

## TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on July 21<sup>st</sup>, 2020 at 7:00 p.m. at the Niverville Centennial Arena (South End). In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

Res#198-20 Agenda	K. Stott – C. Wiebe BE IT RESOLVED that the agenda be approved subject to the following addition: New Business: 10 b. Bylaw 824-20, Re-Zoning of the Highlands S., 1 <sup>st</sup> Reading 10 c. Increase Town Credit Card Limit and add 2 new users “Carried”
Res#199-20 Minutes	N. Dueck – J. Funk BE IT RESOLVED that the minutes of the regular Council meeting held on June 16, 2020 and the Special Council meeting held on June 23, 2020 be approved as presented. “Carried”
Res#200-20 Table Agenda	C. Wiebe – K. Stott 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 820-20; a bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended. “Carried”
Res#201-20 Resume	C. Wiebe – N. Dueck BE IT RESOLVED that the Public Hearing for Bylaw 820-20 be closed and Council resume its former order of business. (7:07 p.m.) “Carried”
Res#202-20 BL 820-20 2 <sup>nd</sup> Reading	N. Dueck – J. Funk WHEREAS a Public Hearing was held for Bylaw 820-20, a bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended, for the following text amendments (summarized): <ol style="list-style-type: none"><li>1. Adjusting and clarifying site width standards for subdivision along attached dwellings and row housing;</li><li>2. Addition of “Caretaker’s Residence” accessory use within the Industrial zone, along with use specific standards;</li><li>3. Addition of “Other industrial uses not listed” within the Industrial Mixed Use zone; and</li><li>4. Other minor housekeeping text amendments to provide more clarification and rectify a clerical error;</li></ol> AND WHEREAS a minor amendment is required for Bylaw 820-20, to amend Part 5: Use-Specific Standards for Multi-Unit Dwellings to match the proposed text amendments; AND WHEREAS one individual recorded an objection, THEREFORE BE IT RESOLVED that Bylaw 820-20, a bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended, be given second reading. “Carried”
Res#203-20 BL 820-20 3 <sup>rd</sup> Reading	C. Wiebe – K. Stott BE IT RESOLVED THAT Bylaw 820-20, as amended, to amend Niverville’s Zoning Bylaw 795-18, as amended, be given third reading and passed. “Carried”  In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck

Res#204-20 Table Agenda	<p>J. Funk – 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 C13-2020; to allow for “outside operations” (dog run) in a Commercial Corridor Zone at Lot 6 Plan 9965, civically known as Unit D – 290 Main Street, Niverville.</p> <p style="text-align: right;">“Carried”</p>
Res#205-20 Resume	<p>N. Dueck – C. Wiebe</p> <p>BE IT RESOLVED that the Public Hearing for Conditional Use application C13-2020 be closed and Council resume its former order of business (7:18 p.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#206-20 C13-2020	<p>N. Dueck – C. Wiebe</p> <p>WHEREAS a Public Hearing was held regarding Conditional Use C13-2020; an application from Guy Britten and Amanda Maclean to allow “outside operations” (dog run) in a Commercial Corridor Zone at Lot 6 Plan 9965, civically known as Unit D – 290 Main Street, Niverville;</p> <p>AND WHEREAS the application was duly advertised;</p> <p>AND WHEREAS there was no opposition to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Council approves Conditional Use application C13-2020, an application from Guy Britten and Amanda Maclean to allow “outside operations” (dog run) in a Commercial Corridor Zone at Lot 6 Plan 9965, civically known as Unit D – 290 Main Street subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1) Conditional Use permit will expire on July 21, 2022. Applicant will be required to re-submit another Conditional Use application to the Administration Office a minimum of 4 weeks in advance of expiry date in order to have the fee waived for the second application or failing same, the applicant shall be required to re-apply for another Conditional Use at their own expense;</li> <li>2) Outside yard must not generate obnoxious smells or a noise nuisance beyond the subject property boundaries;</li> <li>3) Outside yard must not be used for exercising dogs between the hours of 10:00 p.m. and 7:00 a.m. (no noise nuisance);</li> <li>4) The outside yard must be securely enclosed with an opaque fence of at least seven feet in height and have a partial roof in order to dampen the noise of the animals outside, the design of which shall be approved by the Town; and</li> <li>5) Applicant must ensure that all dogs under the care of the kennel are licensed in their respective municipalities, with all rabies and distemper shots up to date.</li> </ol> <p style="text-align: right;">“Carried”</p>
Res#207-20 Table Agenda	<p>C. Wiebe – J. Funk</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 Public Hearing for Conditional Use C14-2020 for Lots 6, 7, and 8 Block 3 Plan 19956 and Lot 1 Block 4 Plan 19956, civically known as 166 Main Street, 180 Main Street and 10 Fourth Avenue S.</p> <p style="text-align: right;">“Carried”</p>

