf course in very sub-par housing, which is falling apart and in need of complete replacement. Residence for 3 to 4 people is necessary. Replacement is necessary to adhere to labour standards, to appeal to new employees and retain returning staff
- **Clubhouse Renovations (Roofing, Decking, Foundation)- \$25,000**
The clubhouse is our main source of revenue. This building has received minimal renovations since being built. The foundation, roof, plumbing and deck are deteriorating and require attention over the next 5 years.
- **Additional Staffing- \$15,000 annually**
We have provided an adequate product with minimal staff, but it has burnt out quality staff. In order to provide a better product and to improve maintenance of site, more staff is needed on an annual basis

Our Partnership Moving Forward

In order to address rising costs of goods and services, and to improve the quality of the City of Dawson's recreation facility, Dawson Golf Association requests that we amend the current lease and adjust the annual financing provided to our organization from \$33,500 to \$50,000.

Dawson Golf Association
Budget- April 1, 2017 - March 31, 2018

As of March 31, 2018

REVENUES

	31-Mar-18	Budget	March 31-17
Green Fees	30,834.33	31,500.00	31,476.35
Driving Range	2,449.52	2,500.00	2,263.34
Rentals	16,508.72	18,000.00	18,336.77
Pro Shop	6,596.56	8,000.00	7,928.38
Food	3,786.21	2,500.00	2,646.25
Beverages	3,340.48	3,000.00	3,041.37
Alcohol	33,756.33	33,000.00	33,845.29
Memberships	21,152.13	18,000.00	20,813.57
Tournament Green Fees	13,271.43	13,000.00	13,533.10
Clubhouse Rental	1,462.86	500.00	928.57
Revenue Other (Misc.)	95.25	-	95.25
Sponsorships / Donations	13,548.00	11,000.00	11,010.00
TOTAL REVENUE	\$ 146,801.82	\$ 141,000.00	\$ 145,918.24

EXPENSES

	31-Mar-18	Budget	March 31-17
Automobile Expenses	804.17	1,100.00	1,044.06
Bad Debts	574.63	-	(665.54)
Bank Service Charges	4,592.24	4,000.00	2,441.10
Cost of Goods Sold	31,079.03	26,000.00	25,578.09
Dues and Licenses	555.00	500.00	15.00
Fuel	6,887.80	7,500.00	8,807.35
Insurance/Interest	2,235.90	2,200.00	2,188.31
Postage and Freight	26.90	1,500.00	2,025.00
Promotion and Advertising	4,932.07	1,500.00	1,076.04
Professional Fees	8,176.00	3,500.00	2,120.00
Propane	441.08	750.00	660.70
Repairs and Maintenance	23,234.38	17,500.00	17,552.07
Supplies & Equipment	9,117.12	13,500.00	11,992.73
Telecommunications	2,502.29	3,000.00	972.22
Travel and Entertainment	699.50	1,250.00	1,164.77
Utilities (Water/Sewer)	1,820.00	3,000.00	3,120.00
Wages Expenses	81,642.52	86,500.00	84,581.55

TOTAL EXPENSE	\$ 179,320.63	\$ 173,300.00	\$ 164,673.45
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NET OPERATING REVENUE	(32,518.81)	(32,300.00)	(18,755.21)
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City Operating Grant / Grants	\$ 36,123.63	\$ 32,500.00	\$ 38,000.00
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TOTAL NET REVENUE	\$ 3,604.82	\$ 200.00	\$ 19,244.79
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THE CITY OF DAWSON

Request for Decision



TO: Mayor and Council
FROM: Cory Bellmore, CAO
DATE: May 18, 2018
SUBJECT: Klondike Development Organization (KDO) Interim Funding

RECOMMENDATION

It is recommended that council direct administration to prepare an interim funding agreement with KDO

PURPOSE

Purpose is to request interim funding to keep KDO active while further discussions on community economic development with past partners takes place.

BACKGROUND

The City of Dawson has in the past financially supported KDO annually as a non-profit organization working on economic and community development in the City of Dawson. The last agreement directly with KDO was for 2013-2015. In 2016-2017 the CoD supported this activity through READI.

The READI program has expired and there are on-going discussions with TH to continue this program with a Dawson only focus.

In order for KDO to continue to operate while these discussions are on-going, they require interim funding.

CURRENT STATUS

KDO is eligible to receive interim funding from Yukon Government, Economic Development with a contribution from the City of Dawson and their own in-kind work.

CONSIDERATIONS / DISCUSSION

This interim funding will allow KDO to continue to operate through the summer while discussions are on-going regarding a potential new Dawson specific version of READI. KDO has been a driver of community and economic development in our community with

may projects and continued support of this organization will continue to benefit the community and the City of Dawson.

IMPLICATIONS

General: Community will continue to benefit from the work done by the Klondike Development Organization.

Staffing: Continued discussions regarding a new version of READI will involve CoD staff

Financial: There is \$30,000 budget allocation to financially support KDO/READI

Legal: N/A

Follow up Action: Continued discussion with TH and KDO and bring forward a multi-year plan for community/economic development this fall

Communication: Communicate to Finance the interim funding for KDO

ALIGNMENT TO OFFICIAL COMMUNITY PLAN & MUNICIPAL PRIORITIES

Official Community Plan:

3.1 Municipal Finance

- f. Participate in the development and implementation of community and regional economic development strategies and initiatives as necessary.

OPTIONS

Direct Administration to prepare an interim funding agreement of \$3000 to KDO

Direct Administration to not prepare an interim funding agreement of \$3000 to KDO

APPENDICES / SCHEDULES

KDO Funding Agreement with Yukon Government

APPROVAL & CAO COMMENTS

Cory Bellmore, CAO



FUNDING AGREEMENT (Transfer Payment)

Government Agreement Number T00015098
YG Internal File Number REDF-358

Funding Type: Project or Operational (radio buttons)

Within a Funding Program (Y/N) [Y]
Name of Funding Program (if applicable) [Regional Economic Development Fund]

An agreement between

Recipient's full legal name, complete address and phone number
KLONDIKE DEVELOPMENT ORGANIZATION
BOX 1613
DAWSON CITY, YT, Y0B 1G0
CANADA
Hereinafter referred to as 'Recipient'

and

Yukon Government Department address and contact
Government of Yukon
Economic Development - F-1
P.O. Box 2703, 303 Alexander Street
Whitehorse, YT Y1A 2C6
Attention: Matt Ordish
Hereinafter referred to as 'YG'

being collectively the parties (the 'Parties') to this Transfer Payment Agreement (the 'Agreement').

WHEREAS:

A. The Recipient has submitted a proposal for financial assistance for:

Funding Purpose (Short Title - max 60 characters)
Capacity Support for Community Economic Development Location: Dawson City

B. YG wishes to provide the Recipient with financial assistance to support the Funding Purpose.

Now therefore the Parties agree as follows:

This Agreement to commence on April 30, 2018 and terminate on November 30, 2018
The maximum amount payable by YG under this Agreement shall not exceed \$15,000.00

NOTICES TO RECIPIENT:

- (1) This Agreement is subject to the Standard Terms and Conditions on page 2 of this Agreement, and to the terms set out in the Standard Schedules (A,B & C) appended to this Agreement, and to any other Appendices, Attachments or Schedules that may be appended to this Agreement.
(2) The maximum dollar amount stated above will prevail over any dollar amounts noted in other Schedules, Appendices or Attachments.
(3) The Recipient's performance under this Agreement may be used by YG in evaluating future requests for funding.

IN WITNESS WHEREOF the Parties have executed this Agreement by their duly authorized representatives.

The Recipient agrees to use the funding provided for the specified purpose, and in accordance with the terms and conditions set out in this Agreement, including all Schedules and Appendices (if any)
Brian Stehem, Executive Director 30 / 4 / 2,018 (867) 993 - 4431
SIGNATURE OF RECIPIENT OR OFFICER TITLE & NAME (Recipient/Officer) DATE (dd/mm/yy) PHONE NUMBER

YG Certified pursuant to section 23 (contracting authority) of the Financial Administration Act.
Andrew Gaule, Assistant Deputy Minister
SIGNATURE OF PUBLIC OFFICER TITLE & NAME of AUTHORIZED OFFICER DATE (dd/mm/yy)



THE CITY OF DAWSON

Request for Decision

TO: Mayor and Council
FROM: Clarissa Huffman, CDO
DATE: May 16, 2018
SUBJECT: Dredge Tailings Municipal Historic Site Nomination

RECOMMENDATION

It is respectfully recommended that:

1. The Dredge Tailings Municipal Historic Site nomination package not be forwarded to Council for designation until further site suitability analysis is completed for the Dredge Pond Phase II Country Residential Subdivision.
2. Council direct administration to begin research on site suitability of Dredge Pond Phase II country residential subdivision.

PURPOSE

A nomination package was prepared with the assistance of Yukon Government Historic Sites on behalf of the City of Dawson for the designation of a portion of the Klondike Valley Dredge Tailings as a Municipal Historic Site.

BACKGROUND

As per the Heritage By-Law #09-04, Council may, by petition by any person, designate any site as a Municipal Historic Site " *when it has determined, in its opinion, that the site is an important illustration of the historic development of the Klondike Valley, or the natural history of the peoples and cultures of the Klondike Valley Cultural landscape*".

A designation of this sort would be made official by By-Law, should Council determine through analysis of the supporting materials provided in this report that the site has sufficient historic significance.

The nomination package presented as a part of this report was analyzed at Heritage Advisory Committee Meeting #17-13, on August 16, 2017. Resolution #HAC 17-13-08 read as follows with a unanimous 3-0 vote:

"THAT the Historic Sites Dredge Tailings Nomination be approved as presented."

The Community Development Officer agrees with the recommendation to pursue this nomination on principle. However, good planning principles require planners to consider the public interest. This often requires a balance of competing values, as demonstrated in this case: the nomination site was originally slated for future country residential development.

Further analysis of the nomination package will follow in the Considerations/Discussions section of this report, especially regarding the proposed boundary and the impacts this designation will have on a proposed expansion of the Dredge Pond Country Residential subdivision.

CURRENT STATUS

As per the Heritage By-Law, there are required timelines for the analysis, by-law preparation, and public consultation when a nomination package has been submitted by a petitioner. The chart below illustrates the flow of this timeline with tentative dates to demonstrate to Council the process for designation.

Action	Date
Petition to Designate	August 2, 2017
HAC	August 16, 2017
Committee of the Whole	February 19, 2018
Council	February 26, 2018
Prepare By-Law	February 26, 2018
Written Consent from TH (if Settlement Land)	n/a
Written Consent from owner (if Residence)	n/a
Notice of Intent (advertised for 60 days)	January 23, 2018 – March 25, 2018
Public Hearing & Committee of the Whole	May 8, 2018
1 st Reading	May 15, 2018 (postponed)
2 nd Reading	June 12, 2018 (postponed)
3 rd Reading	June 12, 2018 (postponed)

This schedule is tentative and for illustrative purposes only, it may change based on the Council schedule, agenda availability, and results of further analysis.

