

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on December 17, 2019 at 9:00 a.m. at the Niverville Heritage Centre. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

Res#356-19 Agenda	C. Wiebe – N. Dueck BE IT RESOLVED that the agenda be approved as presented. "Carried"
Res#357-19 Minutes	J. Funk – C. Wiebe BE IT RESOLVED that the minutes of the regular Council meeting held on December 3, 2019 be approved as presented. "Carried"
Res#358-19 Table Agenda	C. Wiebe – N. Dueck BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with The Planning Act to hold the Public Hearing for Conditional Use application C14-19; to allow Phase 2 of a Planned Unit Development on Lot 2 Plan 59619, civically known as 40 Drovers Run. "Carried"
Res#359-19 Resume	J. Funk – C. Wiebe BE IT RESOLVED that the Public Hearing for Conditional Use application C14-19 to allow Phase 2 of a Planned Unit Development on Lot 2 Plan 59619, civically known as 40 Drovers Run be closed and Council resume its former order of business (9:08 a.m.). "Carried"
Res#360-19 C14-19	C. Wiebe – J. Funk WHEREAS a Public Hearing was held regarding Conditional Use application C14-19, an application from Westside Properties Inc. to allow Phase 2 (Units 3 & 4) of a Planned Unit Development on Lot 2 Plan 59619, civically known as 40 Drovers Run; AND WHEREAS in accordance with The Planning Act, the Conditional Use application was duly advertised; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Conditional Use application C14-19 from Westside Properties Inc. to allow Phase 2 (Units 3 & 4) of a Planned Unit Development on Lot 2 Plan 59619, civically known as 40 Drovers Run be approved subject to the applicant signing an amended Development Agreement with the Town prior to commencement of Phase 2 construction. "Carried"
Res#361-19 Table Agenda	C. Wiebe – N. Dueck BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with The Planning Act to hold the Public Hearing for Conditional Use application C15-19; to allow an indoor participant recreation service on Lot 2 Plan 59619, civically known as Unit 4 – 40 Drovers Run. "Carried"

Res#362-19 Resume	C. Wiebe – J. Funk BE IT RESOLVED that the Public Hearing for Conditional Use application C15-19, to allow an indoor participant recreation service on Lot 2 Plan 59619, civically known as Unit 4 – 40 Drovers Run be closed and Council resume its former order of business (9:27 a.m.). “Carried”
Res#363-19 Table Agenda	K. Stott – C. Wiebe BE IT RESOLVED that the Council meeting agenda be tabled and that Council re-open the Public Hearing for Conditional Use application C15-19; to allow an indoor participant recreation service on Lot 2 Plan 59619, civically known as Unit 4 – 40 Drovers Run. “Carried”
Res#364-19 Resume	J. Funk – C. Wiebe BE IT RESOLVED that the Public Hearing for Conditional Use application C15-19, to allow an indoor participant recreation service on Lot 2 Plan 59619, civically known as Unit 4 – 40 Drovers Run be closed and Council resume its former order of business (9:38 a.m.). “Carried”
Res#365-19 C15-19	K. Stott – J. Funk WHEREAS a Public Hearing was held regarding Conditional Use application C15-19 from Plautdietsch Projects Ltd. operating as Anytime Fitness, to allow an indoor participant recreation service on Lot 2 Plan 59619, civically known as Unit 4 – 40 Drovers Run; AND WHEREAS in accordance with The Planning Act, the Conditional Use application was duly advertised; AND WHEREAS there were two letters of opposition received to the proposal and 3 members of the public in attendance who had noted their opposition to the proposal; THEREFORE BE IT RESOLVED that Conditional Use application C15-19 from Plautdietsch Projects Ltd. operating as Anytime Fitness, to allow an indoor participant recreation service on Lot 2 Plan 59619, civically known as Unit 4 – 40 Drovers Run C7-19 be approved subject to the landlord of Lot 2 Plan 59619 (40 Drovers Run) signing an amended Development Agreement with the Town prior to commencement of Phase 2 construction. “Carried”
Res#366-19 Added Taxes	C. Wiebe – K. Stott BE IT RESOLVED that in accordance with Section 326 of <i>The Municipal Act</i> , that a Change-in-Use Tax Payback for Roll 36400 as provided by the Manitoba Assessment Services dated October 16, 2019 is hereby added to the Tax Roll. “Carried”
Res#367-19 D2-17	J. Funk – C. Wiebe BE IT RESOLVED that Council approves an amendment to Demolition Grant Policy D2-17, copy of which is attached hereto as Schedule “A”. “Carried”

