



MINUTES OF DISTRICT OF KITIMAT
REGULAR MEETING

MEETING HELD IN THE COUNCIL CHAMBERS,
606 MOUNTAINVIEW SQUARE, ON MONDAY, MAY 6TH, 2019 AT 7:30 PM

Present: Mayor P. Germuth
Councillors E. Empinado M. Feldhoff, L. Gibson
R. Goffinet, T. Marleau, M. Zielinski
Present: Staff W. Waycheshen, Chief Administrative Officer
G. Sewell, Director of Community Planning
A. Ramos-Espinoza, Director of Engineering Services
T. Bossence, Fire Chief
M. Dewar, Director of Economic Development
D. Rutsatz, Deputy Director of Finance
S. Christiansen, Director of Finance
E. Anderson, Director of Corporate Administration
S. O'Neill, Deputy Director of Leisure Services
A. Hansen, Information Systems Coordinator

Delegations/Presentations

Public Input / Questions on Agenda Items

Norbert Eitner, 81 Anderson – spoke against the Development Variance Permit to 77 Anderson as it would affect his property

Mike Langegar, 35 Carlson – spoke against the location proposed for investigative work for the Pacific Traverse Energy. Feels the area is sensitive and has concern for the work in this area.

Jordan Pacheco, 77 Anderson – spoke for his application for a Development Variance Permit. Stated that he felt the changes improved drainage to other properties and stated that it was reviewed by a Building Inspector.

Mayor Germuth asked that anyone with comment on the Development Variance Permit at 77 Anderson come forward.

Mark Pacheco, 108 Smith – Stated that there was an agreement in place with the owner of 81 Anderson to egress through his property. Stated they would not have proceeded if they were told a variance was needed.

Norbert Eitner, 81 Anderson – Disputes an agreement was in place.

Mayor Germuth then asked if anyone with comment on the Development Permit for the Fairfield Inn and Suites come forward. No one came forward.

Media Inquiries - For Clarification Only

Call for New Business / Adoption of the Agenda

Moved and seconded,
“THAT the Regular Council Agenda for May 6, 2019 be adopted as circulated.”

Motion Carried Unanimously

Minutes

1. Public Hearing Of Council – April 1, 2019

Moved and seconded,
“That the minutes of the Public Hearing of Council held on April 1, 2019 be adopted as circulated.”

Motion carried unanimously
Motion: R19-133

2. Regular Meeting Of Council – April 15, 2019

Moved and seconded,
“That the minutes of the Regular Meeting of Council held on April 15, 2019 be adopted as circulated.”

Motion carried unanimously
Motion: R19-134

3. Court Of Revision – April 29, 2019

Moved and seconded,
“That the minutes of the Court Of Revision held on April 29, 2019 be adopted as circulated.”

Motion carried unanimously
Motion: R19-135

4. Parcel Tax Review Panel – April 29, 2019

Moved and seconded,
“That the minutes of the Parcel Tax Review Panel held on April 29, 2019 be adopted as circulated.”

Motion carried unanimously
Motion: R19-136

5. Special Meeting Of Council – April 29, 2019

Moved and seconded,
“That the minutes of the Special Meeting of Council held on April 29, 2019 be adopted as circulated.”

Motion Carried Unanimously
Motion: R19-137

Motions

1. Wildfire Discussion

The Fire Chief provided a verbal update on wildfire preparedness for the community.

Moved and seconded,

"That the verbal report by the Fire Chief on Wildfire Preparedness be received."

Motion Carried Unanimously
Motion: R19-138

Bylaws

1. Establishment of Officers Bylaw No. 1941, 2019

Moved and seconded,
"THAT adoption be given to the Establishment of Officers Bylaw No.1941, 2019."

Motion Carried Unanimously
Motion: R19-139
Officers Bylaw No.1941, 2019

2. Five Year Financial Plan Bylaw No. 1939, 2019

Moved and seconded,
"THAT three readings be given to amended version of Five Year Financial Plan Bylaw No. 1939, 2019."

Motion Carried

In Favour: Mayor Germuth, Councillor Empinado, Councillor Feldhoff,
Councillor Gibson, Councillor Marleau, Councillor Zielinski

Opposed: Councillor Goffinet

Motion: R19-140
Five Year Plan No.1939, 2019

Moved and seconded,
"THAT a report on the projected interest on the loans that are proposed in the five year financial plan come to Council."

Motion Carried Unanimously
Motion: R19-141
Five Year Plan No.1939, 2019

3. Tax Rates Bylaw No. 1940, 2019

Moved and seconded,
"THAT three readings be given to the Tax Rates Bylaw No. 1940, 2019."