Based on the results of public consultation in the form of the legislated public hearing, it is recommended that the designation of this nominated site be postponed until further research can be conducted regarding a balance between historic preservation and housing availability – both significant issues in Dawson. This will be further discussed in the consideration section of this report.

CONSIDERATIONS / DISCUSSION

This nomination package was reviewed by the Heritage Advisory Committee, who agrees with the nomination as presented, and has no further comments or concerns.

However, administration feels that in order to balance heritage preservation with other key community building components such as provision of housing, Council may wish to consider conducting further research on the nominated boundary. It would be beneficial to consider creating a plan for the site that includes introduction of new country residential lots. Provision of residential lots and housing in general continues to be a pressing issue in Dawson, and the Dredge Pond area is one of few remaining sites where a residential subdivision could be developed within the municipal boundary.

Public consultation revealed that there are significant concerns from the community's perspective with this nomination as it is currently presented.

Several written and verbal submissions were received. Some residents feel that the nominated site should not be nominated at all, and others feel that a portion of the site could be nominated, alongside the creation of compatible residential lots as Dredge Pond Phase II. All written and verbal submissions shared the sentiment that housing is extremely important and that it would be short-sighted to designate the entire site as a heritage site with no regard for that location as a future country residential subdivision. Copies of written submissions have been attached to this report as Appendix C.

The Heritage By-Law has specific provisions on how to manage concerns raised at the public hearing or in person to the CDO. If concerns are identified, Council has one of three options, as stated in the By-Law:

- A. Resolve not to proceed further with the proposed designation;
- B. Revoke the designation with respect to part of the site and pass it as amended; or
- C. Submit the proposed by-law along with the objections to the Yukon Historic Resources Appeal Board and request the Appeal Board to hold a hearing in accordance with Section 42 of the Historic Resources Act.

Staff recommendation is to table the designation for further assessment, including collaboration with skilled planners who could provide recommendations on how to create a balanced plan that incorporates residential lots and a historic designation on a portion

of the site. After this work is completed, it is recommended that Council proceed with Option B as listed above.

Municipal Act

Heritage management and conservation is not a topic that is contemplated in the *Municipal Act*. However, the *Municipal Act* does contemplate the passing of by-laws, therefore S. 218 does apply: "*every bylaw shall have three distinct and separate readings before it is finally adopted, but no more than two readings may take place at any one meeting.*" The process outlined for Municipal Historic Site Designation, as listed above, complies with this clause.

Official Community Plan

Section 3.9 of the Official Community Plan contemplates Heritage Preservation. This proposal is in line with the identified long-term goal to "*protect and celebrate Dawson's heritage as a "living historical community" while at the same time allowing the community to evolve and prosper into the future*". This nomination provides an opportunity to implement this goal through several of the identified approaches, including the following bullets quoted from the OCP S. 3.9:

- "Collaborate with strategic partners such as Tr'ondëk Hwëch'in to recognize, celebrate and promote the full scope of Dawson's heritage; and
- Recognize, celebrate and promote the fact that Dawson's heritage extends beyond the Klondike Gold Rush era (1897-1918)"

However, the area within the nominated boundary was, prior to contemplating this nomination, previously designated CR: Country Residential. This designation is intended for single-family residential dwellings on larger, rural-style lots. A large open space reserved for conservation purposes is not something that is contemplated in the CR designation. Section 283 (1) states that "*Council shall not enact any provision or carry out any development contrary to or at variance with an official community plan*". An OCP amendment to re-designate the nominated boundary from CR to P - Parks and Natural Space was completed prior to the passing of the Dredge Tailings Municipal Historic Site By-Law. This designation is designed for developed and undeveloped greenbelts, parks, and large open spaces, which is the appropriate designation for this land use. In the opinion of the CDO, this amendment could be construed as hasty, given that the designation had not yet been assessed by the Heritage Advisory Committee or Council, and had not yet been presented for comment to the public.

Zoning By-Law

The Zoning By-Law contemplates heritage management only in areas that are impacted by the Heritage Management Plan character areas. The nominated site is north of the character areas identified in the plan, therefore heritage management policies in the Zoning By-Law are not applicable.

The area within the nominated boundary was previously zoned R3: Country Residential. Permitted uses in an R3 zone include single-detached dwellings, secondary suites, and home occupations. The R3 zone is not intended to encompass large areas of designated open space. Similar to the OCP designation, a rezoning took place after the OCP re-designation and prior to the passing of the Dredge Tailings Municipal Historic Site By-Law. The proposed uses of the nominated area including parks and greenspace, trails, and open space, all are more suited to be designated as P1: Parks and Natural Space, but this re-designation would have been best suited to be completed once the designation had passed first reading of a designation by-law.

Heritage Management Plan

The nominated boundary is not within the management area of the Heritage Management Plan.

However, the nomination of a representative sample of dredge tailings does align with some of the broader heritage management objectives listed in the Introduction section of the Plan, including:

- *“Preserve and strengthen the visual character and design intent of a nationally and internationally significant cultural landscape;*
- *Conserve and interpret the full history of the cultural landscape – before, during, and after the Gold Rush; and*
- *Communicate that the Gold Rush was a short but highly significant era in the long course of natural and human history, and ensure that resources remain and stories are told from the other periods of history.”*

Therefore, it is recommended that this nomination proceed, with an adjustment to the boundary to balance the preservation of a representative sample of dredge tailings with the community need for additional housing.

Heritage Resources Act

S. 37(1) of the *Historic Resources Act* gives municipal councils the authority to designate by by-law a municipal historic site. Eligible sites are those which have significant historic significance as contemplated in S. 15(1) of the *Act*, as follows:

A site may be designated as a historic site when Council is satisfied that the site is, "*whether in itself or because of historic resources or human remains discovered or believed to be at the site, an important illustration of*

- a) the historic or pre-historic development of the Yukon or a specific locality in the Yukon, or of the peoples of the Yukon or locality and their respective cultures; or*
- b) the natural history of the Yukon or a specific locality in the Yukon,*

and has sufficient historic significance to be so designated."

Therefore, before accepting the recommendation to forward this by-law for first reading, Council must consider this definition of historic significance and determine whether the Dredge Tailings nomination area, as described in the nomination package, meets this definition sufficiently to warrant designation.

IMPLICATIONS

General: This designation, should it pass successfully through the statutory public consultation and three readings of a by-law, is consistent with the heritage management goals and implementation strategies currently in place through various policy instruments at the City of Dawson. Prior to this designation being forwarded to the next steps, consideration should be given to the impact of re-designating a large portion of land from Country Residential to Parks and Natural Space.

Financial: This designation is anticipated to be financially neutral for the City of Dawson. Under the current Fees and Charges By-Law, no fee was collected for the processing and analysis of this nomination package. In some previous discussions the possibility of using the site for recreational purposes was considered (i.e. interpretive signage and trails). The site should not be used for recreational purposes until the City of Dawson has sufficient resources available to allocate towards ensuring that the area is safe, given the instability of the tailing piles.

Communication: The CDO will facilitate, through the direction of Council, further analysis of any comments or concerns will be scheduled at a future Committee of the Whole Meeting prior to commencing three readings of the Designation By-Law.

OPTIONS

Council may consider one of the following options regarding this application:

1. At a later date, forward the designation to Council for first reading of a Designated Municipal Historic Site By-Law with an amended nominated boundary, as recommended.
2. Submit the proposed by-law along with the objections to the Yukon Historic Resources Appeal Board and request the Appeal Board to hold a hearing in accordance with Section 42 of the Historic Resources Act.
3. Decline to forward the designation to Council.
4. Defer the decision until more information is available.

APPENDICES / SCHEDULES

Appendix A – Municipal Designation Nomination Form

Appendix B – Land Disposition / Nominated Boundary Map

Appendix C – Community Submissions

APPROVAL & CAO COMMENTS

Respectfully Submitted,



Clarissa Huffman, CDO

16/05/18

Date

I have reviewed and have no further comments regarding this report.



Cory Bellmore, CAO

16/05/2018

Date



City of Dawson Municipal Designation Nomination Form

If you have any questions about this form, please contact the City of Dawson Development Officer at 993-7400.

Section 1: Identification

1. Name(s) of property:

2. Address or location:

3. Legal land description:

4. Owner contact information:

Name:

Address:

Phone: Fax:

Email:

Does the current owner support possible municipal designation of this property?

Yes No Owner signature:

Date:

Present tenant if different from owner:

Phone: Fax:

Email:

5. Nominator contact information:

Name:

Address:

Phone: Fax:

Email:

Section 2: Historical information

7. Date of construction:

8. History of ownership:
(List the property's original and subsequent owners)

9. List the past and current uses of the building or site:

10. Describe how the property relates to the community's past by identifying its associations with the builder and/or architect, people, events or historic uses:

11. Describe the significance of the building or site:
(Is it comparable to similar sites in terms of age, style, historical associations and/or use?)

Section 3: Description of buildings

(for cemeteries, landscapes, engineering features or historical objects, skip to section 4)

12. Describe the building's architectural details:

(Include a detailed description of the building, including siding, window type, roof type, decorative trim, number of storeys, etc. Also include a description of any unique design elements and quality of craftsmanship.)

13. Describe the building's physical condition:

(List any damage, repairs and/or alterations that have taken place. Please provide a date for significant alterations.)

14. Describe the building's setting and context:

(Has the site's setting changed over the years? Does it fit with the historic character of the neighbourhood? Include details on gardens, lawn, fences, trees or features, how the building is sited on the lot. Include any information on the building's recognition in the area as a landmark.)

Section 4: Description of other site types features

(cemetaries, landscapes, engineering features or historical objects)

15. Describe the site:

(Include a detailed description of the site and its physical features. Is the landscape formally designed or is it a natural landscape? Are natural resources (hills, streams, etc.) used in the design? Has it been modified over the years? Is there successful use of materials or built elements that assist in the historical function and/or design of the landscape and interact and/or complement the existing natural features?)

16. Describe the site's condition and use:

(List any damage, repairs and/or alterations that have taken place. Please provide a date for significant alterations.)

17. Describe the site's setting and context:

(Has the site's setting changed over the years? Does it fit with the historic character of the area? Include details on gardens, lawn, fences, trees or other features. Is the place a visual or symbolic landmark recognized in the area?)

Section 5: Supporting material

18. Photographs

- Attach recent images of the property including front, side and rear views.
- Attach any historic images of the property.

19. Land title

- Include a copy of current land title.