Res#208-20  
Resume

C. Wiebe – J. Funk

BE IT RESOLVED that the Public Hearing for Conditional Use C14-2020 be closed and Council resume its former order of business (7:34 p.m.)

“Carried”

Res#209-20  
C14-2020

N. Dueck – K. Stott

WHEREAS a Public Hearing was held regarding Conditional Use C14-2020, an application from 3524958 Manitoba Ltd. to allow the following:

- Advertising signage on Lots 6, 7 and 8, Block 3, Plan 19956, civically known as 166 and 180 Main Street consisting of the following:
  - 4 sandwich boards 11 sq. ft. each (total 44 sq. ft.);
  - 7 advertising signs 15 sq. ft. each (total 105 sq. ft.) for placement on the building at 180 Main Street;
  - Other signage
    - Artic Ice Freezer 12 sq. ft.;
    - Firewood Box 1 sq. ft.;
    - Coop Propane Tank 36 sq. ft.;
    - 2 soft drink vending machines 21 sq. ft. each (total 42 sq. ft.);
    - 8 feather flags (seasonal) 20 sq. ft. each (total 160 sq. ft.);
- Advertising signage on Lot 1 Block 4 Plan 19956, civically known as 10 Fourth Avenue S. consisting of the following:
  - 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
  - 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
  - One 2-sided portable rental sign total 90 sq. ft.;

AND WHEREAS in accordance with *The Planning Act* the Conditional Use application was duly advertised;

AND WHEREAS there was no opposition brought forward to the proposal;

THEREFORE BE IT RESOLVED that Council approves Conditional Use C14-2020, an application from 3524958 Manitoba Ltd. to allow the following:

- Advertising signage on Lots 6, 7 and 8, Block 3, Plan 19956, civically known as 166 and 180 Main Street consisting of the following:
  - 4 sandwich boards 11 sq. ft. each (total 44 sq. ft.);
  - 7 advertising signs 15 sq. ft. each (total 105 sq. ft.) for placement on the building at 180 Main Street;
  - Other signage
    - Artic Ice Freezer 12 sq. ft.;
    - Firewood Box 1 sq. ft.;
    - Coop Propane Tank 36 sq. ft.;
    - 2 soft drink vending machines 21 sq. ft. each (total 42 sq. ft.);
    - 8 feather flags (seasonal) 20 sq. ft. each (total 160 sq. ft.);
- Advertising signage on Lot 1 Block 4 Plan 19956, civically known as 10 Fourth Avenue S. consisting of the following:
  - 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
  - 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
  - One 2-sided portable rental sign total 90 sq. ft.;

subject to the following conditions:

1. That no signage be placed on the Town boulevard or road allowance;
2. That signage cannot impede sight lines for intersection at Fourth Avenue S. or Main Street access;

3. That the Conditional Use is granted exclusively to 3524958 Manitoba Ltd. for a period of two years, expiring on July 21, 2022; and
4. That in the event the applicant requires an extension to the Conditional Use approval, the applicant must submit a written application to the Town prior to July 1, 2022, with application fee to be waived if application is received prior to July 1, 2022, or failing same the applicant shall be required to re-apply for another Conditional Use at their own expense.

“Carried”

Res#210-20  
Table  
Agenda

N. Dueck – K. Stott  
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 Variation application V10-2020; to allow an 8 ft. fence in a Commercial Main Street Zone on Lot 3 & 4 Block 2 Plan 19956, civically known as 86 Main Street.

“Carried”

Res#211-20  
Resume

C. Wiebe – J. Funk  
BE IT RESOLVED that the Public Hearing for Variation application V10-2020 be closed and Council resume its former order of business (7:43 p.m.).

