

## TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held virtually on April 6, 2021 at 9:00 a.m. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

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| Res#76-21       | C. Wiebe – K. Stott   |
| Agenda          | BE IT RESOLVED that the agenda be approved subject to the following additions:<br>10 b. Report on Compost Site<br>10 c. Award Contract for Hespeler Park Lighting Phase 3<br>10 d. Manitoba Water Services Board Resolution<br><br>“Carried”                  |
| Res#77-21       | N. Dueck – J. Funk  |
| Minutes         | BE IT RESOLVED that the minutes of the regular Council meeting held on March 16, 2021 and special Council meeting held on March 23, 2021 be approved as presented.<br><br>“Carried”   |
| Res#78-21       | C. Wiebe – J. Funk  |
| Table<br>Agenda | BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold a Public Hearing for Bylaw 830-21; a bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended.<br><br>“Carried”           |
| Res#79-21       | C. Wiebe – N. Dueck   |
| Resume          | BE IT RESOLVED that the Public Hearing for Bylaw 830-21 be closed and Council resume its former order of business. (9:05 a.m.)<br><br>“Carried”   |
| Res#80-21       | J. Funk – C. Wiebe  |
| BL 830-21       | BE IT RESOLVED THAT Bylaw 830-21, a Bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended, to rezone areas in the Highlands South, be given second reading.<br><br>“Carried”  |
| Res#81-21       | N. Dueck – C. Wiebe   |
| BL 830-21       | BE IT RESOLVED THAT Bylaw 830-21, a Bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended, to rezone areas in the Highlands South, be given third reading and passed.<br><br>“Carried”<br><br>In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck |
| Res#82-21       | C. Wiebe – K. Stott   |
| Table<br>Agenda | BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold the Public Hearing for Variation application V5-21 (11-37 Dochart Gate).<br><br>“Carried”                                    |
| Res#83-21       | J. Funk – K. Stott  |
| Resume          | BE IT RESOLVED that the Public Hearing for Variation application V5-21 be closed and Council resume its former order of business (9:09 a.m.).<br><br>“Carried”  |

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| Res#84-21<br>V5-21           | <p>K. Stott – J. Funk</p> <p>WHEREAS a Public Hearing was held regarding Variation application V5-21, an application from Heritage Lane Builders to vary the side yard setbacks on Lots 1, 5, 6, 10, 11 and 14 from 15 feet to no less than 5'5", and vary the driveway width on Lots 2-4, 7-9 and 2-13 from 10 feet to no more than 12 feet on Lots 1 – 14 Block 2 Plan 64322, civically known as 11 – 19, 21-29 &amp; 31-37 Dochart Gate; AND WHEREAS in accordance with <i>The Planning Act</i>, the Variation application was duly advertised;</p> <p>AND WHEREAS there was no opposition received to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Variation application V5-21, an application from Heritage Builders Ltd. to vary the side yard setbacks on Lots 1, 5, 6, 10, 11 and 14 from 15 feet to no less than 5'5", and vary the driveway width on Lots 2-4, 7-9 and 2-13 from 10 feet to no more than 12 feet on Lots 1 – 14 Block 2 Plan 64322, civically known as 11 – 19, 21-29 &amp; 31-37 Dochart Gate be approved as presented.</p> <p style="text-align: right;">"Carried"</p> |
| Res#85-21<br>Table<br>Agenda | <p>N. Dueck – C. Wiebe</p> <p>BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold the Public Hearing for Conditional Use application C5-21 (Unit 3-40 Drover's Run).</p> <p style="text-align: right;">"Carried"</p>  |
| Res#86-21<br>Resume          | <p>BE IT RESOLVED that the Public Hearing for Conditional Use application C5-21 be closed and Council resume its former order of business (9:16 a.m.).</p> <p style="text-align: right;">"Carried"</p>   |
| Res#87-21<br>C5-21           | <p>K. Stott – N. Dueck</p> <p>WHEREAS a Public Hearing was held regarding Conditional Use C5-21, an application from Jacqueline Petkau to allow for the sales and service of alcohol at a barbershop business in a Commercial Corridor Zone on Lot 2 Plan 59619, civically known as Unit 3 – 40 Drover's Run;</p> <p>AND WHEREAS there was no opposition received to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Council approves Conditional Use C5-21, an application from Jacqueline Petkau to allow for the sales and service of alcohol at a barbershop business in a Commercial Corridor Zone on Lot 2 Plan 59619, civically known as Unit 3 – 40 Drover's Run, subject to the following condition:</p> <p>1) That the applicant provide proof to the Town of their Liquor Service License from the Liquor, Gaming and Cannabis Authority of Manitoba.</p> <p style="text-align: right;">"Carried"</p>  |
| Res#88-21<br>Table<br>Agenda | <p>K. Stott – C. Wiebe</p> <p>BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold the Public Hearing for Conditional Use application C6-21 (299 Main Street).</p> <p style="text-align: right;">"Carried"</p>   |
| Res#89-21<br>Resume          | <p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that the Public Hearing for Conditional Use application C6-21 be closed and Council resume its former order of business (9:26 a.m.).</p> <p style="text-align: right;">"Carried"</p>   |



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| Res#90-21<br>C6-21           | <p>C. Wiebe – J. Funk</p> <p>WHEREAS a Public Hearing was held for Conditional Use C6-21, an application from Ray Dowse on behalf of 5584796 MB Ltd. to allow for two accessory self-storage buildings to a maximum of 10,800 sq. ft. in a Commercial Corridor Zone on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street;</p> <p>AND WHEREAS in accordance with the Planning Act the Variation application was duly advertised;</p> <p>AND WHEREAS there was no opposition brought forward to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Council approve Conditional Use C6-21, an application from Ray Dowse on behalf of 5584796 MB Ltd. to allow for two accessory self-storage buildings to a maximum of 10,800 sq. ft. in a Commercial Corridor Zone on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street subject to the following condition:</p> <p>1) That the Developer pave the parking lot in conjunction with the construction of the first accessory building, as outlined in pink on the attached Schedule “B”.</p> <p>“Carried”</p>  |
| Res#91-21<br>Table<br>Agenda | <p>N. Dueck – K. Stott</p> <p>BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold a combined Public Hearing for Conditional Use application C7-21 and Variation application V6-21 (425 Wittick Street).</p> <p>“Carried”</p>  |
| Res#92-21<br>Resume          | <p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that the combined Public Hearing for Conditional Use application C7-21 and Variation application V6-21 be closed and Council resume its former order of business (9:35 a.m.).</p> <p>“Carried”</p>   |
| Res#93-21<br>C7-21<br>V6-21  | <p>C. Wiebe – J. Funk</p> <p>WHEREAS a combined Public Hearing was held regarding Conditional Use C7-21 and Variation V6-21, an application from Peter Kehler to allow for a building to be constructed for personal use (repair/mechanical) and to vary the west side yard setback from 20 feet to no less than 10 feet on Lot 3 Block 2 Plan 63570, civically known as 425 Wittick Street in the Niverville Business Park;</p> <p>AND WHEREAS there was no opposition received to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Council approves Conditional Use C7-21 and Variation V6-21, an application from Peter Kehler to allow for a building to be constructed for personal use (repair/mechanical) and to vary the west side yard setback from 20 feet to no less than 10 feet on Lot 3 Block 2 Plan 63570, civically known as 425 Wittick Street in the Niverville Business Park subject to the following conditions:</p> <p>1) That the applicant enter into a Development Agreement with the Town; and</p> <p>2) That the applicant ensure that the disposal of all hazardous materials is managed in an environmentally responsible manner.</p> <p>“Carried”</p> |
| Res#94-21<br>C4-21           | <p>C. Wiebe – N. Dueck</p> <p>WHEREAS a Public Hearing was held on March 16, 2021 for Conditional Use C4-21, an application from Jordan Barkman to allow for a storage business on Lot 3 Plan 61759, civically known as 815 Schultz Avenue in the Niverville Business Park, to include interior storage units consisting of 2 buildings with 9</p>   |

and 10 units per building, with occupants of the units being allowed to service their own vehicles in their units, outdoor storage for recreational vehicles and trailers and a caretaker's residence as a secondary use in one unit of one building; AND WHEREAS the decision of Council was postponed to April 6, 2021 to allow for more information to be provided on the proposal; AND WHEREAS the applicant provided notice to the Town on March 19, 2021 of his withdrawal of the Offer To Purchase for 815 Schultz Avenue; THEREFORE BE IT RESOLVED that Council denies Conditional Use application C4-21 due to the applicant's withdrawal of the Offer to Purchase for 815 Schultz Avenue.

"Carried"

Res#95-21 C. Wiebe – K. Stott  
04-15 BE IT RESOLVED that Council approves an amendment to Curb Stop Policy 04-15, copy of which is attached hereto as Schedule "A".

"Carried"

Res#96-21 N. Dueck – J. Funk  
Contract BE IT RESOLVED that Council postpones the awarding of the On-Call Equipment contract until the April 20<sup>th</sup>, 2021 Council meeting.

"Carried"

Res#97-21 C. Wiebe -K. Stott  
Contract BE IT RESOLVED that following the Town's due tendering process, that the contract for the Town's 2021 Gravel and Topsoil be awarded to Centennial Gravel & Excavating Ltd., who submitted the lowest bid for supplying limestone, C-Base, A-Base and topsoil.

"Carried"

Res#98-21 J. Funk – C. Wiebe  
Subdivision BE IT RESOLVED that Council approves subdivision application File no. 4340-21-8390 for Lot 11 Plan 61759, civically known as 430 Kuzenko Street in the Niverville Business Park, to subdivide one lot from the existing title in order to allow for the sale of one of the units, subject to the following:

- 1) That any outstanding items from the original and amending Development Agreement be completed to the satisfaction of the Town;
- 2) That a shared driveway agreement be required between the two property owners with the Town to receive a copy of the agreement; and
- 3) That any change of use for either property will require a Conditional Use approval from the Town.

"Carried"

Mayor Myron Dyck noted that there is a lot going on right now, with things at the CRRC progressing. He also commented that he is optimistic that the outdoor recreation venues will be opening soon.

Res#99-21 N. Dueck – K. Stott  
Accounts BE IT RESOLVED that cheque nos. 39866 to 39913 totalling \$827,902.83 be hereby approved for payment.

"Carried"



Res#100-21 C. Wiebe – K. Stott  
BL 826-20 BE IT RESOLVED THAT Council gives second reading to By-law No. 826-20, a  
2<sup>nd</sup> Reading by-law to establish a rate for the collection and disposal of waste as a special  
service for all single family, duplexes and multiple family dwelling of three  
residential units or less.

“Carried”

Res#101-21 K. Stott – C. Wiebe  
BL 826-20 BE IT RESOLVED THAT Council gives third reading and passes By-law No.  
3<sup>rd</sup> Reading 826-20, a by-law to establish a rate for the collection and disposal of waste as a  
special service for all single family, duplexes and multiple family dwelling of  
three residential units or less.

“Carried”

In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck

Res#102-21 N. Dueck – C. Wiebe  
BL 832-21 BE IT RESOLVED THAT Council provides first reading to Bylaw 832-21, a  
bylaw to authorize spending up to \$4,000,000.00 to construct upon approval by  
the Province of Manitoba, an extension to the Spruce Drive Water Treatment  
Plant.

“Carried”

Res#103-21 C. Wiebe – J. Funk  
Contract BE IT RESOLVED that Council postpones the awarding of the contract for the  
Town’s 2021 Concrete Program until the April 20<sup>th</sup>, 2021 Council meeting.

“Carried”

Councillor Dueck noted that the Town’s Compost Site will be opening this  
Saturday from 11 a.m. to 4 p.m., with opening hours to expand over the coming  
weeks.

Res#104-21 C. Wiebe – J. Funk  
Lighting BE IT RESOLVED that following the Town’s due tendering process, that the  
Contract contract for the Town’s Hespeler Park Lighting Phase 3 be awarded to Trotco  
Electric Inc., who submitted the lowest bid of \$58,636.15 (plus GST).

“Carried”

Res#105-21 N. Dueck – C. Wiebe  
Cost Share BE IT RESOLVED that Council approves a 50/50 cost sharing agreement with  
Water the Manitoba Water Services Board, with a maximum project cost of  
Upgrades \$10,000,000.00, for the Technical and Funding Assistance to complete the Water  
Treatment Plant and Water Supply Upgrade.