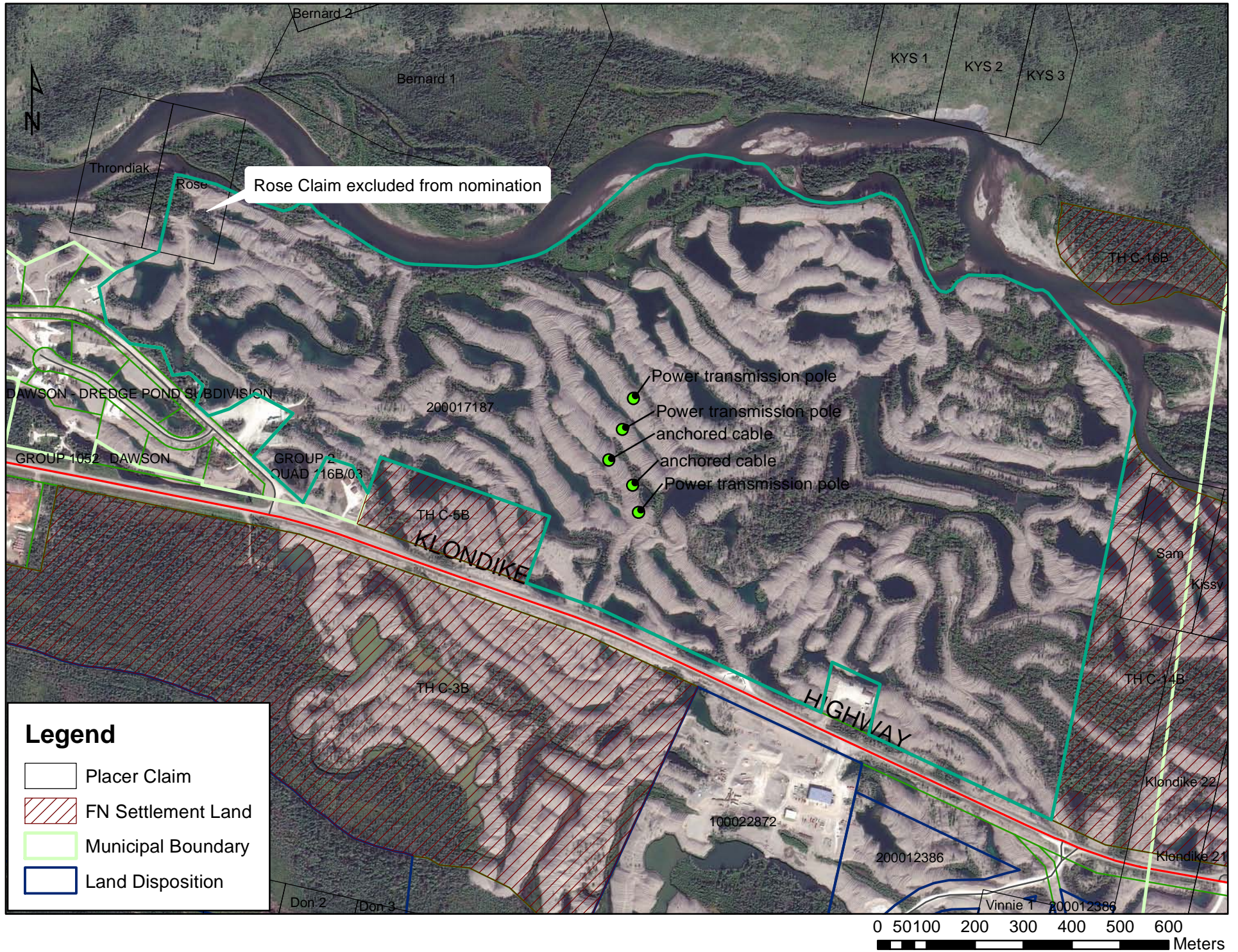
20. Other material

(Please note here any other reference material that you've come across in your research such as maps, persons, photos, deeds, etc.)

Please submit this form and accompanying attachments by mail to:

Heritage Advisory Committee
c/o City of Dawson
P.O. Box 308
Dawson City, Yukon
Y0B 1G0

Klondike Valley Dredge Tailings- Nominated Municipal Historic Site



Re: Dredge Tailings Municipal Historic Site

Name: Mel Weber, Lot 30 Dredge Pond

Supports the idea of a park but the town needs land, and that should be considered as well. The original subdivision had 85 lots slated to go in there and the community needs residential lots. All that is preserved is the tailings so the tourists have something to look at. It seems like there is premature panic because there are lots of tailings along the highway. Even in Dredge Pond Subdivision, it is not all flattened even though there are lots in there.



A partnership of the City of Dawson, Dawson City Chamber of Commerce,
Klondike Institute of Art & Culture, Klondike Visitors Association, and Chief Isaac Incorporated

City of Dawson
PO Box 308
Dawson City
Yukon, Y0B 1G0

April 9, 2018

Re: Proposed Dredge Tailings Municipal Heritage Site

Dear Clarissa, Community Development Officer,

Klondike Development Organization would like to express its alarm at plans to erase an entire residential subdivision in the Klondike Valley in favor of creating a dredge tailings heritage site.

Dawson is by far the fastest growing community in the Yukon, with a population rising 18.3 % since 2010, from 1,881 to 2,226 people. Projections from Yukon Bureau of Statistics expect this to continue, adding another 510 people by 2030.

According to recent KDO surveys, the number one barrier for someone trying to move from renting to home ownership in Dawson is the lack of land for building, even before affordability or access to finance.

Yukon Government has developed no new residential lots since 1999. Lack of appropriate housing has been repeatedly raised in community needs surveys since 2011. Both the 2017 Household Survey and the 2017 Business Retention and Expansion Survey confirmed housing as the top priority for improving Dawson and strengthening the economy, ahead of recreation, transportation, infrastructure or other investments.

Dawson is experiencing acute shortages of both suitable rental housing and availability of land for building. It is therefore disconcerting to see the City contemplate throwing out plans for a much-needed residential development. KDO would like to suggest that a balance between protection of heritage values and the needs of a growing population be found. In the case of Land Disposition 2012-0521 we would request that either:

- 1- A significant part of this land parcel remain designated for residential development; or
- 2- An alternate area of similar size and equally unencumbered by mining claims be found in the Klondike valley to serve as replacement residential subdivision before further consideration of this land parcel for heritage designation; or
- 3- An alternate area be found to serve as a dredge tailings municipal heritage site.

Thank you for your attention to this matter, we urge you to consider a balance of community needs prior to taking a decision.

Respectfully,

A handwritten signature in black ink, appearing to read "B. Stethem".

Brian Stethem
President, KDO

April 6, 2018

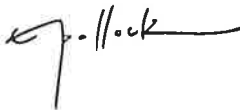
City of Dawson
Box 308
Dawson City, YT
Y0B 1G0

Hello Clarissa,

I am writing to express my heartfelt opposition to the City's intent to designate Land Disposition 2012-0521 as a historic site, for the following reasons:

- 1- The dredging of the Klondike River was an environmental catastrophe. As such, the direct results of this outrageously disrespectful mining practice should not be enshrined in a historic site. Parks Canada's Dredge Number 4, the Bear Creek Compound, and the vast photographic record should serve as monument enough.
- 2- This appears to be virtually the only area in the Klondike Valley not encumbered by mining claims, so protecting the results of a mining activity with this particular land parcel strikes me as an ironic slap in the face to the community's residents who have to live with and navigate around complex surface rights issues on a frequent and ongoing basis.
- 3- We have greater need of this land parcel for another use: as a place where people can build homes and meet the needs of a growing population in Dawson City. I urge you to initiate development of this land parcel into a rural residential subdivision as was previously planned and intended, instead of creating an un-needed protected area for the environmental abuses of antiquated mining techniques.
- 4- Dawson City already does an outstanding job of respecting and commemorating its mining history. Let's not forget that we also have a history that pre-dates the Dredge. If the municipality wants to celebrate a historic physical feature I would nominate the Klondike River itself; and would suggest the creation of a modest park along it within the residential subdivision that permits access to the waterway for paddling, swimming, fishing, picnicking and other recreational uses- something that will benefit the lives of residents of this community in a way that looking at a pile of rocks cannot.

Sincerely,



Evelyn Pollock

Dredge Tailings Municipal Historic Site

Thank you for the opportunity to comment on the proposal to designate the dredge tailings as a MHS.

I can appreciate the rationale behind this; the tailings are an iconic reminder of the gold rush, perhaps the most important single event in the community's history, and an impressive feat of engineering. And they could play an important interpretive role within the potential World Heritage Site.

In reality, things are a little different. Large scale dredging wrought incredible environmental degradation throughout the Klondike. The mess left behind (there's no other word for it) still remains and will be with us for another hundred years at least. On that basis, designating the tailings is akin to celebrating Chernobyl or the tar sands. Why would we want to promote environmental damage like this? In addition, the only way to really appreciate the worm-like shape of the tailings is from the air. Standing on a pile of rocks isn't that much of an attraction and I doubt many tourists would take that opportunity.

Looking at the bigger picture, the tailings exemplify the colonial attitudes of the settlers and their perceived superiority over the First Nation and the environment too. I've done a great deal of research recently on local colonialism and its impacts and strongly believe it has no role in celebration or commemoration.

Since the land is unlikely ever to be fully reclaimed, at least not our lifetime, the tailings could be put to a better use. The housing shortage remains one of the biggest issues in our community and incorporating this area of tailings into the Dredge Pond Subdivision might help alleviate some of the shortfall. While I will always support infilling downtown over subdivisions, in the current climate the tailings should be considered an option. Of course, governments could show some initiative and try to revegetate the area and help it recover.

It would reflect poorly on our community if the City moved to designate the tailings as anything other than an environmental and social failure. Our community deserves more and I cannot support this initiative.

Regards, Jim Taggart

Clarissa Huffman

From: Groundswell Planning <northendplan@gmail.com>
Sent: May 14, 2018 8:45 PM
To: stuart schmidt
Cc: CAO Dawson; Clarissa Huffman
Subject: Re: Hello

Hi Stuart,

Thanks for taking the time to meet with me this morning and for sending this on. I have included CAO Cory Bellmore and Community Development Officer Clarissa Huffman on this note. They will know the procedure for forwarding on to Council and having it read out at tomorrow night's meeting.

Take care,
Jane

On Mon, May 14, 2018 at 3:47 PM, stuart schmidt <stuartschmidt@me.com> wrote:

Hi Jane: Thanks for meeting with me. I would like you to please forward this email to the Council and read it at the meeting for me. Thanks Stuart

RE North End Development and the need for more residential housing in the City of Dawson:

I believe as follows:

Priority should be given to settle the differences between surveyed lots in the North end and where people actually live and occupy the land. The occupancy has taken place for a long time and I believe supersedes the various surveys that have been done. Why the surveys and the occupation is so different I do not know and it should not matter. We need to adjust the lots so that peoples houses, sheds, yards, septic tanks, pump out tanks and driveways that have been occupied for many years are legally theirs. This should be done by having the people buy the land from the city. I don't think there should be any exceptions to this. It should not be free but based on the price that the city intends to sell unoccupied lots for.

Equal Priority should be given to reconsidering the set aside of Dredge Tailings as a historic site. This land would be easy to develop and would provide a larger number of lots than would ever be developed in the North End. Unlike the North End this ground is very stable, is probably no longer permafrost and so water and sewer would be much simpler to put in and maintain. Other Dredge tailings could be set aside further from town. It is ironic to me as a miner who makes tailings all summer long that tailings are being preserved. yes, preserve some but somewhere else, not where we could develop residential lots.

Once occupancy has been dealt with in the North End and concurrent with the dredge tailings being developed we can move forward with a plan to address Water and Sewer in the North End and development there.

