



MINUTES OF DISTRICT OF KITIMAT
REGULAR MEETING

MEETING HELD IN THE COUNCIL CHAMBERS,
606 MOUNTAINVIEW SQUARE, ON TUESDAY, AUGUST 4, 2020, AT 7:00 PM

Present: Mayor P. Germuth

Present: Councillors: T. Marleau, M. Zielinski

Present: Councillors: E. Empinado, M. Feldhoff, L. Gibson
(All Via WebEx) R. Goffinet

Present: Staff:

W. Waycheshen, Chief Administrative Officer
A. Ramos-Espinoza, Director of Engineering
A. Lucas, Director of Planning
Via WebEx M. Dewar, Director of Economic Development
Via WebEx D. Rutsatz, Director of Finance
Via WebEx M. Gould, Director of Leisure Services
K. Enders, Deputy Director of Corporate Administration
Via WebEx C. Brown, Planner

Message from the Mayor

Mayor Germuth provided a message on Council activities over the recent past.

Delegations/Presentations

Public Input / Questions on Agenda Items

An email from Tim Gleig dated 29 July 2020 and an email from Tim and Darlene Gleig dated 4 August 2020 regarding development variance permit application for 9 Oersted Street were read into the meeting a copy of which are attached hereto as Attachment "A" and forming part of the minutes.

Leonard Kaberry, as the applicant to development variance permit application for 9 Oersted Street provided public input on the application and answered questions from Council.

Rod Graham, President-Modular Solutions, Horizon North, providing input on a request for covenant changes for Horizon North project at 28 Highway 37 and answered questions from Council.

Media Inquiries - For Clarification Only

Call for New Business / Adoption of the Agenda

Councillor Feldhoff – Parking and Bylaw Enforcement

Moved and seconded,

"THAT the Regular Council Agenda for August 4, 2020, be adopted as amended."

Motion Carried Unanimously

Motion: R20-157

Consent Agenda

Moved and seconded,

"THAT the Consent Agenda for August 4, 2020, be approved."

Motion Carried Unanimously

Motion: R20-158

The following meeting Minutes were adopted:

Regular Meeting of Council – 20 July 2020
Bylaw No. 1983 Public Hearing – 20 July 2020
Bylaw No. 1980 & Bylaw No. 1981 – 20 July 2020

All correspondence was received and filed.

Motions

Bylaws

1. Municipal Regional District Tax Bylaw No. 1986, 2020

Moved and seconded,

"THAT "Municipal Regional District Tax Bylaw No. 1986, 2020", be adopted."

Motion Carried Unanimously

Motion: R20-159

Bylaw 1986, 2020

2. District of Kitimat Council Remuneration Amendment Bylaw No. 1973, 2020

Moved and seconded,

"THAT Three Readings be given to "District of Kitimat Council Remuneration Amendment Bylaw No. 1973, 2020" as amended."

Motion: **Carried**

In Favour: Mayor Germuth, Councillors Empinado
Gibson, Marleau, Zielinski

Opposed: Councillors Feldhoff, Goffinet

Motion: R20-160
Bylaw No. 1973, 2020

Reports and/or Communications

1. Development Variance Permit Application – 9 Oersted Street

Moved and seconded,

"THAT the application be tabled for two weeks to allow further consultation with residents on Oersted Street."

Amendment:

Moved and seconded,

"THAT notice of the application be sent to all residents of Oersted Street."

Motion: **Defeated**

In Favour: Councillors Feldhoff, Gibson

Opposed: Mayor Germuth, Councillors Empinado, Goffinet, Marleau, Zielinski

Motion: R20-161
DVP – 9 Oersted Street

Main Motion:

Motion: **Defeated**

In Favour: Councillors Feldhoff, Gibson

Opposed: Mayor Germuth, Councillors Empinado, Goffinet, Marleau Zielinski

Motion: R20-162
DVP – 9 Oersted Street

Moved and seconded,

"THAT a development variance permit to construct a garage and workshop at 9 Oersted Street be approved, with the following conditions:

- 1. Rear yard of 0.9 metres is maintained;*
- 2. Height of proposed garage and workshop not exceed 4.65 meters at the peak;*
- 3. Legal Survey at time of footings or foundation to confirm that rear yard of 0.9 metres is maintained;*
- 4. Maximum trees along east and north property lines shall be retained, except those necessary to facilitate construction;*
- 5. Drainage and snow storage must comply with District standards;*
- 6. Permit expires two years after date issued, if building permit is not obtained."*

Amendment:

Moved and seconded,

"THAT point 4 be supplemented with a section 219 covenant with respect to a landscape screen."

