



Present: A/Mayor M. Feldhoff

Councillors E. Empinado L. Gibson  
R. Goffinet, T. Marleau, M. Zielinski

Absent: Mayor P. Germuth

Present: Staff W. Waycheshen, Chief Administrative Officer  
G. Sewell, Director of Community Planning  
A. Ramos-Espinoza, Director of Engineering Services  
S. Christiansen, Director of Finance  
C. McCulley, Director of Operations  
M. Gould, Director of Leisure Services  
J. Marsh, Communications Manager  
T. Tavares, Executive Assistant  
A. Hansen, Information Systems Coordinator

### **Delegations/Presentations**

1. RCMP – April 2019 Monthly Policing Report

Sgt. Eric Black provided Council with the monthly policing report and answered questions from Council.

### **Public Input / Questions on Agenda Items**

Acting Mayor Feldhoff asked for comments regarding the Development Variance Permit to be considered by Council at 77 Anderson St.

Jordan Pacheco from 77 Anderson spoke on his Development Variance Permit and presented Council with a slide presentation of other sheds built in the community and the proposed shed.

Norbet Eitner, 81 Anderson – spoke against the Development Variance Permit to 77 Anderson and the problem with drainage on his property.

Sandra Meilke, 67 Carlson – spoke in support of the Development Variance Permit at 77 Anderson.

Mark Pacheco, 108 Smith – spoke in support of the Development Variance Permit at 77 Anderson. He is working with applicant on the drainage concerns.

Acting Mayor Feldhoff asked for comments regarding the Development Variance Permit to be considered by Council at 71 Swallow St.

Acting Mayor Feldhoff asked for comments regarding the Development Variance Permit at 179 Chinook Ave.

Acting Mayor Feldhoff asked for comments regarding the Development Permit to be considered by Council for City Centre Mall at 276 City Centre.

### **Media Inquiries - For Clarification Only**

### **Call for New Business / Adoption of the Agenda**

Moved and seconded,  
*"THAT the Regular Council Agenda for May 21, 2019 be adopted as circulated."*

Motion Carried Unanimously  
Motion: R19-163

### **Minutes**

#### **1. Regular Meeting Of Council – May 6, 2019**

Moved and seconded,  
*"That the minutes of the Regular of Council held on May 6, 2019 be adopted as circulated."*

Motion carried unanimously  
Motion: R19-164

#### **2. Regular Meeting Of Council – May 13, 2019**

Moved and seconded,  
*"That the minutes of the Special Meeting of Council held on May 13, 2019 be adopted as amended."*

Motion carried unanimously  
Motion: R19-165

### **Motions**

#### **1. Diversity Lens – Strategic Planning**

Moved and seconded,  
*"THAT the District invite Dr. Leah Levac to present to Council at a future strategic planning session on the possibility of adopting a diversity lens policy for Council decision making."*

Motion Carried Unanimously  
Motion: R19-166  
Diversity Lens – Strategic Planning

### **Bylaws**

#### **1. Building Regulations Bylaw No. 1937, 2019**

Moved and seconded,  
*"THAT Building Regulations Bylaw No.1937, 2019 be adopted."*

Motion Carried Unanimously  
Motion: R19-167  
Building Regulations Bylaw No.1937, 2019

## Reports and/or Communications

### 1. Development Variance Permit – 77 Anderson

Moved and seconded,

*“THAT a development variance permit to construct a workshop at 77 Anderson Street within 2.0 metres from rear property line and height of 5.0 metres measured to mid-pitch, be approved, conditional on:*

- (a) Completion of compaction test by a registered geotechnical professional to confirm stability of backfill;*
- (b) Inspection of retaining structure at rear property line to ensure safety of backfill material and to prevent encroachment onto abutting properties;*
- (c) Drainage path maintained inside all property lines to manage runoff from lands above to lands below, or redirected to another location approved by Municipal Engineer;*
- (d) Legal survey to establish:
  - i. Location of all property lines to confirm retaining structures are within legal parcel;*
  - ii. Natural ground level at site of proposed workshop from which building height will be measured;*
  - iii. Minimum rear and side yards are maintained before installing footings or foundations;**
- (e) Permit expiration of 06 May 2021 if workshop is not constructed.”*

Amendment:

Moved and seconded,

*ADD: f) That cedar hedge is installed to screen retaining wall structure.*

Amendment Carried Unanimously  
Motion: R19-168

Jordan Pacheco was asked to confirm that a cedar hedge will be planted between 77 Anderson and neighbor at 81 Anderson.

