

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held virtually on April 20, 2021 at 7:00 p.m. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

Res#107-21 Agenda	K. Stott – C. Wiebe BE IT RESOLVED that the agenda be approved subject to the deletion of 9d. “Rescind 1 st Reading for Bylaw 832-21”. “Carried”
Res#108-21 Minutes	N. Dueck – J. Funk BE IT RESOLVED that the minutes of the regular Council meeting held on April 6 th , 2021 be approved as presented. “Carried”
Res#109-21 Table Agenda	K. Stott – C. Wiebe BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Municipal Act</i> to hold a Public Hearing for the Town’s 2021 Financial Plan. “Carried”
Res#110-21 Resume	N. Dueck – J. Funk BE IT RESOLVED that the Public Hearing for the Town’s 2021 Financial Plan be closed and Council resume its former order of business (7:16 p.m.) “Carried”
Res#111-21 Table Agenda	C. Wiebe – N. Dueck 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 Subdivision Files #4340-21-8408 Sunset Estates. “Carried”
Res#112-21 Resume	J. Funk – C. Wiebe BE IT RESOLVED that the Public Hearing for Subdivision Files #4340-21-8408 Sunset Estates be closed and Council resume its former order of business. (7:20 p.m.) “Carried”
Res#113-21 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 application C8-21 (431 Kuzenko Street). “Carried”
Res#114-21 Resume	N. Dueck – C. Wiebe BE IT RESOLVED that the Public Hearing for Conditional Use application C8-21 (431 Kuzenko Street) be closed and Council resume its former order of business (7:25 p.m.). “Carried”

Res#115-21 C8-21	<p>J. Funk – C. Wiebe</p> <p>WHEREAS a Public Hearing was held regarding Conditional Use C8-21, an application from Paul England on behalf of Saba in the Sun Holding to allow for two private units/work bays for storage and non-mechanical maintenance on Lot 4 Plan 61759, civically known as 431 Kuzenko Street (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 C8-21 from Saba in the Sun Holding to allow for two private units/work bays for storage and non-mechanical maintenance on Lot 4 Plan 61759, civically known as 431 Kuzenko Street (Niverville Business Park), subject to the applicant entering into a Development Agreement with the Town.</p> <p style="text-align: right;">“Carried”</p>
Res#116-21 Table 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 a Public Hearing for Variation application V7-21 (78 3rd Avenue S.).</p> <p style="text-align: right;">“Carried”</p> <p>Councillor Stott left the meeting due to an indirect pecuniary interest as per Section 4 (1(b) of The Municipal Conflict of Interest Act with Variation application V7-21.</p>
Res#117-21 Resume	<p>C. Wiebe – N. Dueck</p> <p>BE IT RESOLVED that the Public Hearing for Variation application V7-21 (78 3rd Avenue S.) be closed and Council resume its former order of business (7:36 p.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#118-21 V7-21	<p>N. Dueck – J. Funk</p> <p>WHEREAS a Public Hearing was held regarding Variation V7-21, an application from Greenwood Developments to allow the following Variances for Lot 27 Block 6 Plan 19956, civically known as 78 3rd Avenue S.:</p> <ul style="list-style-type: none"> ○ Reduce side yard setbacks from 15 feet to no less than 9 feet; ○ Reduce rear yard setback from 25 feet to no less than 19 feet; ○ Allow fence height in the side yards (from front of building) to a maximum of 5 feet; and ○ Reduce site width to no less than 99 feet; <p>AND WHEREAS the Variances are requested to accommodate construction of a new 10-unit residential building with covered balconies on the side and rear yards;</p> <p>AND WHEREAS in accordance with <i>The Planning Act</i>, the Variation application was duly advertised;</p> <p>AND WHEREAS there was a letter of opposition submitted from 14 neighbouring property owners;</p> <p>THEREFORE BE IT RESOLVED that Council approves Variation application V7-21 from Greenwood Developments to allow the following Variances for Lot 27 Block 6 Plan 19956, civically known as 78 3rd Avenue S.:</p> <ul style="list-style-type: none"> ○ Reduce side yard setbacks from 15 feet to no less than 9 feet; ○ Reduce rear yard setback from 25 feet to no less than 19 feet; ○ Allow fence height in the side yards (from front of building) to a maximum of 5 feet; and ○ Reduce site width to no less than 99 feet. <p style="text-align: right;">“Carried”</p> <p>Councillor Stott re-joined the meeting.</p>

