

**Village of Haines Junction
Regular Council Meeting Minutes
December 11, 2024**

Present:

Deputy Mayor Strand
Councillor Busche
Councillor Mackinnon
Councillor McPhie

Absent:

CAO Fairbank

Call to Order

The meeting was called to order at 7:00 pm

Acknowledgement of Champagne and Aishihik First Nations Traditional Territory

Deputy Mayor Strand acknowledged that we are on the traditional territory of the Champagne and Aishihik First Nations

Adoption of Agenda

#393-24 It was moved and seconded

THAT the agenda be adopted as presented.

Motion #393-24 was **CARRIED**.

Declaration of Pecuniary Interest

Adoption of Minutes of Regular and Special Council Meetings

Proclamations

Delegations

Introduction

- A reminder was provided to all in attendance that the Procedures Bylaw allows for a 5-minute presentation from each delegation. Council has the ability to extend this time limit should Council determine that more time is required.
- Council does not provide an immediate response to delegates, nor is there any dialogue back and forth between Council and the delegate. Council will take time to consider the information provided and get back to the delegate with a response at a later date.

George VanSickle – Zoning Bylaw

Presentation:

- This delegation is a follow up to the new Zoning Bylaw that was passed on September 25, 2024 that eliminated the RM zone and allowed mobile homes in the R1 zone. Prior

Council decided to pass the bylaw even though this was a controversial issue within the Village. Council explained that there were other provisions in the bylaw that were good, and they didn't want to delay their implementation. Council further indicated that they would recommend to the new Council to revisit this provision in the bylaw.

- Council has since received a letter from a lawyer indicating the possibility that the procedures for bylaw passage may not have been followed and this has the potential to invalidate the entire bylaw.
- If, under this new bylaw, the development officer approves development permits for mobile homes in the R1 zone, and the bylaw is later found to be invalid, it is difficult to see any fair resolution to the situation that would be created. It wouldn't be fair to cancel permits that were issued, nor would it be fair to grandfather those permits.
- We are recommending that this Council
 - direct the development officer to stay the approval of development permits for mobile homes in the R1 zone until Council revisits and resolves the controversy in the community about this issue and
 - establishes that the current zoning bylaw is valid.
- A draft resolution was provided for Council's convenience.

Brian Crow – Land Treatment Facility

- Intention this evening is to review the core issues and questions with the proposed Land Treatment Facility.
- Nygren is a special community. There are very few communities in Canada and perhaps the world that in a wilderness preserve and next to a UNESCO World Heritage site. This is worth protecting and is the reason why residents invested there.
- Most recent maps put out by Parks Canada shows everything below the subdivision as an environmentally sensitive area. Water flows from Nygren into this valley, through two other parks and eventually into the ocean.
- The proposed scope of this project is decades long. It proposed to treat 15,000 m³ of contaminated soil noting a full dump truck is 10 m³. An Olympic swimming pool is only 2,500 m³. That is a lot of anything to concentrate in one area.
- Everyone acknowledges that the risks associated with this project are not zero. If they aren't 0, why is a security deposit is required, why is there a material safety data sheet for used oil that has an entire section marked toxicological, why will all their trucks carrying the waste be required to have a placard, and then why don't we put it in a place where the risks can be made as close to 0 as possible.
- EMR did an initial site assessment and considered the site to be unsuitable because of its proximity to the residences, the high winds and the percolative soils.
- There are numerous places this site could go that are not this subdivision. There is 14 empty km's between Nygren and the next house. There are 5 unused gravel pits, most of which are contaminated already.
- This has already cost us a year of our time, a year of trips back and forth to Whitehorse, a year of going through what should have been a truncated process.
- There has been no acknowledgement of how this development would affect property values. 15,000 m³ of contaminated soil may affect a potential buyer.

- Mortgage lenders, house insurance companies and potential buyers view risks differently. Now that this has become public, and it is assumed that this project will go forward in this neighbourhood there is a good chance property values have already been affected.
- The public input meeting had 28 people in attendance who spoke with one voice, that this is not a suitable site. Only those with an economic benefit from the project approved of the location.
- The MLA tabled a motion of concern in the legislature.
- There is a petition with over 440 names.
- Issues with these facilities have arisen despite residents being assured that the risks were low and that the project exceeded local regulations. And then something happened, and the risks weren't low anymore.
- If Castle Rock builds in this location, they will make money, provide local jobs, help remediate sites. This will come at a cost to home values and if there is a problem, 32 homes will need to be retrofitted to put in a cistern which will cost in the millions.
- Have been ignored and have had concerns downplayed for 10 months. Residents have had to go to the legislature. Residents have had to ask for a public meeting.
- Residents do believe there needs to be a regional facility, but don't believe that the proposed location is the right location. Asking Council to amend their letter of support.
- Recognizing that the scope of this project is to take in contaminated material from Whitehorse to Beaver Creek, residents have suggested alternative sites within this corridor.