Main Motion as Amended:

Moved and seconded,

*“THAT a development variance permit to construct a workshop at 77 Anderson Street within 2.0 metres from rear property line and height of 5.0 metres measured to mid-pitch, be approved, conditional on:*

- (a) Completion of compaction test by a registered geotechnical professional to confirm stability of backfill;*
- (b) Inspection of retaining structure at rear property line to ensure safety of backfill material and to prevent encroachment onto abutting*

- properties;*
- (c) Drainage path maintained inside all property lines to manage runoff from lands above to lands below, or redirected to another location approved by Municipal Engineer;*
  - (d) Legal survey to establish:
    - i. Location of all property lines to confirm retaining structures are within legal parcel;*
    - ii. Natural ground level at site of proposed workshop from which building height will be measured;*
    - iii. Minimum rear and side yards are maintained before installing footings or foundations;**
  - (e) Permit expiration of 06 May 2021 if workshop is not constructed;*
  - (f) That cedar hedge is installed to screen retaining wall structure.*

In favour: Acting Mayor Feldhoff, Councillor Goffinet, Councillor Zielinski,  
Councillor Marleau, Councillor Empinado,

Opposed: Councillor Gibson

Motion Carried  
Motion: R19-169  
DVP – 77 Anderson

## **2. Development Variance Permit – 71 Swallow**

Moved and seconded,

*“THAT the development variance permit application for 71 Swallow Street be approved, conditional that:*

- (a) Rear yard of 1.14m or more is maintained;*
- (b) Shop does not exceed 3.75m measured to mid-pitch;*
- (c) Drainage from proposed structures comply with District standards;*
- (d) A Legal Survey at time of installing footings or foundation to confirm minimum rear yard of 1.14m ; and*
- (e) Permit expiration of 21 May 2021 if building permit has not been issued and followed up.”*

Motion Carried Unanimously  
Motion: R19-170  
DVP – 71 Swallow

## **3. Development Variance Permit – 179 Chinook Ave.**

Moved and seconded,

*“THAT the development variance permit application to reduce rear year setback from 9m to 1.5m at 179 Chinook Avenue be referred to APC for comment;*

*AND THAT public notice be issued.”*

Motion Carried Unanimously  
Motion: R19-171

#### **4. Development Permit – 276 City Centre Mall**

Moved and seconded,

*“THAT Downtown Revitalization Area Development Permit No. 06-2019 be approved, on condition;*

- (a) THAT City Centre Mall work with District staff to ensure improvements, including building façade and landscaping fit with design concepts in Downtown Design Guidelines;*
- (b) THAT design and landscaping work to be completed to improve accessibility to City Centre mall; and*
- (c) THAT City Centre Mall aligns future improvements with future Downtown Master Plan and Design Guidelines.”*

Motion Carried Unanimously  
Motion: R19-172  
DP – 276 City Centre Mall

#### **5. Crown Land Referral – Pacific Traverse Energy, Geotechnical Investigation**

Moved and seconded,

*“THAT the following comment (option c) on Ministry of Forests, Lands and Natural Resources Operations (FLNRO) Crown Land File 6409074, be submitted to enable Pacific Traverse Energy Ltd., to undertake additional geotechnical bore hold investigations within issued Temporary Licence (Investigative Use) site:*

*c. No objection to approval of project, subject to following conditions:*

- i. District of Kitimat expects minimal disturbance of re-forested land during the investigative phase. Proposed investigative work can proceed without a zoning amendment a zoning change would, however, be required before development could proceed. Current zoning is*
- ii. G5 Forestry; rail yard is not permitted in this zone. Transportation is a permitted use in the M1 Manufacturing Zone. Zoning amendment requires a public hearing and timeline of approximately 12 to 16 weeks; longer if application is controversial and Council extends the period of public consultation. In this case, rezoning to industrial use is aligned with future land use shown on Schedule D of the Kitimat Official Community Plan (OCP). OCP amendment is not currently require; however some community members view the area as a biodiverse and sensitive ecosystem supporting salmon and wildlife and have advised that they intend to apply to vary the OCP to designate the area as such. An application has not yet been received and if received will require a public hearing.*

- iii. *Available OCP maps indicate part of the proposed site may be within the 200-year flood level of Kitimat River. Some slopes may exceed 25%. It is possible the project may require a Development Permit for approval of development in an environmentally-sensitive or hazard area.*

Amendment:

*Moved and seconded,*

**ADD:**

- iv. *Investigate area is bisected by a former haul road that provides public recreation access to west side of Kitimat Valley; including Clague Mountain Park and trail, Enso park and fishing sites along Kitimat River. PTE has advised public access across site will be maintained during investigative work and development phase. There should be little to no impact to public access if PTE complies.*

In Favour: Acting Mayor Feldhoff, Councillor Empinado, Councillor Gibson, Councillor Goffinet,  
Councillor Marleau