Res#119-21 Contract	<p>C. Wiebe – K. Stott</p> <p>BE IT RESOLVED that following the Town's due tendering process, that the contract for On-Call Equipment (Track Hoe and Tandem Dump Truck rental) be awarded to Southwood Ventures Inc., who submitted the lowest overall bid.</p> <p style="text-align: right;">"Carried"</p>
Res#120-21 Contract	<p>N. Dueck – C. Wiebe</p> <p>BE IT RESOLVED that following the Town's due tendering process, that the contract for the Town's 2021 Concrete Program be awarded to JD Penner Ltd. of Winnipeg, who submitted the lowest overall bid for the Town's concrete work for 2021.</p> <p style="text-align: right;">"Carried"</p>
Res#121-21 R1-21	<p>C. Wiebe – K. Stott</p> <p>BE IT RESOLVED that Council approves the Niverville Community Gardens Policy R1-21, which provides an opportunity for residents to rent garden plots or raised beds for planting gardens, copy of which is attached hereto as Schedule "A".</p> <p style="text-align: right;">"Carried"</p>
Res#122-21 R2-21	<p>C. Wiebe – K. Stott</p> <p>BE IT RESOLVED that Council approves the Memorial Tree Policy R2-21, which provides an opportunity for citizens to donate memorial trees and plaques in the Niverville Memorial Forest and Dog Park, copy of which is attached hereto as Schedule "B".</p> <p style="text-align: right;">"Carried"</p>
Res#123-21 Subdivision	<p>C. Wiebe – J. Funk</p> <p>WHEREAS Section 125(2) of The Planning Act requires Council to hold a Public Hearing if a proposed subdivision will result in the creation of a new public road; AND WHEREAS the plan of subdivision for Pt. SE 1/4 25-7-3 EPM, Lot 11 Block 1 Plan 66425, Block 5 Plan 44819 being: Community Planning file number 4340-21-8408 will create 97 single-unit lots and 2 multi-unit lots with two internal public roads (Gleneagles Street and Prestwick Street) and two dedicated public reserves from the existing two holdings; AND WHEREAS the Public Hearing for the proposed plan of subdivision was duly advertised; AND WHEREAS no opposition was received to the proposal; THEREFORE BE IT RESOLVED that Community Planning subdivision file number 4340-21-8408 for Pt. SE 1/4 25-7-3 EPM, Lot 11 Block 1 Plan 66425, Block 5 Plan 44819 for registered owner Sunset Estates Ltd., be approved subject to the Developer entering into a Development Agreement(s) with the Town.</p> <p style="text-align: right;">"Carried"</p> <p>Mayor Myron Dyck noted that the Census is coming up in May and residents are reminded to fill this out and send it in as grants are based on population statistics.</p>
Res#124-21 Accounts	<p>K. Stott – N. Dueck</p> <p>BE IT RESOLVED that cheque nos. 39914 to 39964 totalling \$777,354.70 be hereby approved for payment.</p> <p style="text-align: right;">"Carried"</p>