Motion Carried

In Favour: Mayor Germuth, Councillor Empinado, Councillor Feldhoff,
Councillor Gibson, Councillor Marleau, Councillor Zielinski

Opposed: Councillor Goffinet

Motion: R19-142
Tax Rates No.1940, 2019

4. Flat Tax Bylaw No. 1944, 2019

Moved and seconded,

"THAT three readings be given to the Flat Tax Bylaw No.1944, 2019"

Motion Carried Unanimously

Motion: R19-143

Flat Tax Rate Bylaw No. 1944, 2019

Reports and/or Communications

1. Development Variance Permit – 77 Anderson

Moved and seconded,

"THAT the item be tabled to the May 21st meeting for a report from staff on reasons why the proponent felt they could proceed."

Motion Carried Unanimously

Motion: R19-144

DVP – 77 Anderson

2. Development Variance Permit – 71 Swallow

Moved and seconded,

*"THAT the application for a development variance permit at 71 Swallow Street is accepted for consideration;
THAT building permit is not issued until application complies with requirements for lot coverage;
THAT application is referred to Advisory Planning Commission for comment;
AND THAT public notice is issued."*

Motion Carried Unanimously

Motion: R19-145

DVP – 71 Swallow

3. Development Permit – Fairfield Inn and Suites

Moved and seconded,

"THAT a development permit be granted for Fairfield Inn & Suites by Marriott, conditional on:

- 1. Development corresponds to Proposed Site Plan DP 1 .0 dated 22 March 2019 and attached to Development Permit as Schedule A;*
- 2. Building finishes correspond with Drawing DP8.0 dated 22 March 2019 and attached to Development Permit as Schedule B;*
- 3. Landscaping corresponds to plan numbers: LDP-1; LDP-2; and LDP-3 dated 22 March 2019 and attached to Development Permit as Schedule C, with additions and minor modifications approved in advance of installation by the Municipal Planning Officer;*
- 4. Landscaping completed within two years of occupancy permit;*
- 5. Landscaping bond of \$20,000 is maintained for one year after plantings are determined to be free-growing;*
- 6. Landscaping in Highway 37 right-of-way not include wildflowers as requested by Ministry of Transportation and Infrastructure;*
- 7. Restrictions of drainage covenant be followed; and*

8. Fire lane is identified by appropriate signs; and emergency access routes maintained to satisfaction of the Fire Chief."

Amendment:

Moved and seconded,

ADD: "including landscaping on highway Right of Way" to Section 4.

AND ADD: "but does include options in addition to grass" to Section 6.

Motion Carried Unanimously

Motion: R19-146

DP – Fairfield Inn and Suites

Main Motion as Amended:

Moved and seconded,

"THAT a development permit be granted for Fairfield Inn & Suites by Marriott, conditional on:

1. Development corresponds to Proposed Site Plan DP 1 .0 dated 22 March 2019 and attached to Development Permit as Schedule A;

2. Building finishes correspond with Drawing DP8.0 dated 22 March 2019 and attached to Development Permit as Schedule B;

3. Landscaping corresponds to plan numbers: LDP-1; LDP-2; and LDP-3 dated 22 March 2019 and attached to Development Permit as Schedule C, with additions and minor modifications approved in advance of installation by the Municipal Planning Officer;

4. Landscaping completed within two years of occupancy permit, including landscaping on Highway 37 Right-of-Way;

5. Landscaping bond of \$20,000 is maintained for one year after plantings are determined to be free-growing;

6. Landscaping in Highway 37 Right-of-Way not include wildflowers, as requested by Ministry of Transportation and Infrastructure, but does include options in addition to grass;

7. Restrictions of drainage covenant be followed; and

8. Fire lane is identified by appropriate signs; and emergency access routes maintained to satisfaction of the Fire Chief."

Motion Carried Unanimously

Motion: R19-147

DP – Fairfield Inn and Suites

Moved and seconded,

"THAT the District contact Ministry of Highways addressing a sound barrier along Wozney as well as signage restricting engine breaks within municipal boundaries."

Motion Carried Unanimously

Motion: R19-148

DP – Fairfield Inn and Suites

Moved and seconded,

"THAT a verbal report from staff is provided on the pros and cons on going forward with the energy step code in two aspects, 1) requiring Step 3 for Multi-

Family Developments and Commercial Developments, and 2) incentivizing the highest levels possible.”

Motion Carried Unanimously
Motion: R19-149
Energy Step Code

4. Kitimat Valley Housing Society – Affordable Housing Fund

Councillor Goffinet declared a Conflict of Interest as he sits on the Kitimat General Hospital Foundation Board.

Councillor Empinado declared a Conflict of Interest as his employer is involved in the project.

Both left the Chambers at 9:22 pm.

Moved and seconded,

“THAT Kitimat Valley Housing Society be granted funds, in accordance with Affordable and Accessible Housing Fund policy with the next disbursement being considered upon issuance of development permit and executions of Housing Agreement.”

Motion Carried Unanimously
Motion: R19-150
Kitimat Valley Housing Society – Affordable Housing

Councillors Empinado and Goffinet returned to Chambers at 9:30 pm.