Opposed: Councillor Zielinski

Amendment **Carried**  
Motion: R19-173

Main Motion as Amended:

*“THAT the following comment (option c) on Ministry of Forests, Lands and Natural Resources Operations (FLNRO) Crown Land File 6409074, be submitted to enable Pacific Traverse Energy Ltd., to undertake additional geotechnical bore hold investigations within issued Temporary Licence (Investigative Use) site:*

*c. No objection to approval of project, subject to following conditions:*

- i. *District of Kitimat expects minimal disturbance of re-forested land during the investigative phase. Proposed investigative work can proceed without a zoning amendment a zoning change would, however, be required before development could proceed. Current zoning is*
- v. *G5 Forestry; rail yard is not permitted in this zone. Transportation is a permitted use in the M1 Manufacturing Zone. Zoning amendment requires a public hearing and timeline of approximately 12 to 16 weeks; longer if application is controversial and Council extends the period of public consultation. In this case, rezoning to industrial use is aligned with future land use shown on Schedule D of the Kitimat Official Community Plan (OCP). OCP amendment is not currently required; however some community members view the area as a biodiverse and sensitive ecosystem supporting salmon and wildlife and have advised that they intend*

*to apply to vary the OCP to designate the area as such. An application has not yet been received and if received will require a public hearing.*

- ii. Available OCP maps indicate part of the proposed site may be within the 200-year flood level of Kitimat River. Some slopes may exceed 25%. It is possible the project may require a Development Permit for approval of development in an environmentally-sensitive or hazard area.*
- iii. Investigate area is bisected by a former haul road that provides public recreation access to west side of Kitimat Valley; including Clague Mountain Park and trail, Enso park and fishing sites along Kitimat River. PTE has advised public access across site will be maintained during investigative work and development phase. There should be little to no impact to public access if PTE complies.*

Main Motion as Amended Carried Unanimously  
Motion: R19-174  
Pacific Traverse Energy – Investigative License

## **6. Canada Day Helicopter Take-off and Landing**

Moved and seconded,

*“THAT approval be granted for the landing and take-off helicopters from Mountain View Square as part of the Canada Day Festivities on 1July 2019.*

*AND THAT a letter of support be written to Canadian Helicopters advising that approval has been granted”*

Motion Carried Unanimously  
Motion: R19-175  
Canada Day Helicopter

## **7. Multi-Cultural Society**

Moved and seconded,

*“THAT funding be provided to continue with the multicultural events in Kitimat including the multicultural dinner flag raising and anti-racism and multicultural awareness.”*

*“THAT the Leisure Services Advisory Commission be asked for input on the Multi-Cultural Society programming and that a review of the events at the end of this year be part of our Leisure Services Commissions task.*

Amendment:

Moved and seconded,

*THAT funding be provided to continue with the multicultural events in Kitimat including the multicultural dinner and flag raising.”*

*AND THAT the Leisure Services Advisory Commission be asked for input on the Multi-Cultural Society programming and that the events be reviewed at the end of one cycle of events.*

Amendment Carried Unanimously  
Motion: R19-176

Amendment:

Moved and seconded,  
*“THAT staff discuss with Leisure Services Advisory Commission, the retired teachers association and other groups in the community with the possibility of taking on the anti-racism and multicultural awareness training in the schools.”*

Amendment Carried Unanimously  
Motion: R19-177

Main Motion as amended:

Moved and seconded,  
*THAT funding be provided to continue with the multicultural events in Kitimat including the catered multicultural dinner and flag raising.”*

*AND THAT the Leisure Services Advisory Commission be asked for input on the Multi-Cultural Society programming and that the events be reviewed at the end of one cycle of events.*

*THAT staff discuss with Leisure Services Advisory Commission, the retired teachers association and other groups in the community with the possibility of taking on the anti-racism and multicultural awareness training in the schools.”*

Motion Carried Unanimously  
Motion: R19-178  
Multi-Cultural Society

## **8. Grant Request – National Children’s Day**

Moved and seconded,  
*“THAT Council approve no charge public swim on 20 November 2019 in recognition of the National Children’s Day*

Motion Carried Unanimously  
Motion: R19-179  
Grant Request – National Children’s Day

## **9. Leisure Services Department Fee Schedule 2019/2020**



Moved and seconded,

*“THAT a bylaw be brought forward for consideration with the District of Kitimat Leisure Services Department Fee Schedule increased by 3% , with the exception of Shows/Concerts, Advertising Rates and Park Camping Fees;*

*AND THAT active members of the Canadian Armed Forces receive the seniors’ rate for admission fees and memberships;*

*AND FURTHER THAT SOCAN fee be shown separately from the room rental fees for Socials, Dances and Receptions;*