Motion: **Defeated**

In Favour: Councillors Feldhoff, Gibson

Opposed: Mayor Germuth, Councillors Empinado,
Goffinet, Marleau, Zielinski

Motion: R20-163
DVP – 9 Oersted Street

Main Motion

Motion: **Carried**

In Favour: Mayor Germuth, Councillors Empinado,
Goffinet, Marleau, Zielinski

Opposed: Councillors Feldhoff, Gibson

Motion: R20-164
DVP Application 9 Oersted Street

2. Request for Covenant Changes, Horizon North Project at 28 Highway 37

Moved and seconded,

"Whereas the District of Kitimat (the "Grantee") and a previous land owner (the "Grantor") signed and registered section 219 covenant CA3688685, regarding "Worker Camp Use Restricted and Linked to Hotel Use"; and

Whereas section 219 covenant was modified on request from current property owner Horizon North Logistics Inc. by Council Motion R18-255 on 2 October 2018 to specify:

- 1. Minimum Hotel size be reduced from 300 to 80 guest rooms*
- 2. Residential dormitory use permitted up to 21 April 2020*
- 3. Residential dormitory use after 1 April 2020 requires hotel to be under construction or in operation*
- 4. Construction of hotel begins on or before 1 April 2020*
- 5. Hotel is substantially complete and has an occupancy permit by 1 April 2021; and*

Whereas Horizon North Logistics has experienced construction delays due to the COVID-19 pandemic, expressed in letter dated 22 July 2020;

THAT Kitimat Council resolves that the Section 219 covenant terms for the Horizon North project at Highway 37 be amended, at the request of Horizon North, as follows:

- 5. Hotel is substantially complete and has an occupancy permit by 1 June 2022;*

AND THAT all original clauses are reaffirmed, with exception of bringing end date for residential dormitory use (clause 11) into compliance with Kitimat Municipal Code and no further modifications be authorized for existing terms;

AND THAT legal and registration expenses incurred by the District of Kitimat be reimbursed by the property owner."

Motion: Carried

In Favour: Mayor Germuth, Councillors Empinado, Feldhoff
Goffinet, Marleau, Zielinski

Opposed: Councillor Gibson

Motion: R20-165
Covenant Changes, Horizon North 28 Highway 37

3. Community Resiliency Fund Application – Kitimat General Hospital Foundation

Councillor Goffinet declared a conflict of interest as a Board member of the Kitimat General Hospital Foundation and left the call – 8:44 p.m.

Councillor Empinado declared a conflict of interest as an employee of Northern Health and left the call – 8:44 p.m.

Moved and seconded,

“THAT this report dated 7 July 2020 – Community Resiliency Fund Application Kitimat General Hospital Foundation be received;

AND THAT the Kitimat General Hospital Foundation’s grant application for \$46,000.00 to the Community Resiliency Fund be approved.”

Amendment:

Moved and seconded,

“THAT the application be approved noting that the District of Kitimat requests Northern Health consider the option of an electric bus.”

Motion Carried Unanimously

Motion: R20-166

Community Resiliency Fund – Kitimat General Hospital Foundation

Main Motion as Amended:

Moved and seconded,

“THAT this report dated 7 July 2020 – Community Resiliency Fund Application Kitimat General Hospital Foundation be received;

AND THAT the Kitimat General Hospital Foundation’s grant application for \$46,000.00 to the Community Resiliency Fund be approved.

AND THAT the application be approved noting that the District of Kitimat requests Northern Health consider the option of an electric bus.”

Motion Carried Unanimously

Motion: R20-167

Community Resiliency Fund – Kitimat General Hospital Foundation

Councillor Empinado returned to the call – 8:52 p.m.

4. Community Resiliency Fund Application – Kitamaat Valley Education Society

Councillor Goffinet declared a conflict of interest as a member of the Board of the Kitimat Valley Education Society and left the call – 8:44 p.m.