Res#125-21 BL 831-21 2 nd Reading	C. Wiebe – J. Funk BE IT RESOLVED that Council gives second reading to the 2021 Financial Plan Bylaw 831-21.	“Carried”
Res#126-21 BL 831-21 3 rd Reading	N. Dueck – C. Wiebe BE IT RESOLVED that Council gives third reading and passes the 2021 Financial Plan Bylaw 831-21. In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck	“Carried”
Res#127-21 CRRC Scope Change	J. Funk – K. Stott BE IT RESOLVED that Council approves Scope Changes numbered 14, 15 & 16 to the Community Resource and Recreation Centre contract with Von Ast Construction in the amount of \$32,465.16 plus applicable taxes.	“Carried”
Res#128-21 Intersection Contract	N. Dueck – C. Wiebe BE IT RESOLVED that following the Town’s due tendering process, that the contract for the PR 311 and Mulberry Intersection Detailed Design be awarded to Morrison Hershfield of Winnipeg., who submitted the lowest bid of \$50,000 including Town controlled contingency (plus GST).	“Carried”
Res#129-21 Recycling Contract	C. Wiebe – K. Stott BE IT RESOLVED that following the Town’s due tendering process, that the contract for the Town’s Recycling Contract be awarded to Green Acres Disposal Services Inc. of Winkler, who submitted the lowest bid of \$268.26 per metric tonne (plus GST).	“Carried”
Res#130-21 Authorize Purchase	J. Funk – N. Dueck WHEREAS a change in Niverville’s recycling collection services provider will require the Town to purchase its own recycling carts; THEREFORE BE IT RESOLVED that Council authorizes the CAO to purchase existing recycling cart inventory from Bristol Hauling in the amount of \$30.00 per cart, which includes all carts currently in use by residents. AND BE IT FURTHER RESOLVED that Council authorizes the purchase of new recycling carts for Niverville’s inventory, in the amount of \$44,824.64 plus applicable taxes.	“Carried”
Res#131-21 Hydro Contract Updates	N. Dueck – J. Funk BE IT RESOLVED that Council authorizes Manitoba Hydro to make the following changes to the street lighting system in Niverville on Mulberry Avenue, Van Riesen Drive, Ridgemont Drive and Centre Street: - Install two 60-watt LED Ornamental Luminaires (shared) on a 3m arm on Mulberry Avenue, with the operating cost for 2 - 60 watt LED luminaires being \$194.88, - Install eighteen 60-watt LED Ornamental Luminaires (exclusive) on Mulberry Avenue, Van Riesen Drive, Ridgemont Drive, Centre Street, with the annual operating costs for the 60-watt LED Ornamental Luminaires being \$3,138.48 per year,	

(Note lighting levels do not meet recommended IES Standards)
AND BE IT FURTHER RESOLVED that this Resolution will constitute an amendment to the street lighting contract now in force between Manitoba Hydro and the Town of Niverville.

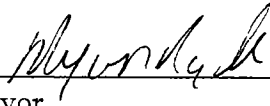
"Carried"

Res#132-21
Adjourn

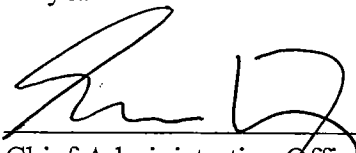
N. Dueck – C. Wiebe

BE IT RESOLVED that the meeting be adjourned. (8:20 p.m.)

"Carried"



Mayor



Chief Administrative Officer

SCHEDULE "A"



TOWN OF NIVERVILLE-RECREATION

POLICY NO. R1-21: Niverville Community Gardens

EFFECTIVE DATE: April 20, 2021 **RESOLUTION#** 121-21

REVISION DATE: _____ **RESOLUTION#** _____

Background:

Opportunity for residents to rent garden plots or raised beds for planting gardens.

POLICY:

Policy Statement

The Town of Niverville recognizes that Niverville residents may not have an area to plant a garden and would like to add an opportunity within the community.

The policy provides an opportunity for residents to have an area designated to them for the purpose of planting a flower or vegetable garden.

Scope

The policy applies to the community garden area located East of the Curling Club with areas specifically assigned to residents after payment is made.

Procedure

1. Application Process

- Registration and payment must be completed through TownSuite portal each season and the liability waiver must be signed prior to assignment of plot.
- Priority will be given to Town residents for the first two weeks, any garden plots available at that time will be open to anyone. Only one garden plot per household.
- Registration will open in April each year, unless otherwise specified by the Recreation Department. Registration deadline is **June 1st**.
- Only 1 warning will be provided to gardeners if plots are left unkempt; at which point, the plot will be tilled and re-assigned.