#394-24 It was moved and seconded

THAT the delegation be extended for another 5 minutes.

Motion #394-24 was **CARRIED**.

Discussion:

- Given Council's letter supported a regional facility, but didn't specify where, what would revising this letter accomplish?
 - Understood that Council wasn't aware what site was being proposed when it wrote its initial letter of support. The optics, where the letter is posted on YESAB – it is attached to the project itself -- makes it appear that the Village is in favour of this location.
- Given the project is outside the municipal boundary, how much weight does letter from the municipality have in the YESAB process?
 - Residents feel that a public statement from a government agency carries more weight than an individual, even those who live in the area.
- Village Council can only do so much, have you proposed options to Castle Rock?
 - At the public meeting, resident offered to show Castle Rock alternative sites. This list was also submitted to YESAB. Castle Rock didn't ask me for my phone

number, nor have they tried to reach out. It appears they have no intention of looking at other sites.

Public Hearings and Public Input Sessions

Old Business

Official Community Plan (OCP) Review and Discussion

CAO Presentation:

- The intention of this agenda item is to support for the orientation of the new Council.
- When it was approved in 2021, the intention of the OCP was to be permissive rather than restrictive and to not fetter Council's discretion to make choices. It is purposively written to be allowing rather than restricting.
- This is the highest-level document that the Village has. It guides all other bylaws and actions that the Village can take, including land development and policy etc.
- The main themes are housing; parks, recreation and trails; establishing the village centre; strengthening relationships with CAFN; and economic development.
- Suggest Council set up a meeting with the Land Development Branch who is working with us to move future subdivision development forward. There is industrial land lot development in the early stages, as well as country residential lot expansion behind Willow Acres.
- The OCP can be amended by Council at any time. Typically a major re-write happens every 10 or 15 years, but it is not unusual to do minor updates every 5 years or so

Discussion:

- Did the trail committee have the opportunity to go through the OCP?
 - Yes, this was one of the background documents they were working from, as well as a comprehensive public engagement report from 2018 that produced a conceptual trail network.
- Are there any specific areas or plans that have gone ahead?
 - Mountain Ridge Subdivision was just a concept when the OCP was passed.
 - The Municipal Act requires the Zoning to be reviewed/updated within several years of passing an OCP.
- It was noted that Council will want to be fully versed on the OCP when it starts its strategic planning.

No motion.

RTC 2025 Provisional O&M and Capital/Projects Budget

CAO Presentation:

- The Municipal Act requires that the provisional operating budget for the following year to be passed on or before December 31 of the current year.

- The only changes that have been made to the 2024 budget for the provisional budget regard capital projects, where completed capital projects have been removed from the budget.
- The budget provides updates from year end projections and reflects more information that we have now than we had when the budget was passed in April 2024.

Discussion:

- In the capital budget under Public Works, it talks about a removal of abandoned assets plan. Recall some discussion on the water tower. This is going to be really hard for community members to accept.
 - This line item reflects our asset retirement obligations. Public Sector Accounting Standards require us to quantify the liabilities associated with old infrastructure. This budget item has to do with accounting and does not reflect any plan to demolish the water tower. The \$25,000 is to figure out a number to attached to those assets, which are in fact liabilities, so we can do our accounting properly
- Would like to bring MLA in on discussion to demolish the old pool/curling rink to get the ground ready. The site is a hazard.
 - Council could increase budget for this to get additional engineering review for a better estimate of the demolition cost for the old rec centre. It doesn't mean that we'll spend it, but that the budget will be there if we need it.
 - So many people don't want the place gone because it is historic. Would like to have a ceremony that invites everyone that grew up there. Want to see this get started.
- Who would we hire to do an abandoned asset removal plan for us?
 - There are a handful of engineering firms, we could put out an RFP.
- Council would like to see a line item added to reflect Council's desire to initiate planning for the demolition of the old rec centre, so we have a better sense of the cost to demolish. Would like this to be done to inform the financial sustainability assessment that Council has requested. Has this been done already? Didn't we get an estimate of \$2 million? Has anyone looked into salvaging?
 - An estimate would likely include anything that could be salvaged for a cash return within the total cost.
 - Believe the previous estimate was done in 2020
- Council would like a RTC on what the RFP would look like, and also to look at the old cost estimate.