“Carried”

Res#212-20  
V10-2020

C. Wiebe – J. Funk  
WHEREAS a Public Hearing was held regarding Variation application V10-2020, an application from Scott Wallace to allow an 8 ft. fence in a Commercial Main Street Zone on Lots 3 & 4 Block 2 Plan 19956, civically known as 86 Main Street;  
AND WHEREAS the application was duly advertised;  
AND WHEREAS there was no opposition to the proposal;  
THEREFORE BE IT RESOLVED that Council approves Variation application V10-2020 from Scott Wallace to allow an 8 ft. fence in a Commercial Main Street Zone on Lots 3 & 4 Block 2 Plan 19956, civically known as 86 Main Street subject to the following conditions:

- 1) Fence height is approved for the rear yard only; and
- 2) Fence material must not contain barbed wire, scrap metal or industrial waste material, nor made of any materials commonly associated with a seasonal or temporary snow fence.

“Carried”

Res#213-20  
CRRC  
Engineering

C. Wiebe – K. Stott  
BE IT RESOLVED that Council approves an amendment to engineering agreement with WSP for \$21,800.00 plus applicable taxes to complete the CRRC Parking Lot.

“Carried”

Res#214-20  
Liquor  
Permit

C. Wiebe – J. Funk  
BE IT RESOLVED that Council grants permission to Betty and Ric Bender to serve liquor during their 50<sup>th</sup> Wedding Anniversary Celebration on August 22, 2020 at the Hespeler Park Picnic Shelter, subject permit approval being granted from Manitoba Liquor and Gaming.

“Carried”

Res#215-20 J. Funk – C. Wiebe  
Extension WHEREAS under *The Planning Act 110(1)*, an applicant must take steps to  
C12-19 establish the use authorized by a conditional use order within 12 months of the  
date of the decision;  
AND WHEREAS under *The Planning Act 110(2)* Council may extend this  
deadline for an additional period not longer than 12 months if an application is  
received before the deadline when the order expires;  
AND WHEREAS an application was received from Luke Wiebe on June 24,  
2020 to extend Conditional Use permit C12-19 for 87, 93, and 103 4<sup>th</sup> Avenue S.,  
originally approved on September 17, 2019;  
THEREFORE BE IT RESOLVED THAT Council approves the request to extend  
the Conditional Use permit for C12-19 to September 17, 2021 for 87, 93, and 103  
4<sup>th</sup> Avenue S., which requires the applicant to take steps to establish the use  
authorized by the conditional use order within 12 months of the date of the  
extension.  
“Carried”

Res#216-20 C. Wiebe – J. Funk  
Arena Road WHEREAS the construction of the Niverville High School in 2019 has  
One-Way increased traffic along Arena Road;  
AND WHEREAS the anticipated 2021 opening of the Community Resource &  
Recreation Centre will further increase the traffic along Arena Road;  
AND WHEREAS the usage of Arena Road as a one-way heading North from PR  
311 will increase the safety for traffic and pedestrians in the area;  
THEREFORE BE IT RESOLVED that Council authorizes a change of traffic  
flow on Arena Road from two way traffic to one way traffic heading North from  
PR 311.  
“Carried”

Mayor Dyck noted that construction on the sidewalks and intersections is in  
progress around Town along with improvements to the Niverville Centennial  
Arena. Construction is also underway for commercial venues (gym & storage  
building) in Niverville.

Res#217-20 J. Funk – K. Stott  
Accounts BE IT RESOLVED that cheque nos. 38944 to 39057 totalling \$2,176,182.82 be  
hereby approved for payment.  
“Carried”

Res#218-20 C. Wiebe – N. Dueck  
May F.S. BE IT RESOLVED that the May 31, 2020 Financial Statement be approved as  
presented.  
“Carried”

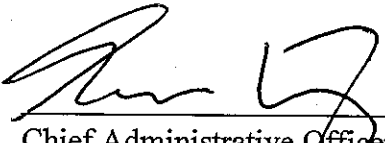
Res#219-20 C. Wiebe – N. Dueck  
Street Lights BE IT RESOLVED that Council authorizes Manitoba Hydro to install 10 (ten)  
Highlands S. 60W LED luminaires on 15' davit standards on public roads (Aberdeen Drive and  
Murcar Street);  
AND BE IT FURTHER RESOLVED that annual energy charges for this will be  
\$1,698.00 plus applicable taxes;  
AND BE IT FURTHER RESOLVED that this Resolution constitutes an  
amendment to the street lighting contract now in force between Manitoba Hydro  
and the Town of Niverville.  
“Carried”