2. Costs

Two sizes of gardens are available; 4'X8' Raised Beds, or 8'X16' Garden Plots. The cost of rental of either option is \$35.00, plus GST. Availability is based on a first come first served basis each year.

3. Regulations of Use

- The rights granted to me, the gardener, shall not be transferred or assigned in any way except by formal process to the Recreation Department.
 - i.e., if I cannot maintain my plot, I will find someone to maintain it for me and notify the Recreation Department, in writing.
- I will park my vehicle in designated parking lots.
- I will keep the weeds down and maintain my plot throughout the season.
- I will practice the Leave-No-Trace principles:
 - Plan Ahead and Prepare
 - Travel and Camp on Durable Surfaces
 - Dispose of Waste Properly

- Leave What You Find
- Minimize Impacts
- Respect Wildlife
- Be Considerate of Others
- I will bring my own garden tools, and anything else necessary to maintain my garden plot.
- I will respect other gardeners and their plots, including being mindful of my plant heights so I am not blocking sunlight from other gardens.
- The Town of Niverville will not be responsible for settling disputes regarding the community gardens. If the Town is contacted and the parties involved cannot come to a resolution, all parties involved will lose access to the community garden program.
- I will clean out the contents of my garden plot by the specified clean-up date of **September 30th**, unless otherwise determined by the Recreation Department.

4. **Responsibilities**

4.1. The Manager of the Recreation Department or designate shall oversee the application process. Applications may be made online on the TownSuite. The Manager shall also maintain the fee schedule, as well as a record of plots purchased and their locations (which would be confirmed by Recreation Department). Fees are approved annually by Council.

4.2. The recreation staff will till garden plots at the start of the season and stake them out accordingly. The recreation staff will also monitor the area to make sure regulations are being followed.

5. **Reporting to Council**

Staff may report to Council from time to time and seek direction on matters related to this policy involving:

- Policy updates;
- Fees;
- Resolution of disputes;
- Financial implications; and
- Other matters as deemed appropriate.

SCHEDULE "B"



TOWN OF NIVERVILLE-RECREATION

POLICY NO. R2-21:	<u>Memorial Tree</u>	
EFFECTIVE DATE:	<u>April 20, 2021</u>	RESOLUTION# <u>122-21</u>
REVISION DATE:	_____	RESOLUTION# _____

Background:

Opportunity for donation of memorial trees and plaques in Niverville Memorial Forest and Dog Park.

POLICY:

Policy Statement

The Town of Niverville recognizes that Niverville citizens often wish to dedicate items within the Town's green spaces in remembrance of passed loved ones.

The policy provides an opportunity for remembrance by permitting, subject to certain specific conditions, the donation of a tree. This may be augmented by the provision of a commemorative plaque in conjunction with a tree. The tree portion of the donation (not the plaque or commemorative engraving) will be eligible for a donation receipt (ITA 110(1)(a)(iv)).

The purpose of the policy is to allow for the provision of memorial trees and commemorative plaques for the remembrance of deceased residents and/or deceased persons. Such installations are provided for at the cost of the individual purchasing the commemorative item. Memorial trees are to be purchased through the Town to ensure consistent appearance and quality. Responsibility for maintenance of the items, within specific parameters, is provided for by the policy.

Scope

The policy applies to memorial trees and plaque dedications. The policy applies to the Memorial Forest in Hespeler Park and the Niverville Dog Park (Schedule A). It does not apply to lands leased to others for whatever purpose or lands leased from others for park and open space purposes.

Procedure

6. Application Process

- Fill out the application form and pick the tree species from the drop-down menu on the Town's web portal and provide payment to the Town of Niverville.
- The Town will then record a Memorial Tree as being purchased and a confirmation letter will be issued to the purchaser along with a tax receipt. When details are confirmed, the Town will order the memorial plaque.
- Orders received by October 31 will be planted in the following spring. To ensure adequate supply and desired species, the trees are ordered by the Town from a wholesaler and that order must be submitted in November for planting in the spring.
- Donors will receive an invitation to help plant their tree on tree planting day - the day before Mother's day. The memorial plaque shall be installed on that day.
- Trees will be planted in a way to try and promote a forest appearance, locations of the holes will be chosen by the Town.

7. Costs

- 7.1. The donation amount for a Memorial Tree is \$300 which includes the memorial plaque. The tree planted will be 6'-8' in height and the plaque will be _____. A tax receipt will be issued for the donation amount less the cost of the plaque.

8. Warranty

- 8.1. The Town of Niverville (The Town) will implement best efforts to ensure that the Memorial Forest and each Memorial Tree is properly maintained, and each tree is planted where it will thrive. However, the Town cannot guarantee trees against acts of vandalism, damage, or failure as a result of environmental stresses or conditions which may impact negatively on the health of a Memorial Tree. The Town reserves the right to make the final decision on the location of any tree.
- 8.2. Following the purchase of a Memorial Tree, a three (3) year warranty period from the date of planting of the tree, shall apply. During this warranty period, the Memorial Tree shall be replaced two (2) times if it is unsuccessful in surviving. At the discretion of the Town (with input from the purchaser), each replacement may be of the same or different tree species from the list of species approved by The Town and may be planted at an alternate location within the Forest, and the existing plaque will be moved accordingly. If the Memorial Tree is unsuccessful in surviving following these two (2) replacements, the purchaser may choose to purchase a tree at their expense of the same or different tree species from the approved list and may be planted at an alternate location within the Forest, and the existing plaque will be moved accordingly.

9. Plaque Names and Wording

Dedication plaques are only permitted for persons/animals who are now deceased. Names of persons who have been proven to have been involved in criminal activity shall not be permitted. The wording on plaques shall at all times be subject to the approval of the Recreation Manager or designate. In general, wording will not be permitted if it:

- Would bring the image of the Town in disrepute;
- Mentions tobacco, alcohol or controlled substances;
- Indicates political affiliation;
- Would be considered discriminatory, derogatory or offensive according to race, gender, ethnicity, sexual orientation, religion or similar factors; and
- Represents a proprietary brand.

10. Policy Limitation

- 10.1. Nothing in this policy shall limit the ability of any individual, organization or corporation to make a monetary donation to the Town for the purpose of the provision of trees to be utilized at the Town's discretion or to be held in reserve for future replacement of trees.

11. Maintenance

All items installed under this policy become the property of the Town of Niverville. It shall be the responsibility of the Town to maintain the facilities supplied under this policy.

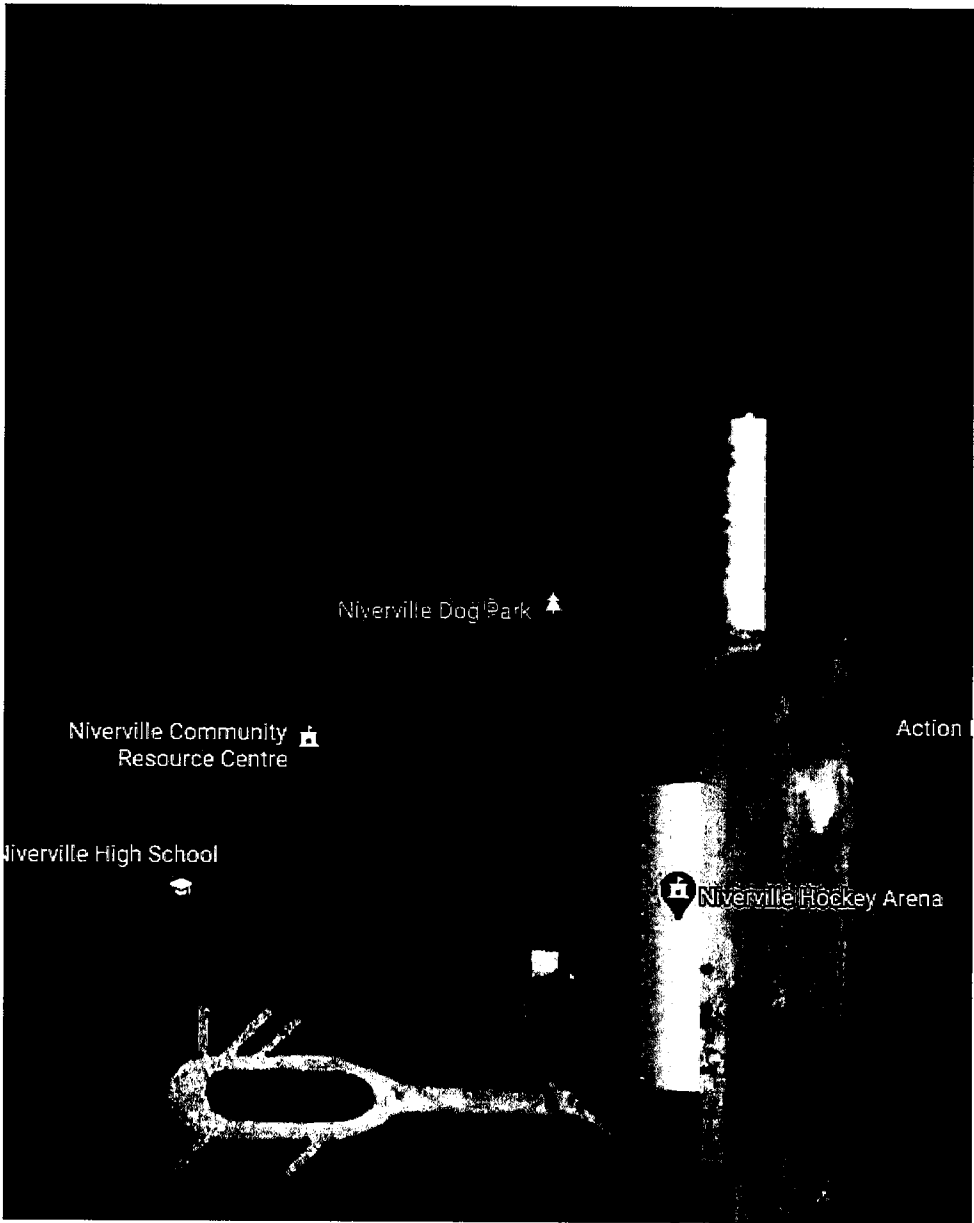
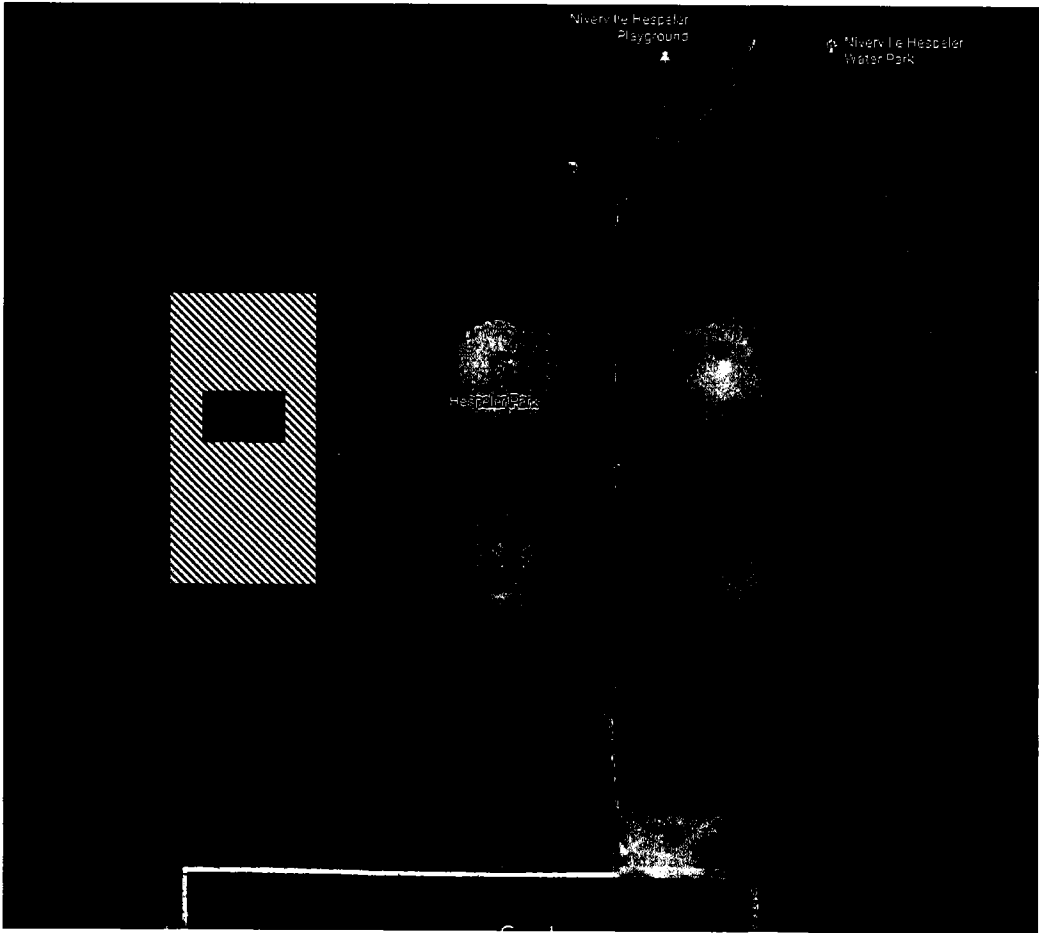
12. Responsibilities