5. Ledcor

Mr. Andrew Gibbons provided answers to Council’s questions.

Moved and seconded,

“THAT permission is granted for Ledcor-Haisla Limited Partnership's (LHLP) proposal to access DL 471 as an invitee of the District of Kitimat (DOK) and install test planting bed for native salt marsh plant species on Water Lot under Licence 6409015 conditional on:

- 1. Proof of liability insurance to satisfaction of Director of Finance, and release and indemnity of DOK from all claims associated with LHLP activity on or about DL 471 and Licence 6409015;*
- 2. Written agreement and indemnity of Rio Tinto Alcan that LHLP commercial activity performed on or about DL 471 will not trigger right-of-re-entry provisions per Section 4, Agreement of Purchase and Sale for DL 471 dated 26 May 2015;*
- 3. Interpretive signs regarding salt marsh test bed are installed to municipal specifications at LHLP expense; and*
- 4. Reimbursement of municipal legal expenses.”*

Motion Carried Unanimously
Motion: R19-151
Ledcor Haisla Salt Marsh Planting

6. Crown Land Referral – Pacific Traverse Energy

Moved and seconded,

“THAT this item be tabled until next week (May 13th, 2019) and that Pacific Traverse Energy representatives be invited to a future meeting.”

Motion Carried Unanimously

Motion: R19-152

Pacific Traverse Energy – Investigative License

Moved and seconded,

“THAT staff work with the Rod and Gun Club and Pacific Traverse Energy to find a date and time for Council to tour the proposed site.”

Motion Carried Unanimously

Motion: R19-153

Pacific Traverse Energy – Investigative License

7. Temporary Building Permit Request Bird ATCO Joint Venture (LNGC - Cedar Valley Lodge Project) - Five Unit Construction Trailer Office Complex #3

Moved and seconded,

*“THAT approval be given to the temporary building application received from Bird ATCO Joint Venture on behalf of LNG Canada for:
a) A five-unit (60'x60') office construction trailer complex (Complex #3)”*

Motion Carried Unanimously

Motion: R19-154

Temporary Building Permit – ATCO Bird

8. Temporary Building Permit Request Bird ATCO Joint Venture (LNGC - Cedar Valley Lodge Project) - Five Unit Construction Trailer Office Complex #4

Moved and seconded,

*“THAT approval be given to the temporary building application received from Bird ATCO Joint Venture on behalf of LNG Canada for:
a) A five-unit (60'x60') office construction trailer complex (Complex #4)”*

Motion Carried Unanimously

Motion: R19-155

Temporary Building Permit – ATCO Bird

9. Temporary Building Permit Request Boskalis Canada Dredging (Rio Tinto - Terminal A Expansion Project) - Addition of Four Units to Existing Three Unit Complex

Moved and seconded,

*“THAT approval be given to the temporary building application received from Boskalis Canada Dredging & Marine Services Ltd. on behalf of Rio Tinto for:
a) Addition of four-unit office construction trailers (48'x60') to existing three-unit main office construction trailer (36'x60')”*

Motion Carried Unanimously
Motion: R19-156
Temporary Building Permit – Boskalis

10. June 3rd, 2019 Regular Meeting of Council

Moved and seconded,
“THAT the June 3rd, 2019 Regular Meeting of Council be cancelled.”

Motion Carried Unanimously
Motion: R19-157
June 3, 2019 Regular

11. 2019 Clean Up Kitamaat/Kitimat Campaign

Moved and seconded,
“THAT report dated May 3, 2019, titled 2019 Clean Up Kitamaat/Kitimat Campaign, be received for information.”

Motion Carried Unanimously
Motion: R19-158
2019 Clean Up Kitamaat/Kitimat

12. Emergency Alert Test on May 8, 2019

Moved and seconded,
“THAT the report dated May 3, 2019, and titled Emergency Alert Test on May 8, 2019, be received for information.”

Motion Carried Unanimously
Motion: R19-159
Energy Alert Test

Advisory Commission/Committee Minutes

1. Age-Friendly Minutes – February 20, 2019

Moved and seconded,
“THAT the Age-Friendly Minutes from February 20, 2019 be received and filed.”

Motion Carried Unanimously
Motion: R19-160

2. Age-Friendly Minutes – March 20, 2019

Moved and seconded,
“THAT the Age-Friendly Minutes from March 20, 2019 be received and filed.”

Motion Carried Unanimously
Motion: R19-161

3. Advisory Planning Commission Minutes – April 16, 2019

Moved and seconded,
“THAT the Advisory Planning Commission Minutes from April 16, 2019 be received and filed”

Motion Carried Unanimously

New Business

Mayor and Council Reports

Moved and seconded,
"THAT this meeting adjourn."

Motion Carried Unanimously

The meeting adjourned at 10:21 p.m.

CERTIFIED TRUE AND CORRECT

Mayor

Corporate Officer