#395-24 It was moved and seconded

THAT Council adopts the 2025 Provisional O&M and Capital Projects budget as presented.

Motion #395-24 was **CARRIED**.

New Business

Discussion:

- Elevator maintenance was on last month's Accounts Payable report as well, November 13th.
 - We pay a biannual maintenance contract fee for the elevator every year.
 - Something happened with the elevator last month when it wasn't working and they were called out from Whitehorse. This work was over and above the biannual maintenance contract.

Accounts Payable to December 11, 2024

#396-24 It was moved and seconded

THAT the Municipal Accounts Payable to December 11, 2024 be approved as presented.

Motion #396-24 was **CARRIED**.

Bylaws – Reports, Readings and Adoption

Correspondence

Letter from MLA Wade Istchenko

Discussion:

#397-24 It was moved and seconded

THAT the letter from MLA Wade Istchenko be received and filed.

Motion #397-24 was **CARRIED**.

Council Reports and Notice of Motions

Councillor Busche

- Attended AYC training in Whitehorse, it was awesome, learned a lot of stuff. Very happy to have went.
- Requests that the prizes for the Christmas light contest be changed from JBucks to cash. The same categories will be used as were used last year. Judging will take place between December 19-21st.

#398-24 It was moved and seconded

THAT the prizes for the Christmas lights contest be cash.

Motion #398-24 was **CARRIED**.

Councillor Mackinnon

- Also went to the AYC training.

Councillor McPhie

Nothing to report

Deputy Mayor Strand

- Also attended AYC training, as well as the AYC Board meeting. The following was discussed at the Board meeting:
 - There was a presentation on the Traffic Safety Act. Municipalities can now write bylaws on speed limits in alleys.
 - The President of AYC talked about the National Trade Corridor Fund that we may want to look into more.
 - The President of AYC will be attending the Federation of Canadian Municipalities meeting and will be advocating to keep the Housing Accelerator Fund (the Conservative Government said they would cut it if they get elected).
 - The next Chief and Mayors form will be January 31st. Would like the Municipal Boundary issue as well as the development of a sponsorship policy (to streamline the sponsorship that comes in for the AYC Annual General Meeting) brought forward to this meeting; both of these issues were supported by prior Council.
 - The Village donated a \$310 trappers' hat to the AYC's tree at the Festival of Lights. The Tree was sold for \$3,500.
 - AYC is going to be doing their strategic planning at the March board meeting.
 - The Community Training Trust Society is looking for new members.
 - Watson Lake and Teslin also donated \$2,000 to the Humane society.
 - The AYC AGM is going to be held here April 25-27. It will be AYC's 50th anniversary. We have until March to submit resolutions and need to think about whether there is anything the community as a whole would want AYC to be advocating for us.
 - The Comprehensive Municipal Grant was also discussed.

Questions from the Public

Question: When will Council decide whether it will amend its letter of support for the proposed land treatment facility, per the request from the delegation this evening? YESAB may grant an extension for comments if we can provide them with a timeline.

- Council will be having a discussion on this on December 16th so it won't be until after that.

Question: How much of the Comprehensive Municipal Grant is allocated to O&M and how much to capital within the provisional budget?

- The way the budget is put together all of the revenue is reflected. There is always a surplus of revenue over O&M expenses and the difference goes into capital projects.
- The Municipal Finance and Community Grants Act says that 50% of the CMG should go towards capital; Council may, by budget bylaw, decide to spend as little as 0% of the CMG on capital projects and up to 100% on O&M expenses.
- We don't make the distinction between what percentage of CMG goes into capital or O&M. It all goes into revenue, and whatever is left over from O&M goes into capital.

Question: At the last meeting you said you were going to go in-camera to discuss the letter on the LTF. Who was at that in-camera meeting? Was Councillor Strand included?

- All of Council, including Councillor Strand, was present at this in-camera meeting.