*AND FURTHER THAT field users fees add the explanation note, “Seasonal rental of fields per team includes one (1) practice time and (1) game time per week.”*

Division of question

*THAT a bylaw be brought forward for consideration with the District of Kitimat Leisure Services Department Fee Schedule increased by 3% , with the exception of Shows/Concerts, Advertising Rates and Park Camping Fees;*

In favour: Acting Mayor Feldhoff, Councillor Empinado, Councillor Gibson,  
Councillor Goffinet, Councillor Zielinski

Opposed: Councillor Marleau

Motion Carried

Motion: R19-180

Leisure Services Fee Schedule 2019/2020

*AND THAT active members of the Canadian Armed Forces receive the seniors’ rate for admission fees and memberships;*

Motion Carried Unanimously

Motion: R19-181

Leisure Services Fee Schedule 2019/2020

*AND FURTHER THAT SOCAN fee be shown separately from the room rental fees for Socials, Dances and Receptions;*

Motion Carried Unanimously

Motion: R19-182

Leisure Services Fee Schedule 2019/2020

*AND FURTHER THAT field users fees add the explanation note, “Seasonal rental of fields per team includes one (1) practice time and (1) game time per week.”*

Motion Carried Unanimously

Motion: R19-183

Leisure Services Fee Schedule 2019/2020

## 10. Potential Radley Park Expansion

Councillor Gibson left at 10:18pm  
Councillor Gibson rejoined at 10:20pm

Moved and seconded,

*“THAT expansion of Radley Park be delayed until the issue of riverbank shoreline erosion protection is concluded;  
AND THAT proposed funding for Radley Park expansion be put into a reserve for a phased increase in the number of campsites at the park.*

Motion Defeated Unanimously  
Motion: R19-184  
Potential Radley Park Expansion

## 11. Rainbow Crosswalks for Schools

Moved and seconded,

*“THAT report dated May 17, 2019 titled Cost of Rainbow Crosswalks for Schools be received for information”.*

Amendment:

*ADD: “THAT staff contact School District #82 to inquire if they would like to cost share for the new rainbow crosswalks”*

In favour: Acting Mayor Feldhoff, Councillor Empinado,  
Council Gibson, Councillor Goffinet, Councillor Marleau,

Opposed Councillor Zielinski

Amendment Carried  
Motion: R19-185

Moved and seconded main motion as amended,

*THAT report dated May 17, 2019 titled Cost of Rainbow Crosswalks for Schools be received for information;*

*AND THAT staff contact School District #82 to ask if they would like to cost share for the new rainbow crosswalks”*

Motion Carried Unanimously  
Motion: R19-186  
Rainbow Crosswalks for Schools

## 12. Status Report of Council Monitoring items

Moved and seconded,

“THAT items removed from the Status Report of Regular Council Assignments be electronically filed in the Mayor and Council drive, and individual Council members may maintain respective monitoring lists”

Motion Carried Unanimously

Motion: R19-187

Status Report of Council Monitoring Items

### **13. Projected Interest - \$34 Million loan**

Moved and seconded,

“THAT the interest on the hypothetical \$34 million loan report be received for information”

Motion Carried Unanimously

Motion: R19-188

Projected Interest on loan

### **14. Statement of Accounts**

*Moved and seconded,*

*“THAT the Statement of Accounts paid for the month of February 2019, in the amount of \$3,012,516 is reviewed and that it be filed.”*

Motion Carried Unanimously

Motion: R19-189

Statement of Accounts – February 2019

## **Advisory Commission/Committee Minutes**

### **1. Leisure Services Advisory Commission Minutes – April 30, 2019**

Moved and seconded,

*“THAT the Leisure Services Advisory Commission Minutes from April 30, 2019 be received and filed.”*

Motion Carried Unanimously

Motion: R19-190

## **New Business**

Moved and seconded,

*“THAT the meeting be extended for up to half an hour”*

In favour: Acting Mayor Feldhoff, Councillor Goffinet, Councillor Marleau

Opposed: Councillor Zielinski, Councillor Empinado,  
Councillor Gibson

Motion Defeated  
Motion: R19-191

Moved and seconded,

*“THAT the meeting go to 11:15pm”*

In favour: Acting Mayor Feldhoff, Councillor Goffinet, Councillor Marleau,  
Councillor Gibson

Opposed: Councillor Zielinski, Councillor Empinado,

Motion Carried  
Motion: R19-182

### **Mayor and Council Reports**

Moved and seconded,

*“THAT this meeting adjourn.”*

Motion Carried Unanimously

The meeting adjourned at 10:57 p.m.

CERTIFIED TRUE AND CORRECT

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer