

## TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held in person and virtually on December 21, 2021 at 7:00 p.m. at the Community Resource and Recreation Centre. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk and Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

Res#334-21 Agenda	<p>K. Stott – N. Dueck</p> <p>BE IT RESOLVED that the agenda be approved subject to the following addition:</p> <p style="padding-left: 40px;">Motions &amp; Bylaws: 9 g. Bylaw 838-21 Zoning Bylaw Amendment</p> <p style="padding-left: 80px;">1<sup>st</sup> Reading</p> <p style="text-align: right;">“Carried”</p>
Res#335-21 Minutes	<p>J. Funk – K. Stott</p> <p>BE IT RESOLVED that the minutes of the regular Council meeting held on December 7, 2021 and special meeting of Council on December 14, 2021 be approved as presented.</p> <p style="text-align: right;">“Carried”</p>
Res#336-21 Excused	<p>C. Wiebe – K. Stott</p> <p>BE IT RESOLVED that Deputy Mayor John Funk be excused due to a non-pecuniary conflict of interest as per Section 5(1) of <i>The Municipal Council Conflict of Interest Act</i> with Variation Application V43-21 for 425 Wittick Street.</p> <p style="text-align: right;">“Carried”</p> <p>Deputy Mayor John Funk left the meeting room.</p>
Res#337-21 V43-21	<p>C. Wiebe – K. Stott</p> <p>BE IT RESOLVED that the meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold the Public Hearing for Variation application V43-21 for Lot 3 Block 2 Plan 63570, civically known as 425 Wittick Street.</p> <p style="text-align: right;">“Carried”</p>
Res#338-21 Resume	<p>N. Dueck – C. Wiebe</p> <p>BE IT RESOLVED that the Public Hearing for Variation application V43-21 be closed and Council resume its former order of business (7:09 p.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#339-21 V43-21	<p>N. Dueck – C. Wiebe</p> <p>WHEREAS a Public Hearing was held regarding Variance V43-21, an application from Peter Kehler to allow for a reduced east side yard setback from 20 feet to no less than 10 feet to accommodate a proposed building addition and a reduced rear yard setback from 25 feet to no less than 7 feet to accommodate the location of a sea can 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 Variance V43-21 to allow for a reduced east side yard setback from 20 feet to no less than 10 feet to accommodate a building addition and a reduced rear yard setback from 25 feet to no less than 7 feet to accommodate the location of a sea can on Lot 3 Block 2 Plan 63570, civically known as 425 Wittick Street in the Niverville Business Park subject to the following conditions:</p>

- 1) That the applicant ensure that all uses in the primary building and proposed addition are approved through the Conditional Use process or comply with regulations in the Zoning Bylaw in effect at the time, including any changes to any use on the property; and
- 2) That a revised parking layout drawn to scale be provided to the Town for approval in conjunction with the Building Permit application for the addition.

“Carried”

Deputy Mayor John Funk re-joined the meeting.

Res#340-21  
Table  
Agenda

J. Funk – N. Dueck

BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with *The Planning Act* to hold a Public Hearing for Bylaw 835-21, a bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended.

“Carried”

Res#341-21  
Resume

C. Wiebe – J. Funk

BE IT RESOLVED that Council resume its former order of business. (7:28 p.m.)

“Carried”

Res#342-21  
Tabled

C. Wiebe – N. Dueck

BE IT RESOLVED that the Public Hearing for Bylaw 835-21 be tabled due to technical difficulties with the virtual meeting option.

“Carried”

Res#343-21  
F/D Exec.  
Per Diem

J. Funk – C. Wiebe

BE IT RESOLVED that Niverville’s Fire Chief receive a monthly per diem of \$1,250.00 for 2022 and 2023;  
AND BE IT FURTHER RESOLVED that Council approves a Deputy Chief monthly per diem of \$1,700.00 for 2022 and 2023, which is to be divided proportionately among the number of appointed Deputy Fire Chiefs.

“Carried”

Res#344-21  
BL801-18  
Update

C. Wiebe – N. Dueck

BE IT RESOLVED that the following update be made to Schedule “A” of Bylaw 801-18 (Niverville Parking Bylaw):

- No parking between the hours of 10 p.m. and 6 a.m. on the following streets:

Wittick Street  
Kuzenko Street  
Schultz Avenue  
Pauls Street

“Carried”

Res#345-21  
Emerg. Plan

K. Stott – J. Funk

BE IT RESOLVED that Council approves Niverville’s 2022 Emergency as presented.

“Carried”

Res#346-21  
Fees

C. Wiebe – J. Funk

BE IT RESOLVED that Council approves the following Development Fees for 2022:

Single Family	Multi-Unit
Lagoon \$3,250.00	Lagoon \$2,375.00

	WTP \$2,000.00	WTP \$2,000.00	
	<u>Capital \$2,750.00</u>	<u>Capital \$1,375.00</u>	
	\$8,000.00	\$5,750.00	
			"Carried"
Res#347-21 Appointments	C. Wiebe – N. Dueck BE IT RESOLVED that the 2022 Council committee and board appointments be accepted as presented, copy of which is attached hereto as Schedule "A".		"Carried"
Res#348-21 Flower Contract	J. Funk – K. Stott BE IT RESOLVED that following the Town's due tendering process, that the contract to provide Niverville's flowers for the 2022 summer season be awarded to Giz's Garden Centre, who submitted the lowest bid of \$8,015.22 plus applicable taxes.		"Carried"
	Mayor Myron Dyck announced that he was grateful for the announcement of the (upcoming) traffic light at Mulberry and PR 311, as we will see increased traffic there as development increases and he is also grateful for the safety it will provide to pedestrians and vehicular traffic.		
	Mayor Dyck also wished everyone Seasons Greetings, Happy Holidays and Merry Christmas.		
Res#349-21 Accounts	J. Funk – K. Stott BE IT RESOLVED that cheque nos. 40808 to 40886 totalling \$1,288,422.00 be hereby approved for payment.		"Carried"
Res#350-21 Nov. F.S.	C. Wiebe – J. Funk BE IT RESOLVED that the November 30, 2021 Financial Statement be approved as presented.		"Carried"
Res#351-21 BL 836-21 3 <sup>rd</sup> Reading	J. Funk – C. Wiebe BE IT RESOLVED that Bylaw 836-21, being a Council Remuneration bylaw for 2022 is given third reading and passed.		"Carried"
	In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck		
Res#352-21 BL 837-21 3 <sup>rd</sup> Reading	N. Dueck – K. Stott BE IT RESOLVED that Bylaw 837-21, being a Staff Remuneration bylaw for 2022 is given third reading and passed.		"Carried"
	In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck		
Res#353-21 BL 838-21 1 <sup>st</sup> Reading	J. Funk – N. Dueck BE IT RESOLVED that Council gives first reading to Bylaw 838-21, a bylaw to amend Niverville's Zoning Bylaw 795-18, as amended.		"Carried"



Res#354-21  
Donations

J. Funk – C. Wiebe

WHEREAS citizens have donated funds to the Town requesting the funds be put towards the “Opa’s Park Restoration Project”;

AND WHEREAS any donations to the proposed “Opa’s Park Restoration Project” will be set aside to be used for a future project once approved in a financial plan by Council;

THEREFORE BE IT RESOLVED that Council authorizes donation receipts to be issued to donors who designate funds to the “Opa’s Park Restoration Project, with funds to be held in the Town’s Recreation Reserve for future improvements in Opa’s Park.

“Carried”

Res#355-21  
Animal  
Control

C. Wiebe – K. Stott

BE IT RESOLVED that following the Town’s due tendering process, that the contract to provide Niverville’s Animal Control services be awarded to a private contractor from southern Manitoba, who for security reasons has requested that his business name not be released to the public.


“Carried”


Res#356-21  
Adjourn

N. Dueck – C. Wiebe

BE IT RESOLVED that the meeting be adjourned. (7:59 p.m.)

“Carried”

  
\_\_\_\_\_  
Mayor

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

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Minutes of the Public Hearing held on December 21, 2021 at 7:09 p.m. regarding Variation Application V43-21, an application from Peter Kehler to allow for a reduced east side yard setback from 20 feet to no less than 10 feet to accommodate a building addition and a reduced rear yard setback from 25 feet to no less than 7 feet to accommodate the location of a sea can 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.

Mr. Peter Kehler, applicant, commented that he wanted to do an addition to his phase 1 shop and build on a 50' x 60' addition on the east side of his shop and wanted to know if he could do this.

Councillor Wiebe asked how large the building footprint would be once the addition was done.

Mr. Kehler advised the addition would be 50' x 60', 3,000 square feet and the first phase was 3,200 square feet (6,200 square feet in total).

Councillor Dueck asked for clarification whether the applicant was buying 2 different lots.

Mr. Kehler advised that he wanted to move the trailers over to the next lot and he was planning to build within 10 feet of the lot line.

Councillor Stott commented that the proposed addition would be on the same lot as the original building but that it was too close to the border, and whether the applicant was buying another lot for storage, and if there was anything that would bind the 2 lots together.

Mayor Dyck replied that it would be on the same lot and that the variation is to provide building for a smaller side yard than the normal standard would allow for that area.

Mr. Kehler advised these would be separate lots with nothing binding them together and the tractors and trailers would be moved to the second lot.

Councillor Dueck asked for confirmation that there was already a 10 foot side yard on the west side of existing building and that he would be adding to the second lot and building another building which will be 10 or 12 feet over on the first lot with the variance on the second lot.

Assistant CAO Audrey Neufeld explained that the addition was to the existing building on one lot (the reduced side yard) along with the reduced rear yard setback for the sea can. Ms. Neufeld also clarified that this hearing did not speak to the use of the addition nor provide approval to the parking layout at this point, as those were items that would still need to be worked through. This application was to deal with the variance side of things.

There was no opposition received to the proposal.

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

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## **SCHEDULE “A”**

### **Council Organization – December 21, 2021**

**Deputy Mayor** – John Funk

#### **Niverville Community Development Corporation**

Myron Dyck – President

Directors – John Funk, Kevin Stott, Chris Wiebe, Nathan Dueck

Treasurer – Dawn Penner

Secretary – Eric King

#### **Niverville Health Task Force**

Nathan Dueck

#### **Niverville Health Care Services Inc.**

Nathan Dueck – President

Directors – Myron Dyck, John Funk, Kevin Stott, Chris Wiebe

Secretary – Eric King

#### **Steering Committee with RM of Ritchot** (review joint opportunities)

John Funk

#### **Niverville Business Park Inc.**

Chris Wiebe – President

Directors – Myron Dyck, John Funk, Kevin Stott, Nathan Dueck

#### **Niverville Recreation Committee**

John Funk – President

Directors – Myron Dyck, Chris Wiebe, Kevin Stott, Nathan Dueck

#### **Seine Rat River Conservation District**

Kevin Stott - member

John Funk – alternative delegate

#### **Community Futures Triple R Development**

Brenda Desjardins – member

Myron Dyck – alternative delegate

#### **Council Committee**

Myron Dyck – Chairperson

Spokesperson for:

Recreation - John Funk

Residential Development – Chris Wiebe

Business Development – Chris Wiebe

Operations – Kevin Stott

Administration/Finance/Protective – Myron Dyck

Communications Liaison (website/marketing) – Nathan Dueck

Medical Services – Nathan Dueck

#### **Board of Revision**

Myron Dyck – Chairperson

Eric King – Secretary

#### **Steering Committee for RSR Wastewater Cooperative**

Myron Dyck