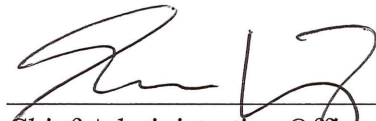
“Carried”

Res#106-21 N. Dueck – C. Wiebe

Adjourn BE IT RESOLVED that the meeting be adjourned. (10:06 a.m.)

“Carried”

  
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Mayor

  
\_\_\_\_\_  
Chief Administrative Officer

SCHEDULE "A"



TOWN OF NIVERVILLE-OPERATIONS

POLICY NO. 04-15: CURB STOPS

EFFECTIVE DATE: November 17, 2015

RESOLUTION# 332-15

REVISION DATE: April 6, 2021

RESOLUTION# 95-21

BACKGROUND: Following installation of the water main infrastructure, every curb stop is checked to ensure it operates as designed, freely and without the necessity of using excessive force. Upon the Town engineer providing infrastructure approval, building permits may be issued. On occasion during home construction, curb stops are inadvertently damaged. Following research on industry practices and in an effort to protect the integrity of the water service and future residents, the Town has approved this policy to define acceptable standards for accessibility and functioning of curb stops.

- a) Following site construction, curb stops must be accessible and operational for Town staff using Town tools specific to the task as per original engineered design and operations.

Curb stops requiring:

- i. excessive force to adjust and/or
- ii. are found to be non-functional and/or
- iii. cannot be found due to being buried

must be repaired prior to final inspection by the Town and release of builder's security deposit. The Town's position is that should excessive force be required in ideal conditions, then the curb stop will not work in inclement conditions.

- b) If a curb stop requires repair and/or cannot be found, it must be repaired/located to meet the standard noted above in condition (a) and once repaired/located must be approved by Town staff.

- c) In the event that the curb stop is not repaired/located to Town standards, water service will not be turned on. The Town will proceed with the following action steps:

- i. Advise the contractor in writing or if applicable the homeowner, of the necessity to repair/locate the curb stop to meet Town standards as described in (a).
- ii. The Town will provide 60 days from the date of the written notification for the completion of the curb stop repair/locate and the inspection by the Town.
- iii. Should the curb stop repair/locate not be completed within the allocated time frame and no prior written alternate time arrangements made with the Operations Manager, the Town shall at its own discretion make arrangements for the curb stop to be repaired/located by a private contractor and the cost thereof shall be a debt to the Town. Within 30 days the current real property owner shall pay for this debt either through the security deposit if adequate sum remains or by separate invoice. The Town may, in its own discretion, add costs incurred to the real property taxes in accordance with The Municipal Act, Section 252(2).

- d) Curb Stop Sign & Pole – in the event the curb stop sign and pole are damaged or missing at the time of the final inspection, the cost of replacing these will be deducted from the security deposit.

Minutes of the Public Hearing held on April 6, 2021 at 9:02 a.m. regarding the Public Hearing for Bylaw 830-21, a bylaw to amend Niverville's Zoning Bylaw 795-18, as amended as follows:

That Part 4: Land Use Map, Zoning Map of the Town of Niverville Zoning Bylaw no. 795-18 as amended, is hereby further amended in order that:

1. The area generally described as being Pt. Lot 11 Block 1 Plan 66425 and Pt. Lot 1 Plan 47174 be rezoned from "RMD" Residential Medium Density to "RSU" Residential Single Unit Zone; and
2. The area generally described as being Lot 19 Block 2 Plan 66425 and Block 3 Plan 66425 be rezoned from "RMD" Residential Medium Density to "RLD" Residential Low Density Zone.

The proposal was duly advertised as per Section 168 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk and Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

CAO Eric King provided an overview of Bylaw 830-21, noting the changes in zoning that are being proposed for Sunset Estates will lower the densities in the southern portion of the Highlands.

There was no opposition received to the proposal.

The Public Hearing was closed at 9:05 a.m.

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Minutes of the Public Hearing held on April 6, 2021 at 9:07 a.m. regarding Variation application V5-21, an application from Heritage Lane Builders to vary the side yard setbacks on Lots 1, 5, 6, 10, 11 and 14 from 15 feet to no less than 5'5", and vary the driveway width on Lots 2-4, 7-9 and 2-13 from 10 feet to no more than 12 feet on Lots 1 – 14 Block 2 Plan 64322, civically known as 11 – 19, 21-29 & 31-37 Dochart Gate. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Eric King, CAO of the Town of Niverville provided an overview of the proposal for Dochart Gate to vary side yard setbacks and driveway widths to accommodate multi-unit row housing. Administration recommendation is to approve as presented.