The recreation centre and the sewage treatment plant are both examples of engineering gone amiss. I believe in engineering but I also believe that things should pass the test of common sense and pragmatism. Please be very thorough in your assessment of putting water and sewer in the unstable ground of the North End.

It is important to me to keep the flavour of the North End intact as much as possible. Perhaps that is why I think it prudent to develop dredge tailings first and the North End second. We have far more tailings piles in the Klondike than we have Dawson North Ends. I would be happy to set aside some of my own tailings piles for posterity.

Respectfully yours Stuart Schmidt

--
Groundswell Planning
Jane Koepke, Team Leader



THE CITY OF DAWSON

Request for Direction

TO: Mayor and Council
FROM: Clarissa Huffman, CDO
DATE: 22 May, 2018
SUBJECT: Development Application #18-043
Slinky Mine

PURPOSE

To consider Council's perspective on mining within a Municipal Boundary as per the *Municipal Act* and the *Placer Mining Act*. The purpose of this report is to request feedback from Council regarding this application and the proposed draft conditions, so that the Community Development and Planning Officer can assess and make a decision on this application in a timely manner.

BACKGROUND

The applicant has a Placer Mining Land Use Approval (AP14045) and a Water License (PM14045) for the listed claims. The approvals are valid until June 1, 2020. However, in 2014, the applicant signed a Tri-Partite Agreement with the City of Dawson and the Yukon Government that placed additional requirements on the miner for this location, including a clause which required the mining and reclamation to be complete by December 31, 2017. For various reasons, extensions to this date were requested by the miner.

On May 17, 2018, a new agreement was signed by Yukon Government and the miner, allowing mining and reclamation to proceed until August 31, 2018. Administration was not provided the authority to release the agreement publicly, as they are not party to this new agreement. The City of Dawson was provided a copy of the agreement for the purposes of ensuring that for the purposes of the City, the agreement has been executed.

CURRENT STATUS

The application was submitted on May 15, 2018. Standard procedure at the City of Dawson is to assess and decide upon permits within 30 days. However, within the Agreement, it states that if the miner does not obtain a Development Permit by May 31, 2018, the Agreement is of no force and effect. This is a shortened timeline than what is typically followed by administration, but it is in the best interest of the City of Dawson to attempt to assess and decide on this application within this timeline, so as to not extend

negotiations further on this file. Further negotiations may result in another extension of the land use.

CONSIDERATIONS / DISCUSSION

The mining work conducted in this location has previously been accepted as a legally non-conforming use. The following is a brief outline of the previous permits that have been issued to date on this file, since the Tri-Partite Agreement:

Tri-Partite Signed: May 14, 2014

Development Permit #13-098 Approved: July 7, 2014

Appealed: July 17, 2017

Appeal Hearing: August 5, 2014

Appeal Upheld, Conditions Modified: August 19, 2014

Development Permit #14-092: Approved: May 5, 2015 (no lapse in approvals; 13-098 would have expired August 19, 2015)

Development Permit #15-064 Submitted: September 29, 2015

Determined Incomplete: December 1, 2015

Additional Information Submitted: April 29, 2016

Development Permit #14-092: LAPSED AS OF MAY 5, 2016

Stop Work Order: May 9, 2016 (Mining without a permit)

Development Permit #15-064 Approved: May 11, 2016

Extended until December 31, 2017: May 19, 2017

Development (Quarry) Permit #17-094 Submitted: August 8, 2017

Approved: August 11, 2017

Tripartite Agreement Extended: August 31, 2017

Revoked due to Breach of Conditions (no quarrying permitted under Development Permit #15-064): October 31, 2017

A Development Permit application was submitted in December 2017, which was refused due to incomplete information. Typically, administration is able to hold a permit as 'incomplete' until information is received, however in this case information was requested and administration received a response indicating that the miner did not have further information to submit. Therefore, the permit was refused at that time. The second application was submitted on May 15 2018, which was also deemed incomplete. The application required additional information which was provided by EMR on behalf of the miner.

A summary of the activities permitted in the Agreement, as well as a map indicating the phased approach of the work, is attached to this report as Appendix B and C.

Collaborating with EMR to ensure the agreement is executed appropriately will allow the City of Dawson to continue future planning and site suitability analysis for this location in the short term. Administration is willing to consider issuing a permit that expires on August 31, 2018 with **no extensions permitted**. The miner would have until this date to undertake the remaining mining and reclamation and then abandon the claims. The proposed conditions on this permit approval are as follows. Administration is seeking direction from Council on the appropriateness of these conditions.

- a. The City of Dawson acknowledges receipt of the agreement titled "Agreement of the Parties Placer Mineral Claims and Re-Construction of Dome Road" and considers it to be in force and effect with respect to Development Permit #18-043. The applicant is required to adhere to all conditions listed in the Agreement. Failure to do so will be considered to be a breach of this development permit and may result in its revocation.
- b. This approval expires as of August 31, 2018, as stipulated in the Agreement, and no extensions will be granted.
- c. No mining or mining accessory activity is permitted to occur within the 60 metre right-of way of any City of Dawson road or highway, in accordance with Traffic By-Law #00-21.
- d. The proponent must submit a full list of equipment necessary for the placer mining operation within 2 weeks of issuance of the development permit.
- e. Only mining equipment in the list provided in Condition (d) will be allowed on site if it would otherwise be restricted from Country Residential or Parks and Natural Space zoned land.
- f. Vehicles that may rut, mark, or otherwise damage the road may not be operated on a City of Dawson road right-of-way. Any violations will be subject to the terms and conditions listed in Traffic By-Law #00-21.
- g. Mining activity will not occur between the hours of eleven o'clock at night and seven o'clock in the morning (11:00 p.m. to 7:00 a.m.), as per the Property Maintenance and Nuisance Abatement By-Law #07-03.
- h. The proponent shall post adequate notices on the Dome Road at either end of the active mining area notifying travellers that they are entering an active mine site and heavy equipment might be encountered alongside and or on the road.
- i. The proponent shall take dust control measures to the satisfaction of the City of Dawson at the City's request should the City determine it is necessary, as per Traffic By-Law #00-21.
- j. Notwithstanding the above-listed conditions, all mining operations must comply with all applicable municipal by-laws and policies, and non-compliance will be subject to any applicable enforcement and penalties as set out in the appropriate by-laws and policies.

Upon receiving feedback on the proposed conditions, administration is prepared to approve the permit with conditions in order to execute the new Agreement.

IMPLICATIONS

General: Applying reasonable conditions necessary to mitigate concerns of residents will help staff to balance the interests of two valid yet conflicting uses of the land in question. Collaborating with Yukon Government to execute the agreement will aid the City of Dawson in achieving the goal of continued site suitability analysis of this land for a different, more appropriate use.

Financial: All costs are borne by the applicant, and as such there are no financial implications to the City of Dawson. Staff is not aware of any legal surface interest on the claims involved in this application that would allow a security to be requested through the Mining Recorder.

Communication: Notice of decision will be provided to the applicant by mail at the address listed on the letter. If approved, the application will be open to appeal for 14 days after notice of a decision is posted. If the application is refused, the Community Development Officer will reach out to the applicant to discuss options moving forward, including offering guidance on how to proceed with an Official Community Plan and Zoning By-Law Amendment application, should the applicant wish to pursue this route.

APPENDICES / SCHEDULES

Appendix A. Application

Appendix B. Summary of Proposed Activities

Appendix C. Map

APPROVAL & CAO COMMENTS

Respectfully Submitted,

Clarissa Huffman, CDO

Date

I have reviewed and have no further comments regarding this report.

C. Bellmore

Cory Bellmore, CAO

Date



THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
www.cityofdawson.ca

PAID
MAY 15 2018
28866

OFFICE USE ONLY	
APPLICATION FEE:	25-
DATE PAID:	
PERMIT #:	18-043

DEVELOPMENT APPLICATION & PERMIT

PLEASE READ THE ATTACHED INSTRUCTIONS, GUIDELINES AND SUBMISSION REQRMENTS PRIOR TO COMPLETING FORM.

PROPOSED DEVELOPMENT

CIVIC ADDRESS: KI 1 Left side Dome Road. VALUE OF DEVELOPMENT: _____

LEGAL DESCRIPTION: LOT(S) _____ BLOCK _____ ESTATE _____ PLAN# _____

EXISTING USE OF LAND / BUILDINGS: Mining

PROPOSED DEVELOPMENT: Please provide a brief description of the proposed development.

Mining as per the agreememnt between Yukon Government, City of Dawson and Darrell Carey. Third time applying for devepment permit since Dec. 2017 in an attempt to save time this mining season.

APPLICANT INFORMATION

APPLICANT NAME(S): Darrell Carey

COMPANY NAME: Carey On Construction

MAILING ADDRESS: #3 Cranberry Place Whitehorse, Yukon POSTAL CODE: Y1A 5W5

EMAIL: _____ FAX #: (867) 633-2336

PHONE #: (867) 633-2336 ALTERNATE PHONE #: _____

OWNER INFORMATION

OWNER NAME(S): Darrell Carey

MAILING ADDRESS: #3Cranberry Place, Whitehorse, Yukon POSTAL CODE: Y1A 5W5

EMAIL: _____ FAX #: _____

PHONE #: (867) 633-2336 ALTERNATE PHONE #: _____

It is the responsibility of the applicant to ensure that all plans conform to the provisions of the City of Dawson Zoning Bylaw and applicable territorial and federal legislation.

DECLARATION

- I/WE hereby make application for a Development Permit under the provisions of the City of Dawson Zoning Bylaw No. 12-27 and in accordance with the plans and supporting information submitted and attached which form part of this application.
- I/ WE have reviewed all of the information supplied to the City of Dawson with respect to an application for a Development Permit and it is true and accurate to the best of my/our knowledge and belief.
- I/WE understand that the City of Dawson will rely on this information in its evaluation of my/our application for a Development Permit and that any decision made by the City of Dawson on inaccurate information may be rescinded at any time.
- I/WE hereby give my/our consent to allow Council or a person appointed by its right to enter the above land and/or building(s) with respect to this application only.

I/WE HAVE CAREFULLY READ THIS DECLARATION BEFORE SIGNING IT

2018-05-11
DATE SIGNED

SIGNATURE OF APPLICANT(S)

2018-05-11
DATE SIGNED

SIGNATURE OF OWNER(S)

Mining and reclamation activities in the Dome Road Agreement Realignment Area (Slinky Mine) to August 31, 2018

Claim Name	Grant Number	Activities to August 31, 2018 within Dome Road realignment Area
Wedge 1	P 36296	Mining and reclamation activities. Claim to be abandoned* on August 31, 2018.
Wedge 3	P 36298	Portion of claim to be abandoned* on May 31, 2018
Lin	P 34485	Reclamation and mining activities. Claim to be abandoned* on August 31, 2018.
Lin	P 34486	Reclamation and mining activities. Portion of claim to be abandoned* on August 31, 2018.
Lin	P 34422	Reclamation and mining activities. Claim to be abandoned* on August 31, 2018.
Lin	P 34308	Reclamation (if required) and claim to be abandoned* on May 31, 2018
Lin	P 34309	Reclamation (if required) and portion of claim to be abandoned* on May 31, 2018
Lin	P 34423	Mining and reclamation. Portion of claim to be abandoned* on August 31, 2018
D&R	P 29645	Portion of claim to be abandoned* on August 31, 2018
Tracy	P 29759	Mining and Reclamation activities. Portion of claim to be abandoned* on August 31, 2018.
* Claim area to be abandoned located within the Dome Road Realignment area – see Appendix B map in Agreement.		



THE CITY OF DAWSON

Bylaw No. 2018-xx

WHEREAS section 265(c) of the *Municipal Act* RSY 2002 Chapter 154 (the "Act") provides that council may pass bylaws with respect to businesses, business activities, and persons engaged in business; and

Commented [SMJ1]: INFO - The template uses the following format:

Municipal Act, RSY 2002, c. 154

WHEREAS section 266 of the *Municipal Act* provides that council may in such bylaws regulate, control or prohibit, and provide for a system of licences, inspections, permits or approvals;

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

Commented [SMJ2]: INFO - The template uses the following:

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the Council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

PART I - INTERPRETATION

1.00 Title

This Bylaw may be cited as the "**Business Licence Bylaw**".

2.00 Purpose

The purpose of this Bylaw is to provide for the Licensing of businesses within the City of Dawson.

3.00 Reference to a Bylaw

For the purpose of this Bylaw, any reference to any other bylaw, unless otherwise stated, refers to a City of Dawson bylaw.

Commented [SMJ3]: New Section:

There are several references to other bylaws.



THE CITY OF DAWSON

Bylaw No. 2018-xx

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THE CITY OF DAWSON

Bylaw No. 2018-xx

4.00 Definitions

In this Bylaw:

(a) Unless expressly provided for elsewhere within this Bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;

Commented [SMJ4]: Add definition

(b) "business" means

- I. any commercial, merchandising, or industrial activity or undertaking, or
- II. any profession, trade, occupation, calling or employment, or
- III. any activity providing goods or services for the purpose of gain or profit.

(c) "busker" means an individual or group who provides street performances for the public by playing an instrument, singing, dancing, juggling, miming, performing magic or providing other entertainment in a public place accepting voluntary donation.

(d) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;

Commented [SMJ5]: Add definition

(e) "CAO" means the Chief Administrative Officer for the City of Dawson;

Commented [SMJ6]: Add definition

(f) "carry on or operate a business" includes the action of any person providing any business activities including advertising by newspaper or any other means that the business activity is available.

(g) "CDO" means the Community Development and Planning Officer for the City of Dawson;

Commented [SMJ7]: Add definition

(h) "child care services" means a business providing day care, day camp, childcare, play school, or other similar types of services.

(i) "city" means the City of Dawson, Yukon Territory.



THE CITY OF DAWSON

Bylaw No. 2018-xx

- (j) "designated municipal officer" means a person appointed by Council under section 186 of the *Municipal Act* to fulfill specified duties under this Bylaw.
- (k) "Farmers' Market" means a temporary or seasonal market for the display and sale of farm produce and products in an open air or indoor venue.
- (l) "flea market or bazaar" means the occasional sale of crafts and trinkets.
- (m) "hawker or peddler" means any person who, whether as principal or agent:
- I. goes from place to place selling or offering for sale any merchandise or services to any person, or
 - II. sets up tables, carts, mobile displays or any other temporary structure to offer or expose for sale to any person goods, wares, or merchandise, or
 - III. Robert Service School (RSS) students or local community organizations fundraising for specific events and/or activities are not considered Hawkers or Peddlers and are permitted to participate in door to door fundraising activities in residential zones.
- (n) "Inter-Municipal Business License" means a business license purchased in addition to the standard business license allowing the licensee to conduct business in other participating Yukon communities. An Inter-Municipal Business License may be purchased from any Association of Yukon Communities (AYC) municipality participating in the program.
- (o) "license inspector" means any person appointed by the City as a Bylaw Enforcement Officer.
- (p) "local business" means any business which operates from a permanent residence within the Tr'ondëk Hwëch'in Traditional Territory.
- (q) "mobile refreshment stand" means a non-permanent and/or portable booth, stand, or vehicle for the sale of food, beverages, or refreshment, prepared or cooked on the vehicle, and includes, but are not limited to hot dog, sausage, hamburger carts or similar stands.

Commented [SMJ8]: Delete:
Not required because of the addition of the definition of Bylaw Enforcement Officer.

Commented [SMJ9]: Delete:
All references replaced by "Bylaw Enforcement Officer".

Commented [SMJ10]: Suggested change:
"without limitation,"



THE CITY OF DAWSON

Bylaw No. 2018-xx

- (r) "mobile vendor" means an independently operated vehicle or structure occupying private space typically for the purpose of providing retail products, and/or services for commercial sale by a business entity, in an outdoor setting to either passers-by or seated patrons.
- (s) "non-local business" means a business that is not a local business or a regional business.
- (t) "person" means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;
- (u) "public land" means land that is owned by or under the care and control of the City of Dawson.
- (v) "regional business" means any business which operates from a permanent residence outside of the Tr'ondëk Hwëch'in Traditional Territory but within the Yukon Territory.
- (w) "sleeping quarters" means one or more habitable rooms used for lodging of a person or persons on a temporary or longer basis.
- (x) Tr'ondëk Hwëch'in Traditional Territory means the area within the boundaries of the Tr'ondëk Hwëch'in Traditional Territory.

Commented [SMJ11]: nor

Commented [SMJ12]: Add definition

Commented [SMJ13]: Delete:
This definition is not used in the bylaw.

Commented [SMJ14]: Used to read:
Tr'ondëk Hwëch'in TRADITIONAL TERRITORY

PART II – APPLICATION

5.00 Activities Not Requiring A Business License

The following businesses are hereby exempted from requiring a business license:

- (a) residential garage sales of less than forty eight (48) hours in duration;
- (b) the sale of a limited number of homemade, souvenir, or miscellaneous type items at community flea markets or bazaar including the Community Artists' Market;



THE CITY OF DAWSON

Bylaw No. 2018-xx

- (c) the sale of a limited number of miscellaneous or souvenir items provided that such sale occurs in the course of carrying on a business otherwise licensed pursuant to this Bylaw;
- (d) vending machines which are installed on premises for which the owner of the machine has a valid business license;
- (e) coin operated washers, dryers, or other laundry equipment provided by the owner of rental accommodation for the exclusive use of the occupants thereof;
- (f) **Buskers**;
- (g) such other businesses as determined appropriate by Council.

Commented [SMJ15]: Down-cap

Commented [SMJ16]: Change to: by resolution of

6.00 Administration Of Business Licenses

- 6.01 Applications, application fees and all related permits or other documentation required to complete the application shall be received by the City at the municipal offices during normal business hours.
- 6.02 The City shall examine all business license application forms and other information submitted in connection thereto. Based on their analysis and interpretation of the information, the City may refuse to issue a license.
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Commented [SMJ17]: Delete
???? why would we have an authorized agent???

Commented [SMJ18]: Down-cap

Commented [SMJ19]: Change to: Bylaw Officer

Commented [SMJ20]: Delete

Commented [SMJ21]: Change to: CAO



THE CITY OF DAWSON

Bylaw No. 2018-xx

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7.03 The municipality is a signatory to the Association of Yukon Communities' Inter-Municipal Business Licence Agreement. Any business holding a valid license issued pursuant to that agreement, except a business of the Hawker and Mobile Vendor kind as defined in this Bylaw, shall be deemed to be licensed pursuant to this Bylaw.

Commented [SMJ25]: Down-cap

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THE CITY OF DAWSON

Bylaw No. 2018-xx

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The CAO may require a criminal record check of the applicant or applicants and, when...

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THE CITY OF DAWSON

Bylaw No. 2018-xx

8.04 Every person conducting business in the City of Dawson under an Inter-Municipal Business License must abide by all rules set forth in this bylaw.

Commented [SMJ31]: Change to:
city

8.05 Hawkers and Peddlers are not permitted to operate in any area identified as residential in the City of Dawson's Zoning Bylaw or any successor legislation.

Commented [SMJ32]: Italicize and put between double quotes

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Commented [SMJ34]: Not required given new section 3.00

Commented [SMJ35]: Italicize

9.00 Business Licensing Fees

9.01 A license is not valid until it has been issued by the Designated Municipal Officer and the license fee has been paid.

Commented [SMJ36]: Change to:
CAO

9.02 An applicant for a license must pay to the City the applicable license fee for that business as set out in Schedule A of the City of Dawson Fees and Charges Bylaw. No license shall be issued until the fee is paid.

Commented [SMJ37]: Change to:
the Fees and Charges Bylaw.

9.03 Council may review the business license fees on an annual basis to ensure that they are reflective of annual inflation, are comparable to other municipalities, and are reflective of City business license operating expenses.

10.00 Liability Insurance

10.01 All applications for any business being conducted on public land shall supply proof of valid public liability insurance in an amount of at least two million dollars (\$2,000,000.00). The City may require public liability insurance at a higher rate at its sole discretion. The licensee is required to maintain such insurance in force throughout the period that the business license is in effect. The City shall be included as an additional insured and shall be provided 30 days prior notice of cancellation on all general liability policies.

11.00 Buskers

11.01 Buskers and their audience must not block doorways, display windows, sidewalks, paths, bicycle routes, or City streets and roads and must not block pedestrian or vehicular traffic.

11.02 Performances must not jeopardize the comfort and safety of others and Buskers must respect the wishes of nearby residents and visitors, particularly regarding the loudness of the performance.

Commented [SMJ38]: Change to:
the busker

11.03 All performances must be suitable for a general family audience rating.



THE CITY OF DAWSON

Bylaw No. 2018-xx

- 11.04 Buskers shall not perform at sites that have been booked for events or festivals or where paid performers are working.
- 11.05 Performances may take place between 10:00 AM to 10:00 PM, seven (7) days per week.
- 11.06 Every **Busker** shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter free and tidy state.
- 11.07 It shall be within the **Designated Officer's** discretion to cease any activity that jeopardizes the comfort and safety of others.

Commented [SMJ39]: Down-cap

Commented [SMJ40]: Change to: Bylaw Enforcement Officer's

12.00 Mobile Vendors

- 12.01 Mobile Vendors are not permitted to display goods or merchandise which are offered for sale or intended to be offered for sale and/or provide services on a street, sidewalk or boulevard, or other public land other than at pre-determined locations **authorised** in advance by the **Designated Municipal Officer** or their designate.
- 12.02 Each Mobile Vendor shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter-free and tidy state.

Commented [SMJ41]: Change to: authorized

Commented [SMJ42]: Change to: CAO

13.00 Mobile Refreshment Stands

- 13.01 Mobile Refreshment Stands are permitted to sell concession type food in all areas of the City save and except areas zoned Residential pursuant to **municipal bylaw**.
- 13.02 Mobile Refreshment Stands are required to present written proof of current Yukon Environmental Health approval and an approved business license.
- 13.03 A Mobile Refreshment Stand operating on public land shall, prior to the issue of a business license, provide verifiable confirmation of having purchased liability insurance in an amount of not less than two million dollars (\$2,000,000), and with the City of Dawson listed as an additional named insured.