Res#220-20 C. Wiebe – J. Funk  
BL 824-20 BE IT RESOLVED THAT Bylaw 824-20, a Bylaw to amend Niverville’s Zoning  
1<sup>st</sup> Reading Bylaw 795-18, as amended, to rezone areas in the Highlands South, be given first  
reading and duly advertised.  
“Carried”

Res#221-20 N. Dueck – C. Wiebe  
Credit Cards BE IT RESOLVED that Council authorizes an increase to the Town’s Credit Card  
Program with a limit of \$33,000 among the following six users:  
Eric D. King, CAO \$10,000.00  
Ryan W. Dyck, Operations Manager \$7,000.00  
Dawn G. B. Penner, Finance Officer \$3,000.00  
Bradley R. Wasilinchuk, Deputy Fire Chief \$3,000.00  
Warren E. Britton, Recreation Facility Manager \$8,000.00  
Kristen J. Fyfe, NMC Business Manager \$2,000.00  
“Carried”

Res#222-20 N. Dueck – C. Wiebe  
Adjourn BE IT RESOLVED that the meeting be adjourned. (8:05 p.m.)  
“Carried”

  
\_\_\_\_\_  
Mayor

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

Minutes of the Public Hearing held on July 21, 2020 at 7:02 p.m. regarding the Public Hearing for Bylaw 820-20, a bylaw to amend Niverville's Zoning Bylaw 795-18, as amended, for the following text amendments:

- A. Determine lot sizes and minimum site area for subdivision of lots either with or without existing buildings for medium and high density residential zones and any lot other than a residential lot.
- B. Clarify standard used to determine permitted driveway width for lots that have an irregular approach.
- C. Add definition of Caretaker's Residence; a secondary use located within an existing primary building on a non-residential property occupied by the owner/operator or a site watchperson or caretaker who oversees or guards the operation, if necessary.
- D. Correct clerical error for minimum site width for 2 unit dwelling on Table 6-5 RLD.
- E. Amend the lot sizes and minimum site area standards for row house type dwellings for Table 6-6 RMD to be consistent with subdivision standards.
- F. Amend the lot sizes and minimum site area standards for row house type dwellings for Table 6-7 RHD to be consistent with subdivision standards.
- G. Amend the lot sizes and minimum site area standards for row house type dwellings for Table 6-8 RMU to be consistent with subdivision standards.
- H. Amend Table 6-13 Industrial General Zone to add "Caretaker's Residence" as a secondary Conditional Use.
- I. Amend Table 6-14 Industrial Mixed Use to add "Other industrial use not listed".
- J. Add use-specific standards to Part 5 for Caretaker's Residence.

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 820-20 and noted that a minor amendment is required during second reading, to add an amendment to Part 5: Use-Specific Standards for Multi-Unit Dwellings to match the proposed text amendments.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:07 p.m.

---

Minutes of the Public Hearing held on July 21, 2020 at 7:09 p.m. regarding Conditional Use C13-2020; an application from Guy Britten and Amanda Maclean to allow "outside operations" (dog run) in a Commercial Corridor Zone at Lot 6 Plan 9965, civically known as Unit D – 290 Main Street, Niverville. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson with Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

CAO Eric King provided an overview of the proposal and noted the following recommendations from Administration should Council choose to approve the application:

- 1) Conditional Use permit will expire on July 21, 2022. Applicant will be required to re-submit another Conditional Use application to the Administration Office a minimum of 4 weeks in advance of expiry date in order to have the fee waived for the second application or failing same, the applicant shall be required to re-apply for another Conditional Use at their own expense;
- 2) Outside yard must not generate obnoxious smells or a noise nuisance beyond the subject property boundaries;
- 3) Outside yard must not be used for exercising dogs between the hours of 10:00 p.m. and 7:00 a.m. (no noise nuisance);

- 4) The outside yard must be securely enclosed with an opaque fence of at least seven feet in height and have a partial roof in order to dampen the noise of the animals outside, the design of which shall be approved by the Town; and
- 5) Applicant must ensure that all dogs under the care of the kennel are licensed in their respective municipalities, with all rabies and distemper shots up to date.

Mr. Guy Britten, applicant, noted that RuffMutts doesn't want to be a disturbance to the neighbours and does not foresee the dogs getting out, any odour radiating from the area nor noise being an issue. Mr. Britten stated that he had spoken with the neighbours in the area and had an agreement with Heather and Carl Fast (adjacent neighbours). Mr. Britten also suggested that Niverville's Zoning Bylaw requirements for a kennel should be amended to note the obligation to ensure dogs are licensed.