Statement on the LTF

- There are two things that I want to make all aware of.
- First, the Municipal Act indicates what topics can be discussed in In-camera meetings. In camera meetings are not for something like this letter.
- Second if a Council member has a conflict of interest, they must excuse themselves from a discussion.
- Councillor Strand is seen to be in a conflict of interest because she is a member of Champagne and Aishihik First Nation who fully owns Castle Rock through the Dakwakada Development Corporation. Money flows from Castle Rock to Dakwakada to Champagne and Aishihik First Nation. Also, Castle Rock claims to have the full support of Champagne and Aishihik behind their project.
 - Councillor Strand confirmed she is a Champagne and Aishihik First Nation citizen, but clarified that she has nothing to do with Castle Rock, who is a arm's length from Champagne Aishihik. Being a member of Champagne and Aishihik does not mean she has a pecuniary interest in this project. Councillor Strand clarifies she receives no direct benefits from Castle Rock.
- If you not do not make notice that you have a conflict of interest, and you do not excuse yourself from a discussion, then you can be dismissed from Council.
 - For everyone's benefit we can get a legal opinion on whether Council Strand does have a pecuniary interest.

Statement on Tipping Fees

- Four weeks ago, I addressed Council regarding letters Council received requesting a public information session on the new Waste Management Bylaw.
- Understand the need for Council to exercise sound financial responsibility and familiarize themselves will all the aspects of a matter before making a decision.

- Feel like the democratic process has been used to keep citizens away from matters that affect their personal lives.
- In this context, when time sensitive issues arise, we're told to be patient while Council familiarizes themselves with an issue. And after we wait, we get told that decisions had to be made quickly and the consultation ship has sailed.
- It should be Council's first priority to understand how a decision affects their constituents.
- Asking Council to defer the tipping fees at the landfill until a proper input session has been held and a new mayor has been elected.
- The holiday season and winter is not the best time for public consultation. Proposing to defer until April 1st.
 - Council had a Committee of the Whole meeting on tipping fees. There was Council direction to staff to hold a second public information session on tipping fees in January. We will be making a motion to defer tipping fees to February 1st.

Question: Will the Village be exempt from tipping fees? For example, if the curling rink and swimming pool are torn down, there could be fees of up to \$50,000. Does a separate line item need to be set up in your budget to account for demolition

- The Village could go through the paper exercise of charging fees and then writing a check to ourselves. In that sense we would be exempt.
- In reality, if we contract out the service, whoever takes on the contract would be paying the fee and would invoice us for it.

Question: Is there asbestos in the old rec centre?

- Yes there is asbestos in the old community hall. It will be an expensive venture to demolish the building. It is also quite moldy.

Motion to Close Meeting to the Public

#399-24 It was moved and seconded

THAT the meeting be closed to the public at 8:14.

Motion #39-24 was **CARRIED**.

Motion to Reopen Meeting to the Public

#400-24 It was moved and seconded

THAT the meeting be reopened to the public at 9:02 pm.

Motion #400-24 was **CARRIED**.

#401-24 It was moved and seconded

THAT the meeting be extended past 9 pm

Motion #401-24 was **CARRIED**.

#402-24 It was moved and seconded

THAT the October 23rd Council meeting minutes be accepted as amended

Motion #402-24 was **CARRIED**.

#403-24 It was moved and seconded

THAT the October 30th Council meeting minutes be accepted as amended

Motion #403-24 was **CARRIED**.

#404-24 It was moved and seconded

THAT Council approves the payment based on the legal opinion obtained and as discussed in camera.

Motion #404-24 was **CARRIED**.

#406-24 It was moved and seconded

THAT Council defer the collection of tipping fees from January 1, 2025 to February 1, 2025 to allow time for the hiring and training of the solid waste facility landfill attendant position.

Motion #406-24 was **CARRIED**.

#407-24 It was moved and seconded

THAT Council rescind the motion made in the November 13th Council meeting directing staff to redo the minutes of the October 30th meeting.

Motion #407-24 was **CARRIED**.

#408-24 It was moved and seconded

THAT the Haines Junction RCMP report be received and filed.

Motion #408-24 was **CARRIED**.

#409-24 It was moved and seconded

THAT Council directs staff to hold a public information session on the solid waste facility tipping fee implementation in January 2025.

Motion #409-24 was **CARRIED**.

#410-24 It was moved and seconded

THAT staff use bullet, point-form minutes for the Committee of the Whole meetings

Motion #410-24 was **CARRIED**.

Adjournment

#411-24 It was moved and seconded

THAT the meeting be adjourned.

Motion #411-24 was **CARRIED**

Meeting adjourned at 9:05pm.

A blue ink signature of Diane Strand, written in a cursive style.

Deputy Mayor Diane Strand

A blue ink signature of David Fairbank, written in a cursive style.

CAO David Fairbank