Commented [SMJ43]: Change to: the Zoning Bylaw



THE CITY OF DAWSON

Bylaw No. 2018-xx

13.04 Mobile Refreshment Stands must reflect the heritage standards of the community and will be required to receive approval for their apparatus from the Community Development Officer.

Commented [SMJ44]: Change to: CDO

13.05 Mobile Refreshment Stand service shall be limited to the period from 7:00 AM to 3:00 AM, seven (7) days per week.

13.06 Every operator of a Mobile Refreshment Stand shall be responsible for the supply and maintenance of garbage receptacles and disposal of garbage to an approved disposal site.

13.07 Every Mobile Refreshment Stand shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter free and tidy state.

14.00 Special Events

14.01 It shall be within the discretion of the Chief Administrative Officer to waive the necessity of a business license for Mobile Refreshment Stands or Street Vendors during special events if:

Commented [SMJ45]: Change to: CAO

(a) The event is being planned, organized and controlled by an organization holding a valid business license; or

(b) The organizing party supplies a written request to the Chief Administrative Officer for such a waiver;

Commented [SMJ46]: Change to: CAO

(c) The organizing party agrees, in writing, to abide by and enforce upon Mobile Vendors and Mobile Refreshment Stands contained in the waiver any conditions that the Chief Administrative Officer may deem necessary.

Commented [SMJ47]: Change to: CAO

15.00 Suspension And Revocation Of A License

15.01 A License Inspector may suspend or revoke a business license anytime where a license holder is contravening any of the aforesaid Federal or Territorial laws or regulations or Municipal bylaw or regulations or where, in the opinion of the License Inspector, there is just and reasonable cause to do so. The License Inspector shall attempt to inform the license holder verbally of the suspension or revocation but in any event shall mail written notice of the suspension or revocation to the license holder as soon as is reasonably possible.

Commented [SMJ48]: Change to: Bylaw Enforcement Officer

Commented [SMJ49]: Down-cap

Commented [SMJ50]: Change to: Bylaw Enforcement Officer

Commented [SMJ51]: Change to: Bylaw Enforcement Officer



THE CITY OF DAWSON

Bylaw No. 2018-xx

15.02 Any construction contractor who proceeds with any construction without a City of Dawson Development Permit required by the *Zoning Bylaw* for the project will have his business license suspended until such time the permit is obtained.

Commented [SMJ52]: Change to:
Any business licence holder who proceeds with any construction without a Development Permit required by the *Zoning Bylaw* for the project, will have their business license suspended until such time the Development Permit is obtained.

15.03 Where a license has been suspended, the suspension shall be for such period of time as is necessary to bring the license holder into compliance with laws, bylaws or regulations or to rectify the grounds for the suspension as the case may be. In no event will the suspension be for longer than the unexpired term of the license.

Commented [SMJ53]: Change to:
When

15.04 Where a License Inspector suspends or revokes a business license, the suspension or revocation will commence immediately.

Commented [SMJ54]: Change to:
When

Commented [SMJ55]: Change to:
Bylaw Enforcement Officer

16.00 Appeal

16.01 Any person who has been refused a business license and any license holder whose license has been refused, suspended or revoked may appeal in writing within thirty (30) days of the date of refusal, revocation or suspension to Council.

16.02 Council shall commence a hearing of the appeal within fourteen (14) days of receipt of the appeal. This hearing may be adjourned for a period not to exceed ten (10) days to provide time to gather necessary additional information. Such suspension of hearing shall not be unreasonably made. Where the Council fails to re-convene the hearing within ten (10) days, the appeal shall be deemed to have been decided in favour of the appellant.

Commented [SMJ56]: Change to:
Should the Council fail

16.03 Council shall make a decision on the appeal within ten (10) days of concluding the hearing of the appeal and shall inform the appellant of its decision in writing. Should the Council fail to make a decision within ten (10) days of the conclusion of the hearing, the appeal will be deemed to have been decided in favour of the appellant.

16.04 Written notice of any refusal, suspension, revocation or decision on an appeal under this Bylaw will be deemed to have been delivered to the applicant or license holder seven (7) days after it is posted by registered mail from the City to the address of the applicant or license holder as set out on the license application form.



THE CITY OF DAWSON

Bylaw No. 2018-xx

17.00 Penalties

Any person who fails to comply with the requirements of this bylaw commits an offence and is liable, upon summary conviction, to:

- (a) a voluntary fine under section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Appendix "A" attached hereto and forming part of this bylaw;
- (b) a fine not less than five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Convictions Act* of the Yukon.

PART III – FORCE AND EFFECT

18.00 Severability

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

Commented [SMJ57]: Add section:

This is a section that should be in all bylaws, but is missed from this one.

19.00 Appendices

Appendices attached to and referred to in this Bylaw form part of this Bylaw and are to be read in conjunction with this Bylaw.

20.00 Repeal

Bylaw 13-06 and its amendments thereto are hereby repealed.

21.00 Enactment

This Bylaw shall come into force on the day of the passing by Council of the third and final reading.



THE CITY OF DAWSON

Bylaw No. 2018-xx

22.00 Bylaw Readings

Readings	Date of Reading
FIRST	May 9, 2017
SECOND	May 23, 2017
THIRD and FINAL	June 20, 2017

Original signed by:

Wayne Potoroka, Mayor

Presiding Officer

John Skilnyk, CAO

Chief Administrative Officer

Commented [SMJ58]: This would be removed for the signature of the Presiding Officer and CAO.

It would be used for the Web copy.

Commented [SMJ59]: Add these (as per the *Municipal Act*)

Note the change from "Mayor" in the footer to "Presiding Officer"



THE CITY OF DAWSON

Bylaw No. 2018-xx

PART IV - APPENDICES

Appendix 1 – Voluntary Fines

Authority	Ticket Description	Penalty
Section 6.05	Fail to post or produce license or permit	\$50.00
Section 6.08	Interfere/Obstruct License Inspector	\$300.00
Section 7.01	Unlicensed business	\$200.00
Section 8.05	Hawkers/Peddlers operate in residential areas	\$100.00
Section 11.00	Busk contrary to Business License Bylaw	\$50.00
Section 11.06, 12.02, 13.07	Fail to keep area tidy/litter free	\$100.00
Section 13.00	Mobile Refreshment Stands contrary to Business License Bylaw	\$100.00

Commented [SMJ60]: Change to:
Bylaw Enforcement Officer



THE CITY OF DAWSON

Bylaw No. 2018-11

WHEREAS section 265(c) of the *Municipal Act* RSY 2002 Chapter 154 (the “Act”) provides that council may pass bylaws with respect to businesses, business activities, and persons engaged in business; and

Commented [SMJ1]: INFO - The template uses the following format:

Municipal Act, RSY 2002, c. 154

WHEREAS section 266 of the *Municipal Act* provides that council may in such bylaws regulate, control or prohibit, and provide for a system of licences, inspections, permits or approvals;

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

Commented [SMJ2]: INFO - The template uses the following:

THEREFORE, pursuant to the provisions of the *Municipal Act* of the Yukon, the Council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS**:

PART I - INTERPRETATION

1.00 Title

This Bylaw may be cited as the “**Business Licence Bylaw**”.

2.00 Purpose

The purpose of this Bylaw is to provide for the Licensing of businesses within the City of Dawson.

3.00 Reference to a Bylaw

For the purpose of this Bylaw, any reference to any other bylaw, unless otherwise stated, refers to a City of Dawson bylaw.

Commented [SMJ3]: New Section:

There are several references to other bylaws.



THE CITY OF DAWSON

Bylaw No. 2018-11

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THE CITY OF DAWSON

Bylaw No. 2018-11

4.00 Definitions

In this Bylaw:

- (a) Unless expressly provided for elsewhere within this Bylaw the provisions of the *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) "business" means
 - I. any commercial, merchandising, or industrial activity or undertaking, or
 - II. any profession, trade, occupation, calling or employment, or
 - III. any activity providing goods or services for the purpose of gain or profit.
- (c) "busker" means an individual or group who provides street performances for the public by playing an instrument, singing, dancing, juggling, miming, performing magic or providing other entertainment in a public place accepting voluntary donation.
- (d) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
- (e) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (f) "carry on or operate a business" includes the action of any person providing any business activities including advertising by newspaper or any other means that the business activity is available.
- (g) "CDO" means the Community Development and Planning Officer for the City of Dawson;
- (h) "child care services" means a business providing day care, day camp, childcare, play school, or other similar types of services.
- (i) "city" means the City of Dawson, Yukon Territory.

Commented [SMJ4]: Add definition

Commented [SMJ5]: Add definition

Commented [SMJ6]: Add definition

Commented [SMJ7]: Add definition



THE CITY OF DAWSON

Bylaw No. 2018-11

- (j) "designated municipal officer" means a person appointed by Council under section 186 of the *Municipal Act* to fulfill specified duties under this Bylaw.
- (k) "Farmers' Market" means a temporary or seasonal market for the display and sale of farm produce and products in an open air or indoor venue.
- (l) "flea market or bazaar" means the occasional sale of crafts and trinkets.
- (m) "hawker or peddler" means any person who, whether as principal or agent:
- I. goes from place to place selling or offering for sale any merchandise or services to any person, or
 - II. sets up tables, carts, mobile displays or any other temporary structure to offer or expose for sale to any person goods, wares, or merchandise, or
 - III. Robert Service School (RSS) students or local community organizations fundraising for specific events and/or activities are not considered Hawkers or Peddlers and are permitted to participate in door to door fundraising activities in residential zones.
- (n) "Inter-Municipal Business License" means a business license purchased in addition to the standard business license allowing the licensee to conduct business in other participating Yukon communities. An Inter-Municipal Business License may be purchased from any Association of Yukon Communities (AYC) municipality participating in the program.
- (o) "license inspector" means any person appointed by the City as a Bylaw Enforcement Officer.
- (p) "local business" means any business which operates from a permanent residence within the Tr'ondëk Hwëch'in Traditional Territory.
- (q) "mobile refreshment stand" means a non-permanent and/or portable booth, stand, or vehicle for the sale of food, beverages, or refreshment, prepared or cooked on the vehicle, and includes, but are not limited to hot dog, sausage, hamburger carts or similar stands.

Commented [SMJ8]: Delete:
Not required because of the addition of the definition of Bylaw Enforcement Officer.

Commented [SMJ9]: Delete:
All references replaced by "Bylaw Enforcement Officer".

Commented [SMJ10]: Suggested change:
"without limitation,"



THE CITY OF DAWSON

Bylaw No. 2018-11

- (r) "mobile vendor" means an independently operated vehicle or structure occupying private space typically for the purpose of providing retail products, and/or services for commercial sale by a business entity, in an outdoor setting to either passers-by or seated patrons.
- (s) "non-local business" means a business that is not a local business or a regional business.
- (t) "person" means any individual, association, firm, partnership, corporation, agent or trustee and the heirs, executors, or other legal representatives of a person to whom the context can apply according to law;
- (u) "public land" means land that is owned by or under the care and control of the City of Dawson.
- (v) "regional business" means any business which operates from a permanent residence outside of the Tr'ondëk Hwëch'in Traditional Territory but within the Yukon Territory.
- (w) "sleeping quarters" means one or more habitable rooms used for lodging of a person or persons on a temporary or longer basis.
- (x) Tr'ondëk Hwëch'in Traditional Territory means the area within the boundaries of the Tr'ondëk Hwëch'in Traditional Territory.