Mr. King provided clarification for the licensing requirement outside the building, and if an unlicensed dog were to get loose, there would be a significant cost associated with this

Mr. Carl Fast of 270 Main Street noted that he had an individual agreement with the applicant, who had been very forthcoming with his proposal. Mr. Fast asked for clarification on the process for approving this type of proposal for a subsequent applicant.

Councillor Chris Wiebe noted that a Conditional Use follows the property; if another person were to assume the business one year from now, they would have one year left on the Conditional Use approval (assumption that a two year approval was granted).

There was no opposition received to the proposal.

The Public Hearing was closed at 7:18 p.m.

---

Minutes of the Public Hearing held on July 21, 2020 at 7:20 p.m. regarding Conditional Use C14-2020; an application from 3524958 Manitoba Ltd. to allow the following:

- Advertising signage on Lots 6, 7 and 8, Block 3, Plan 19956, civically known as 166 and 180 Main Street consisting of the following:
  - 4 sandwich boards 11 sq. ft. each (total 44 sq. ft.);
  - 7 advertising signs 15 sq. ft. each (total 105 sq. ft.) for placement on the building at 180 Main Street;
  - Other signage
    - Artic Ice Freezer 12 sq. ft.;
    - Firewood Box 1 sq. ft.;
    - Coop Propane Tank 36 sq. ft.;
    - 2 soft drink vending machines 21 sq. ft. each (total 42 sq. ft.);
    - 8 feather flags (seasonal) 20 sq. ft. each (total 160 sq. ft.);
- Advertising signage on Lot 1 Block 4 Plan 19956, civically known as 10 Fourth Avenue S. consisting of the following:
  - 5 advertising signs x 16 sq. ft. on fence facing Main Street (total 80 sq. ft.);
  - 13 advertising signs x 11 sq. ft. on fence facing Main Street (total 143 sq. ft.); and
  - One 2-sided portable rental sign total 90 sq. ft.;

The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson with Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Ms. Rose Friesen, applicant/owner, questioned whether they would be allowed to continue the use of their mobile sign, as this sign made the biggest difference/impact for their business.

Deputy Mayor John Funk questioned whether advertising on Facebook was an option.



Mr. Pete Friesen, owner, noted that it takes about 4 weeks for advertising to take effect, stating that the mobile sign was a big driver of sales and that social media doesn't have the same affect. Mr. Friesen also questioned why the permission for the mobile sign was turned down under the previous application.

Mayor Dyck commented on Council's challenge to balance the ability of a business to advertise while maintaining a visually appealing Main Street. He noted that as the Town continues to grow, so does the need to manage the number of signs, and others use Coop as an example and may not be as diligent to be neat and tidy.

Mr. Friesen commented that the signs on the fence serve as subliminal advertising and are not a driver of sales.

Mayor Dyck stated that Council is looking for a professional Main Street look as the Town grows and ideally, a business would use a single freestanding sign for identification and advertising, rather than a number of small signs. Mayor Dyck also noted that there is an ongoing conversation with the Chamber about getting directives in writing, so that the expectations for businesses are reasonable.

Mr. Friesen noted that there was a differing opinion amongst retail business versus non-retail businesses, where the retail businesses are in favour of the signage. He also commented that there will never be a consensus on this issue.

Ms. Friesen pointed out that Wm Dyck's mobile sign drives their paint sales.

Mr. Friesen asked whether the mobile sign could be allowed until the zoning bylaw changed.

Mayor Dyck noted that "aesthetically pleasing" is in the eye of the beholder and that the Town will be working to define a reasonable solution on paper.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:34 p.m.

---

Minutes of the Public Hearing held on July 21, 2020 at 7:42 p.m. regarding Variation application V10-2020; an application from Scott Wallace to allow an 8 ft. fence in a Commercial Main Street Zone on Lots 3 & 4 Block 2 Plan 19956, civically known as 86 Main Street, Niverville. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson with Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

CAO Eric King provided an overview of the proposal and noted the following recommendations from Administration should Council choose to approve the application:

- 1) Fence height is approved for the rear yard only; and
- 2) Fence material must not contain barbed wire, scrap metal or industrial waste material, nor made of any materials commonly associated with a seasonal or temporary snow fence.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:43 p.m.