There was no opposition received to the proposal.

The Public Hearing was closed at 9:09 a.m.

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Minutes of the Public Hearing held on April 6, 2021 at 9:12 a.m. regarding Conditional Use application C5-21, an application from Jacqueline Petkau ("Z") to allow for the sales and service of alcohol at a barbershop business in a Commercial Corridor Zone on Lot 2 Plan 59619, civically known as Unit 3 – 40 Drover's Run. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Eric King, CAO of the Town of Niverville provided an overview of the proposal, noting that this proposal is to allow for the sales of alcohol in a barber shop and the Town has no prior precedent of this type of proposal. The recommendation from Administration is to approve the proposal subject to the applicant providing proof to the Town of their Liquor Service License from the Liquor, Gaming and Cannabis Authority of Manitoba.



“Z” (applicant) noted that the barber shop will have a large lounge with a pool table/tv/games to allow people to come before appointment or as drop-ins and enjoy a beer. This type of service is a Subcategory under liquor laws and they have applied under this category.

Ray Dowse (landlord) noted he was in support of the proposal.

Councillor Wiebe asked whether a haircut was needed if he wanted to come in for a beer. “Z” confirmed that some sort of service (example haircut or beard trim) was required as part of the liquor service.

There was no opposition received to the proposal.

The Public Hearing was closed at 9:16 a.m.

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Minutes of the Public Hearing held on April 6, 2021 at 9:23 a.m. regarding Conditional Use application C6-21, an application from Ray Dowse on behalf of 5584796 MB Ltd. to allow for two accessory self-storage buildings to a maximum of 10,800 sq. ft. in a Commercial Corridor Zone on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Eric King, CAO of the Town of Niverville provided an overview of the proposal to add 2 accessory storage buildings to a max of 10,800 sq. ft., noting that the buildings will not have any water or sewer connections and one building will be climate controlled while the other building will be basic. Paving will take place with construction. The recommendation from Administration is to approve the proposal.

Ray Dowse was present on behalf of 5584796 MB Ltd. and noted he was still working on the configuration and layout for adding 2 accessory buildings at 299 Main Street, and that his goal is to start construction either late spring or early summer on one or possibly both buildings pending how things were going with the business.

There was no opposition received to the proposal.

The Public Hearing was closed at 9:26 a.m.

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Minutes of the Public Hearing held on April 6, 2021 at 9:33 a.m. regarding Conditional Use C7-21 and V6-21, an application from Peter Kehler to allow for a building to be constructed for personal use (repair/mechanical) and to vary the west side yard setback from 20 feet to no less than 10 feet on Lot 3 Block 2 Plan 63570, civically known as 425 Wittick Street in the Niverville Business Park. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Peter Kehler (applicant) was present and wanted to know if Council would approve his Variation on the site yard.

Eric King, CAO of the Town of Niverville provided an overview of the proposal to allow for construction of a personal building and vary the side yard setback. The recommendation from Administration is to approve the proposal subject to the applicant entering into a Development Agreement with the Town, and the applicant ensuring that the disposal of all hazardous materials is managed in an environmentally responsible manner.

There was no opposition received to the proposal.

The Public Hearing was closed at 9:35 a.m.

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The diagram illustrates a site plan with the following features and dimensions:

- Property Boundaries:** Indicated by dashed blue lines.
- Setbacks:**
  - 5' Setback to West Property Line
  - 20' Width
  - 25' Gap
  - 70' Setback to North Property Line
  - 25' Setback
- Buildings:**
  - Non - Climate Contolled Building:** Approx 20' x 270'. Labeled with "Maximum 270' Length".
  - Existing Storage Building:** 45 x 120 Existing Building. Labeled "Main Floor 21660".
  - Future Climate Contolled Building:** 45' Wide x 110 or 120 Length.
- Other Features:**
  - Paved Drainage Trough:** Located along the top boundary.
  - Min 30' Gap Btwn Buildings:** Indicated between the existing and future buildings.
  - Paving Line - if building only Non Climate Building**
  - Paving Line if both buildings developed**

Paving Line - if building  
only Non Climate Building

Paving Line if both  
buildings developed