Commented [SMJ11]: nor

Commented [SMJ12]: Add definition

Commented [SMJ13]: Delete:
This definition is not used in the bylaw.

Commented [SMJ14]: Used to read:
Tr'ondëk Hwëch'in TRADITIONAL TERRITORY

PART II – APPLICATION

5.00 Activities Not Requiring A Business License

The following businesses are hereby exempted from requiring a business license:

- (a) residential garage sales of less than forty eight (48) hours in duration;
- (b) the sale of a limited number of homemade, souvenir, or miscellaneous type items at community flea markets or bazaar including the Community Artists' Market;



THE CITY OF DAWSON

Bylaw No. 2018-11

- (c) the sale of a limited number of miscellaneous or souvenir items provided that such sale occurs in the course of carrying on a business otherwise licensed pursuant to this Bylaw;
- (d) vending machines which are installed on premises for which the owner of the machine has a valid business license;
- (e) coin operated washers, dryers, or other laundry equipment provided by the owner of rental accommodation for the exclusive use of the occupants thereof;
- (f) **Buskers**;
- (g) such other businesses as determined appropriate by Council.

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Commented [SMJ16]: Change to: by resolution of

6.00 Administration Of Business Licenses

- 6.01 Applications, application fees and all related permits or other documentation required to complete the application shall be received by the City at the municipal offices during normal business hours.
- 6.02 The City shall examine all business license application forms and other information submitted in connection thereto. Based on their analysis and interpretation of the information, the City may refuse to issue a license.
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THE CITY OF DAWSON

Bylaw No. 2018-11

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7.03 The municipality is a signatory to the Association of Yukon Communities' Inter-Municipal Business Licence Agreement. Any business holding a valid license issued pursuant to that agreement, except a business of the Hawker and Mobile Vendor kind as defined in this Bylaw, shall be deemed to be licensed pursuant to this Bylaw.

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7.05 Any fee left owing at December 31 of any year in which a business has operated will be applied to the property tax account associated with the business location.

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THE CITY OF DAWSON

Bylaw No. 2018-11

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Commented [SMJ26]: Change to:
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Commented [SMJ28]: Suggested change:
, without limitation,

8.02 Every application for a business license for private investigators or private patrol agencies shall be accompanied by information satisfactory to the City with respect to the character, criminal record if any, and general reputation of the applicant or applicants. A License Inspector may conduct a criminal record check of the applicant or applicants and, where he is not satisfied that the reputation of the applicant/s meets community standards for the type of business proposed, may refuse on this or any other grounds to issue a license.

Commented [SMJ29]: Change to:
The CAO may require a criminal record check of the applicant or applicants and, when...

The word "he is used and this does not fit with our new template for gender neutrality.

8.03 Every application for a business license for any child-care service must be accompanied by proof of approval to operate by the Yukon Territorial Government.

Commented [SMJ30]: Change to:
child care



THE CITY OF DAWSON

Bylaw No. 2018-11

8.04 Every person conducting business in the City of Dawson under an Inter-Municipal Business License must abide by all rules set forth in this bylaw.

Commented [SMJ31]: Change to:
city

8.05 Hawkers and Peddlers are not permitted to operate in any area identified as residential in the City of Dawson's Zoning Bylaw or any successor legislation.

Commented [SMJ32]: Italicize and put between double quotes

Commented [SMJ33]: Down-cap

Commented [SMJ34]: Not required given new section 3.00

Commented [SMJ35]: Italicize

9.00 Business Licensing Fees

9.01 A license is not valid until it has been issued by the Designated Municipal Officer and the license fee has been paid.

Commented [SMJ36]: Change to:
CAO

9.02 An applicant for a license must pay to the City the applicable license fee for that business as set out in Schedule A of the City of Dawson Fees and Charges Bylaw. No license shall be issued until the fee is paid.

Commented [SMJ37]: Change to:
the Fees and Charges Bylaw.

9.03 Council may review the business license fees on an annual basis to ensure that they are reflective of annual inflation, are comparable to other municipalities, and are reflective of City business license operating expenses.

10.00 Liability Insurance

10.01 All applications for any business being conducted on public land shall supply proof of valid public liability insurance in an amount of at least two million dollars (\$2,000,000.00). The City may require public liability insurance at a higher rate at its sole discretion. The licensee is required to maintain such insurance in force throughout the period that the business license is in effect. The City shall be included as an additional insured and shall be provided 30 days prior notice of cancellation on all general liability policies.

11.00 Buskers

11.01 Buskers and their audience must not block doorways, display windows, sidewalks, paths, bicycle routes, or City streets and roads and must not block pedestrian or vehicular traffic.

11.02 Performances must not jeopardize the comfort and safety of others and Buskers must respect the wishes of nearby residents and visitors, particularly regarding the loudness of the performance.

Commented [SMJ38]: Change to:
the busker

11.03 All performances must be suitable for a general family audience rating.



THE CITY OF DAWSON

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- 11.04 Buskers shall not perform at sites that have been booked for events or festivals or where paid performers are working.
- 11.05 Performances may take place between 10:00 AM to 10:00 PM, seven (7) days per week.
- 11.06 Every **Busker** shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter free and tidy state.
- 11.07 It shall be within the **Designated Officer's** discretion to cease any activity that jeopardizes the comfort and safety of others.

Commented [SMJ39]: Down-cap

Commented [SMJ40]: Change to: Bylaw Enforcement Officer's

12.00 Mobile Vendors

- 12.01 Mobile Vendors are not permitted to display goods or merchandise which are offered for sale or intended to be offered for sale and/or provide services on a street, sidewalk or boulevard, or other public land other than at pre-determined locations **authorised** in advance by the **Designated Municipal Officer** or their designate.
- 12.02 Each Mobile Vendor shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter-free and tidy state.

Commented [SMJ41]: Change to: authorized

Commented [SMJ42]: Change to: CAO

13.00 Mobile Refreshment Stands

- 13.01 Mobile Refreshment Stands are permitted to sell concession type food in all areas of the City save and except areas zoned Residential pursuant to **municipal bylaw**.
- 13.02 Mobile Refreshment Stands are required to present written proof of current Yukon Environmental Health approval and an approved business license.
- 13.03 A Mobile Refreshment Stand operating on public land shall, prior to the issue of a business license, provide verifiable confirmation of having purchased liability insurance in an amount of not less than two million dollars (\$2,000,000), and with the City of Dawson listed as an additional named insured.

Commented [SMJ43]: Change to: the Zoning Bylaw



THE CITY OF DAWSON

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13.04 Mobile Refreshment Stands must reflect the heritage standards of the community and will be required to receive approval for their apparatus from the Community Development Officer.

Commented [SMJ44]: Change to: CDO

13.05 Mobile Refreshment Stand service shall be limited to the period from 7:00 AM to 3:00 AM, seven (7) days per week.

13.06 Every operator of a Mobile Refreshment Stand shall be responsible for the supply and maintenance of garbage receptacles and disposal of garbage to an approved disposal site.

13.07 Every Mobile Refreshment Stand shall be responsible for maintaining the lands in the vicinity of their operation in a clean, litter free and tidy state.

14.00 Special Events

14.01 It shall be within the discretion of the Chief Administrative Officer to waive the necessity of a business license for Mobile Refreshment Stands or Street Vendors during special events if:

Commented [SMJ45]: Change to: CAO

(a) The event is being planned, organized and controlled by an organization holding a valid business license; or

(b) The organizing party supplies a written request to the Chief Administrative Officer for such a waiver;

Commented [SMJ46]: Change to: CAO

(c) The organizing party agrees, in writing, to abide by and enforce upon Mobile Vendors and Mobile Refreshment Stands contained in the waiver any conditions that the Chief Administrative Officer may deem necessary.

Commented [SMJ47]: Change to: CAO

15.00 Suspension And Revocation Of A License

15.01 A License Inspector may suspend or revoke a business license anytime where a license holder is contravening any of the aforesaid Federal or Territorial laws or regulations or Municipal bylaw or regulations or where, in the opinion of the License Inspector, there is just and reasonable cause to do so. The License Inspector shall attempt to inform the license holder verbally of the suspension or revocation but in any event shall mail written notice of the suspension or revocation to the license holder as soon as is reasonably possible.

Commented [SMJ48]: Change to: Bylaw Enforcement Officer

Commented [SMJ49]: Down-cap

Commented [SMJ50]: Change to: Bylaw Enforcement Officer

Commented [SMJ51]: Change to: Bylaw Enforcement Officer



THE CITY OF DAWSON

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15.02 Any construction contractor who proceeds with any construction without a City of Dawson Development Permit required by the *Zoning Bylaw* for the project will have his business license suspended until such time the permit is obtained.

Commented [SMJ52]: Change to:
Any business licence holder who proceeds with any construction without a Development Permit required by the *Zoning Bylaw* for the project, will have their business license suspended until such time the Development Permit is obtained.

15.03 Where a license has been suspended, the suspension shall be for such period of time as is necessary to bring the license holder into compliance with laws, bylaws or regulations or to rectify the grounds for the suspension as the case may be. In no event will the suspension be for longer than the unexpired term of the license.

Commented [SMJ53]: Change to:
When

15.04 Where a License Inspector suspends or revokes a business license, the suspension or revocation will commence immediately.

Commented [SMJ54]: Change to:
When

Commented [SMJ55]: Change to:
Bylaw Enforcement Officer

16.00 Appeal

16.01 Any person who has been refused a business license and any license holder whose license has been refused, suspended or revoked may appeal in writing within thirty (30) days of the date of refusal, revocation or suspension to Council.

16.02 Council shall commence a hearing of the appeal within fourteen (14) days of receipt of the appeal. This hearing may be adjourned for a period not to exceed ten (10) days to provide time to gather necessary additional information. Such suspension of hearing shall not be unreasonably made. Where the Council fails to re-convene the hearing within ten (10) days, the appeal shall be deemed to have been decided in favour of the appellant.

Commented [SMJ56]: Change to:
Should the Council fail

16.03 Council shall make a decision on the appeal within ten (10) days of concluding the hearing of the appeal and shall inform the appellant of its decision in writing. Should the Council fail to make a decision within ten (10) days of the conclusion of the hearing, the appeal will be deemed to have been decided in favour of the appellant.

16.04 Written notice of any refusal, suspension, revocation or decision on an appeal under this Bylaw will be deemed to have been delivered to the applicant or license holder seven (7) days after it is posted by registered mail from the City to the address of the applicant or license holder as set out on the license application form.