Moved and seconded,

“THAT this report dated 28 July 2020 – Community Resiliency Fund Application Kitamaat Valley Education Society be received;

AND THAT the Kitamaat Valley Education Society’s grant application be approved at \$50,000.00 with leave to apply in 2021 for a further grant.”

Motion Carried Unanimously

Motion: R20-168

Community Resiliency Fund – Kitamaat Valley Education Society

5. Youth Facility Users and Operational Costs

Moved and seconded,

“THAT the Director of Leisure Services work with Kitimat Marlins Swim Club, Snow Valley Skating Club and Kitimat Minor Hockey on applications to the Community Resiliency Fund to offset additional operation costs for the 2020/2021 facility use season.”

Motion Carried Unanimously

Motion: R20-169

Youth Facility Users and Operational Costs

New Business

1. Councillor Feldhoff – Parking and Bylaw Enforcement

Council discussed parking issues in the Save-On Foods parking lot and specifically the extended vehicle parking in the area in front of the RCMP station.

Mayor and Council Reports

Moved and seconded,

“THAT this meeting adjourn.”

Motion Carried Unanimously

The meeting adjourned at 9:50 p.m.

CERTIFIED TRUE AND CORRECT

Mayor

Corporate Officer

From: Tim at Telus [REDACTED]
Sent: July 29, 2020 12:09 PM
To: districtofkitimat
Subject: 9 Oersted Street Development Variance Permit Application

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Attention: Colin Brown

Thanks for calling me back this morning. Unfortunately I have not had time to find answers to all of my questions and as noted feel all Oersted residents should know about this in order to have a chance to respond, therefore....

This is in response to a notice received from the District of Kitimat on Thursday July 17th advising of a development variance permit application for 9 Oersted to construct another accessory building.

As I was going out of town the next week, I contacted the planning department on Friday July 18th to inquire about the application. During this discussion I was advised that I was the first person to contact them on this issue. I was also advised that 10 letters had been sent to residents in this area and I presumed that at least seven of them would have been to Oersted homeowners but have since found out only 5 did.

Upon returning to Kitimat I spoke with 4 other Oersted homeowners, 2 of which had not received notification and the other 2 had only seen them within the past several days. I don't feel that this is enough time to collect information, consider all aspects, and respond to the notice from Council in the current situation by today's date if this matter is to be considered next week.

In reviewing the guide on Development Variance permits on the DOK website it states that permit applications could take up to 16 weeks or longer. This permit was applied for on June 23, 2020, taken to the Advisory Planning Commission on July 7th, Council on July 13th, and Notices to those receiving them apparently sent the next day.

I am not aware of any reason why this variance application needs to be fast tracked, particularly when most Oersted homeowners likely did/do not know about it, and have so little time to respond.

I still have a number of questions and concerns myself regarding this proposed construction and I **therefore request that the Public Comment response period be extended a further 3 weeks** to ensure that all interested parties have time to respond before final consideration by Mayor and Council.

Respectively submitted,
Tim Gleig

From: Tim at Telus [REDACTED]
Sent: August 4, 2020 11:29 AM
To: districtofkitimat
Cc: Krysten Hogan
Subject: Development Variance - 9 Oersted

August 4, 2020

**Mayor and Council
District of Kitimat**

Reference: Development Variance Permit Application – 9 Oersted Street

Further to my email of July 29, 2020, I reaffirm my request that the **Public Comment response period be extended a further 3 weeks.**

I was able to meet with Mr. Leonard Kaberry on Sunday afternoon and he provided some information on the scope of the proposed works.

Due to the additional paved driveway most, if not all, trees and vegetation currently concealing the construction location will be removed from the property line to the proposed building. This vegetation is shown among the photos of the left side of the property in the July 29, 2020 Council Report on this issue.

This will expose the proposed construction to full view unless this vegetation is replaced with a cedar hedge or similar barrier as has been done in other locations in town. The installation and maintenance should be by registered covenant to ensure any future owners are aware of it.

The requested extension should allow time for discussion of this and any other issues of concern .

Respectively submitted,

Tim and Darlene Gleig
4 Oersted Street