

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on July 21st, 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 K. Stott – C. Wiebe
Agenda 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., 1st Reading
10 c. Increase Town Credit Card Limit and add 2 new users
“Carried”
- Res#199-20 N. Dueck – J. Funk
Minutes 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 C. Wiebe – K. Stott
Table BE IT RESOLVED that the Council meeting agenda be tabled and that Council
Agenda sit in accordance with *The Planning Act* 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 C. Wiebe – N. Dueck
Resume 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 N. Dueck – J. Funk
BL 820-20 WHEREAS a Public Hearing was held for Bylaw 820-20, a bylaw to
2nd Reading to amend Niverville’s Zoning Bylaw 795-18, as amended, for the following text amendments (summarized):
1. Adjusting and clarifying site width standards for subdivision along attached dwellings and row housing;
2. Addition of “Caretaker’s Residence” accessory use within the Industrial zone, along with use specific standards;
3. Addition of “Other industrial uses not listed” within the Industrial Mixed Use zone; and
4. Other minor housekeeping text amendments to provide more clarification and rectify a clerical error;
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 C. Wiebe – K. Stott
BL 820-20 BE IT RESOLVED THAT Bylaw 820-20, as amended, to amend
3rd Reading 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	J. Funk – C. Wiebe	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.	“Carried”
Res#205-20 Resume	N. Dueck – C. Wiebe	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.).	“Carried”
Res#206-20 C13-2020	N. Dueck – C. Wiebe	<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"> 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. 	“Carried”
Res#207-20 Table Agenda	C. Wiebe – J. Funk	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.	“Carried”

Res#208-20 C. Wiebe – J. Funk
Resume 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 N. Dueck – K. Stott
C14-2020 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 N. Dueck – K. Stott
 Table BE IT RESOLVED that the Council meeting agenda be tabled and that
 Agenda 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 C. Wiebe – J. Funk
 Resume 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 C. Wiebe – J. Funk
 V10-2020 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 C. Wiebe – K. Stott
 CRRC BE IT RESOLVED that Council approves an amendment to engineering
 Engineering agreement with WSP for \$21,800.00 plus applicable taxes to complete the CRRC Parking Lot.
 “Carried”

Res#214-20 C. Wiebe – J. Funk
 Liquor BE IT RESOLVED that Council grants permission to Betty and Ric Bender
 Permit to serve liquor during their 50th 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 4th 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
4th 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
1st 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