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17.00 Penalties

Any person who fails to comply with the requirements of this bylaw commits an offence and is liable, upon summary conviction, to:

- (a) a voluntary fine under section 20 of the *Summary Convictions Act*, issued in respect of an offence specified in Appendix "A" attached hereto and forming part of this bylaw;
- (b) a fine not less than five hundred dollars (\$500.00) where proceedings are commenced pursuant to the *Summary Convictions Act* of the Yukon.

PART III – FORCE AND EFFECT

18.00 Severability

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

Commented [SMJ57]: Add section:

This is a section that should be in all bylaws, but is missed from this one.

19.00 Appendices

Appendices attached to and referred to in this Bylaw form part of this Bylaw and are to be read in conjunction with this Bylaw.

20.00 Repeal

Bylaw 13-06 and its amendments thereto are hereby repealed.

21.00 Enactment

This Bylaw shall come into force on the day of the passing by Council of the third and final reading.



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22.00 Bylaw Readings

Readings	Date of Reading
FIRST	May 9, 2017
SECOND	May 23, 2017
THIRD and FINAL	June 20, 2017

Original signed by:

Wayne Potoroka, Mayor

Presiding Officer

John Skilnyk, CAO

Chief Administrative Officer

Commented [SMJ58]: This would be removed for the signature of the Presiding Officer and CAO.

It would be used for the Web copy.

Commented [SMJ59]: Add these (as per the *Municipal Act*)

Note the change from "Mayor" in the footer to "Presiding Officer"



THE CITY OF DAWSON

Bylaw No. 2018-11

PART IV - APPENDICES

Appendix 1 – Voluntary Fines

Authority	Ticket Description	Penalty
Section 6.05	Fail to post or produce license or permit	\$50.00
Section 6.08	Interfere/Obstruct License Inspector	\$300.00
Section 7.01	Unlicensed business	\$200.00
Section 8.05	Hawkers/Peddlers operate in residential areas	\$100.00
Section 11.00	Busk contrary to Business License Bylaw	\$50.00
Section 11.06, 12.02, 13.07	Fail to keep area tidy/litter free	\$100.00
Section 13.00	Mobile Refreshment Stands contrary to Business License Bylaw	\$100.00

Commented [SMJ60]: Change to:
Bylaw Enforcement Officer

THE CITY OF DAWSON

Information Report



TO: Mayor and Council
FROM: Marta Selassie, Recreation Manager
DATE: May 2, 2018
SUBJECT: Recreation Tiered Fee Structure

PURPOSE

Council directed administration to apply a tiered fee structure to recreational fees for non-residential facility users.

BACKGROUND

Recreation facilities are highly subsidized a nominal amount of operational costs are recuperated through user fees. The remainder of operating costs are subsidized through taxes and the comprehensive municipal grant. Council expressed a desire to reduce the burden on tax payers and increase fees for people living outside of the municipality.

CURRENT STATUS

Recreation facility fees were increased in the fees and charges by-law recently passed with the intent of creating a discount for municipal residents. The attached policy outlines how the discount will be applied and to what fees.

CONSIDERATIONS / DISCUSSION

Administration requires input from council on how long an individual must reside within municipal boundaries to make them eligible for a 10% discount.

Administration will continual review the implementation of this program and explore options to amend and improve the administration of a tiered fee structure and the idea of membership passes.

APPENDICES / SCHEDULES

- Recreation Tiered Fee Structure Policy

APPROVAL & CAO COMMENTS

Cory Bellmore, CAO



City of Dawson

Recreation Tiered Fee Structure

#2018-01

1. POLICY STATEMENT

- a. The City of Dawson recognizes that affordable access to recreation facilities is essential for the health of a community. Operating and maintenance costs for recreational facilities are highly subsidized by municipal tax payers.

2. OBJECTIVES

The purpose of this policy is to mitigate property tax increase and maintain current levels of services. This policy provides a mechanism to discount some recreation user fees to those who reside within the municipal boundary.

3. FACILITY PASSES AND FEES

- a. All user fees are outlined in the Fees and Charges Bylaw and will be reviewed annually
- b. Passes and deposits are non-transferable
- c. Facility passes are valid for the current season of the facility

4. GENERAL CONDITIONS

- a. Daily drop in fees are not eligible for residential discount rate.
- b. Proof of residency within municipal limits must be provided at the City of Dawson Recreation Office to receive a 10% discount on bulk passes.
- c. Residential discounts will only be applied to eligible passes (pool, recreation centre & fitness) purchased at the Recreation Office.
- d. Passes eligible for residential discount include facility punch passes, season passes, three-month, six month and yearly fitness centre passes.
- e. A local resident is defined by an individual residing within the municipal boundary for a minimum period of six months.
- f. One of the following documents reflecting your current physical address shall be accepted:
 - i. Utility bill such as Yukon Energy, Northwestel, municipal utilities
 - ii. Bank or credit card statement
 - iii. Mortgage documentation
 - iv. Income tax return (notice of assessment) recent year
 - v. Signed residential tenancy agreement

- g. Applicants under 18 years of age, must be accompanied by a parent or legal guardian to provide proof of municipal residency.
- h. This policy will be reviewed annually.

POLICY TITLE: Recreation Tiered Fee Structure

POLICY #: 2018

EFFECTIVE DATE:

ADOPTED BY COUNCIL ON:

RESOLUTION #:

Wayne Potoroka, Mayor

Cory Bellmore, CAO

May 22, 2018

Hi Wayne,

Attached is a letter from School Council to Sandy Silver and the Department of Education regarding RSS's facilities.

In short, we have concerns regarding:

- no hot water in the showers
- lack of adequate space in the school for the Independent Learning Centre (services 20 students and there is only physical space for 6)
- poor playground lighting
- long-term plan for Grade 5 and 6 (currently in the portables)
- playground maintenance

In stark contrast to the facilities at RSS, Whitehorse just finished building a new high school, is building a new french school (\$27.5 million for 150 students - (<https://www.yukon-news.com/news/parties-spar-over-the-size-of-french-high-school-planned-for-whitehorse/>) and is building a track for FH Collins (\$8.1 million -<https://www.newswire.ca/news-releases/upgrades-to-track-and-field-facilities-at-fh-collins-secondary-school-to-provide-whitehorse-residents-with-improved-recreational-opportunities-676977633.html>)

School council was wondering if City Council could also send a supporting letter regarding school facilities to YG.

Robert Service School Council

Robert Service School Council
Box 736
Dawson City, YT Y0B 1G0
Email: rsscouncil@hotmail.com

April 23, 2018

Premier Sandy Silver
Liberal Caucus Office
Government of Yukon (A-15)
Box 2703
Whitehorse, YT Y1A 2C6

RE: Facilities and safety issues at Robert Service School

Dear Premier Silver,

Robert Service School (RSS) Council has some outstanding concerns regarding outdoor safety issues and deteriorating facilities at Robert Service School. Our school council wrote letters (February 20th, April 13th, and May 10th, 2017) to the Department of Education regarding the outdoor facilities at Robert Service School. Since writing that letter, it has come to our attention that many of our indoor facilities are deteriorating and require attention.

We have several outdoor safety concerns. The lighting near the school (including the playground and parking lot) was recently changed from fluorescent lights to LED lights. The light coming from the LED bulbs are more concentrated and less diffuse, which has led to poor lighting in both our school playground and the school parking lot. It can be difficult to see children on the playground and in the street in the morning, as they arrive to school. As we are a northern community – our playground is very dark from early October until the end of February, which is a significant portion of the school year. It is feasible that a child could decide to stay on the playground and not be seen by staff members, which in combination with cold winter temperatures is a serious safety issue.

We believe that an easy solution to this problem is to improve the lighting in the playground and the school parking lot.

The side door entrance at the school (which is the entrance for the Grades 1 and 2) is very heavy and young or smaller children have difficulty opening the door. School council is aware of at least two children with disabilities in these grades; the heavy doors make it difficult for them enter the school. We believe that in the winter, given the cold temperatures, that this is also a serious safety issue for children arriving to school late. The door should be replaced or fixed so that young children can easily open this door. One solution proposed by a school council member is to install a push-button for the door to open automatically.

The playground field is in need of maintenance; there is significant ponding in the spring and repairs needed to equipment on the playground.

When will the Department of Education address the playground maintenance, outdoor lighting and side-door issue at RSS? Given the potential hazards for students at RSS, why is the Department of Education not responding immediately to concerns regarding outdoor lighting and the heavy door for Grade 1 and 2 students?

We also have several concerns regarding the indoor facilities at Robert Service School particularly the portable and the Independent Learning Center classrooms. The Grade 5 and 6 portable classrooms were intended as a temporary measure to create extra classroom space at RSS, however, they are very cold in the winter, and there are ventilation and plumbing issues and cracks in the building. These buildings are run-down and are not a welcoming learning environment for children at RSS. We are looking for more than a band aid, short-term solution for classroom space at RSS and would like to see a long-term solution for Grade 5 and 6 Classroom space at RSS.

How much longer does the Department of Education intend for RSS to use the portables as classroom space? Does the Department of Education have a longer-term plan for Grade 5 and 6 Classroom space? Does that include using the outdoor portables?

The Independent Learning Center (ILC) at RSS currently has 13 children in the program but services a total of twenty children and is taught by a full-time teacher and a part-

time educational assistant. The classroom is not a suitable space for teaching children. The classroom is too small to house twenty plus people – it can currently only fit about six students. It is not an adequate learning environment as it is noisy (it is wedged between the music room and the gym) and it is windowless room that was previously used as a weight room. The small physical space of the room deters many children from attending school – the teacher at the ILC indicated that many students come to school and see that there are too many people in the room and leave.

The current teacher at the ILC indicated that a suitable space for the ILC would include a larger space with a small kitchen facility and two doors and windows. The ILC in Whitehorse has a kitchen and provides warm food on site for students, which is a large motivator to bring these students to school. The current ILC provides food but is limited to cold, pre-made foods, microwavable foods or fruits. The ILC teacher indicated that only having one door is a safety issue – they have had several fights in their classroom and only having a single exit is a serious safety concern.

Has the Department of Education looked at creating classroom space for the ILC? When would that happen and what would the space look like?

We also understand that there are issues with the showers at our school only having cold water. We also understand that many of our students live off-grid and would benefit from having access to warm showers. Our understanding is that the Department of Education will address RSS's electrical and plumbing issues in 2020 but will not complete a full building assessment until 2022.

Why is the Department of Education addressing the electrical and plumbing issues prior to completing a full-building assessment?

In short, we are frustrated by the lack of care the Department of Education is showing the students are RSS – we raised these concerns in 2017 and have yet to see action on these facility issues. Inadequate outdoor lighting, inadequate classroom space and windowless rooms are in stark contrast to the new school facilities in Whitehorse; it is not conducive to learning and is not acceptable in 2018.

If you would like to discuss this further or have any questions, please contact the Robert Service School Council at rsscouncil@hotmail.com and someone will arrange to follow up with you.

Sincerely,

Donna Michon
Chair, Robert Service School Council

Cc:

Hon. Tracy-Anne McPhee, Minister of Education

Greg Storey, Superintendent of Schools, Dept. of Education

Hilary Skilnyk, Principal, Robert Service School

Chris Hanlin, A/Director Operations, Education Building, Property Management