- Res#368-19
Donation
Receipt
K. Stott – J. Funk
BE IT RESOLVED that following the Town’s Donation Receipting Policy F2-13, that a donation receipt in the amount of \$1,530.00 be issued to Carole Charrette, for her donation of a memorial bench to Niverville Heritage PCH Inc. for location on the Niverville Heritage Centre Campus.
“Carried”
- Res#369-19
Emerg. Plan
C. Wiebe – J. Funk
BE IT RESOLVED that Council approves Niverville’s 2020 Emergency Plan as presented.
“Carried”
- Mayor Myron Dyck wished everyone a Merry Christmas and expressed his appreciation to Niverville’s Recreation Programmers Chantel Todd and Angela Janz for effectively securing a grant for improvements to the playground in Hespeler Park.
- Res#370-19
Accounts
C. Wiebe – K. Stott
BE IT RESOLVED that cheque nos. 38266 to 38337 totalling \$1,273,700.76 be hereby approved for payment.
“Carried”
- Res#371-19
Nov. F.S.
K. Stott – J. Funk
BE IT RESOLVED that Council approves the November 30, 2019 Financial Statement as presented.
“Carried”
- Res#372-19
BL 816-19
3rd Reading
N. Dueck – C. Wiebe
BE IT RESOLVED that Bylaw 816-19, being a Council Remuneration bylaw for 2020 is given third reading and passed.
“Carried”
- In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck
- Res#373-19
BL 817-19
3rd Reading
J. Funk – K. Stott
BE IT RESOLVED that Bylaw 817-19, being a Staff Remuneration bylaw for 2020 is given third reading and passed.
“Carried”
- In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck
- Res#374-19
Adjourn
N. Dueck – C. Wiebe
BE IT RESOLVED that the meeting be adjourned. (10:00 a.m.)
“Carried”



Mayor



Chief Administrative Officer

SCHEDULE A



TOWN OF NIVERVILLE-DEVELOPMENT

POLICY NO. D2-17:	<u>Demolition Grant</u>	
EFFECTIVE DATE:	<u>June 20, 2017</u>	RESOLUTION# <u>208-17</u>
REVISION DATE:	<u>December 17, 2019</u>	RESOLUTION# <u>367-19</u>

Background: The Town of Niverville (the "Town") recognizes the vital role infill development plays in refreshing and keeping the Town vibrant, through the redevelopment of aged residences. To enhance the availability of high-density multi-family housing, the Town will provide an incentive grant to encourage property owners and developers to partner with the Town in increasing density on multi-family residential zoned properties. To encourage the development of Commercial Main Street properties by removal of residential residences and development of new commercial buildings along Main Street between the CPR tracks and 5th Avenue, the Town will provide an incentive grant to remove the aged existing residences and replace them with a commercial building.

The Demolition Grant (DG) will offer a \$10,000 one-time per lot incentive to property owners and developers whose property is in a Residential High Density Zone (RHD) and has entered into a Development Agreement or an existing residential property in the CMS Commercial Main Street Zone, on Main Street between the CPR tracks and 5th Avenue. The purpose of the grant is to reduce the financial burden on owner(s) to remove existing buildings and prepare the site for construction. The property on which demolition occurs must see the building density increase to a minimum of four residential units per lot or construction of a commercial building (Main Street).

Terms & Conditions:

1. DG eligibility up to a maximum of 5 properties in a given year for all RHD development and Commercial re-development of existing residential properties in the CMS Commercial Main Street Zone on Main Street between the CPR tracks and 5th Avenue in the Town;
2. Grant is payable to the registered property owner at the time of demolition;
3. Property owner must have an executed (signed by owner and Town) a Development Agreement prior to demolition of existing buildings;
4. Property owner must have obtained from the Town a demolition permit, prior to demolition, and a new Building Construction permit for the subject property before being eligible for DG;
5. The construction of a new multi-family building or commercial building must be completed and all fees as per terms of the Development Agreement paid within two years of issuance of the building or development permit for the site. Should new building construction completion not occur as per these defined conditions, the DG will

be repayable back to the Town. The building permit holder, subject to appeal to Council whose decision will be final and non-appealable, will lose their refundable building permit deposit to be applied to the repayable DG and any outstanding balances will be added to property taxes.

Definitions:

A) *Application process:*

- i) Applicant enters into negotiations with Town on a Development Agreement
 - a. Applicant must request in writing during negotiations their desire to receive the DG.
- ii) Applicant provides full drawings to Town for development:
 - a. Approved Development Agreement – applicant moves on to Step iii.
 - b. Failure to reach Development Agreement – applicant moves back to Step i or proceeds without DG.
- iii) Applicant requests Building or Development Permit & Demolition Permit from Town.
- iv) Town reviews and rejects/approve permits requested
- v) IF:
 - a. Approved – Applicant must pay in full the fees associated with Demolition and Building Permit
 - i. Once Approved – owner will receive a letter notifying them of acceptance of DG when picking up permits.
 - b. Denied - Applicant has option to request review by Council; must submit letter to Council within fifteen (15) days of notice of denied application with reasoning for additional consideration.
- vi) Town processes payment on DG within thirty (30) days of Demolition being completed to satisfaction of Town.

Minutes of the Public Hearing held on December 17, 2019 at 9:03 a.m. regarding Conditional Use application C14-19; an application from Westside Properties Inc. to allow construction of Phase 2 (Units 3 & 4) of a Planned Unit Development on Lot 2 Plan 59619, civically known as 40 Drovers Run. The proposal was duly advertised as per Section 169 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.

Mr. Ray Dowse was present on behalf of Westside Properties Inc. and provided an overview of the proposal, noting that this development (Phase 2) would be an addition of 6,075 square feet to a previously discussed plan.

Council asked for further information on garbage location and fencing. Mr. Dowse noted that the garbage would be located underground and that Len Peters (The Highlands Developer) is responsible for putting up the fence on the south side of the development.

Mayor Dyck asked for a recommendation from Administration to which CAO Eric King noted that an amended Development Agreement would be the only obligation requested.

The Public Hearing was closed at 9:08 a.m.

Minutes of the Public Hearing held on December 17, 2019 at 9:12 a.m. regarding Conditional Use application C15-19; an application from Plautdietsch Projects Ltd. operating as Anytime Fitness, to allow an indoor participant recreation service in the Commercial Corridor zone on Lot 2 Plan 59619, civically known as Unit 4 – 40 Drovers Run. The proposal was duly advertised as per Section 169 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.

Messrs. Nathan Dyck and Kelly Barkman were present on behalf of Plautdietsch Projects Ltd. and provided an overview of their proposal of an “Anytime Fitness” gym for Unit 4-40 Drovers Run. They stated that they were coming to Niverville due to the growth of the Town, bringing a different concept and having completed market research. They also provided some background on two gyms that they have established in Steinbach and Lorette, noting that the Niverville location would employ 3-6 people.

Council asked for clarification on the following:

- Size of gym location in Lorette;
- Cameras and monitoring outside of the building.

Messrs. Dyck and Barkman stated that the Lorette gym was 3,300 sq. ft. and was limited in size due to its location. They also noted that they have a comprehensive monitoring system, which also monitors the parking lot.

Mr. Chris Friesen, owner of Average Joe’s Fitness (10 Cedar Drive), was opposed to the proposal, citing concern that this “big box” franchise would be allowed at the expense of other local small businesses and was a threat to his family run business.

Brandy Lindsay of 374 3rd St. North and Guy Roy of 227 1st Street N. recorded their objection on the sign in sheet.

Mr. Eric King, CAO of the Town of Niverville read into the record a letter of opposition from Tyler Froese, 27 Wyldeewood Crescent, who expressed concern that bringing in a major franchise

with a huge budget would negatively affect our current gyms, citing this business would put the local gyms out of business in Town.

The Public Hearing was closed at 9:27 a.m.

The Public Hearing was re-opened at 9:29 a.m. to allow another letter of opposition to be read into the record.

Mr. Eric King, CAO of the Town of Niverville read into the record a letter of opposition from Crystal Stott, owner of ShopGym Inc. located at 1789 Main Street, noting concerns for the competition that this would bring for both her business and Average Joe's. Ms. Stott also commented that the Town could lose two or three businesses to gain one.

Messrs. Dyck and Barkman responded as follows:

- that friendly competition drives business;
- revenues back to the community include employment and taxes;
- they have been involved in supporting community efforts (Steinbach/Lorette) such as the foodbank, promotions, breast cancer awareness etc.;
- this business is individually owned and operated, despite being a "big box" name;
- dietary advice is provided by licensed dieticians;
- staffed hours are 45 per week; and
- they feel that there is room in the market for a facility offering a different level of services.

Councillor Wiebe noted Niverville is considered as a hub and asked if this business would be bringing in memberships from the surrounding area and whether they would be actively advertising in the area.

Mr. Dyck stated that the focus would be on Niverville and the surrounding area.

The Public Hearing was closed at 9:38 a.m.