- 12.1. The Manager of the Recreation Department or designate shall:
- approve the precise location for the installation of trees.
 - oversee the supply, delivery and installation of the items including the scheduling of same.
- 12.2. The Manager of the Recreation Department or designate shall oversee the application process. Applications may be made online on the Town's web portal. The Manager shall also maintain the fee schedule, as well as a record of trees purchased and their locations (which would be confirmed by Recreation Department). Fees are approved annually by Council.
- 12.3. The Manager of the Recreation Department or designate will work with Communities in Bloom to coordinate the planting day as well as the annual dedication service.

13. Reporting to Council

- 13.1. Staff may report to Council from time to time and seek direction on matters related to this policy involving:
- Policy updates;
 - Fees;
 - Resolution of disputes;
 - Financial implications; and
 - Other matters as deemed appropriate.

Schedule "A"



Minutes of the Public Hearing held on April 21, 2020 at 7:02 p.m. regarding the Town's 2021 Financial Plan. The proposal was duly advertised as per Section 420 of *The Municipal Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk and Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Eric King, CAO of the Town of Niverville provided an overview of the 2021 Financial Plan, and including the following highlights:

- Municipal tax increase is 2% on the average Niverville residence
- 2021 school tax levy will be at prior year's level – change in Education Property Tax Credit payout process
- Average home will see a property tax increase of \$44.57
- Reassessment period pushed back another 2 years due to Covid
- Waste collection levy will be increased for the first time since 2016 to \$125.00 per household
- Budgeting for increase in future RCMP costs
- Office expansion is nearly complete
- Continuing to invest in Open Health
- Sewer - Continued lobbying and moving forward with Southeast Regional Wastewater Facility
- Water - Completion of Detailed Design of the expanded Niverville Water Treatment Plan with potential construction starting in 2021

There was no opposition received to the proposal.

The Public Hearing was closed at 7:17 p.m.

Minutes of the Public Hearing held on April 20, 2021 at 7:17 p.m. regarding the Public Hearing for Subdivision File #4340-21-8408, to create 97 single-unit lots and 2 multi-unit lots with two internal public roads (Gleneagles Street and Prestwick Street) and two dedicated public reserves from the existing two holdings for Pt. SE 1/4 25-7-3 EPM, Lot 11 Block 1 Plan 66425, Block 5 Plan 44819. 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.

CAO Eric King provided an overview of the subdivision proposal.

Len Peters, on behalf of Sunset Estates Ltd., noted that he was excited for this next phase of development.

Councillor Dueck questioned whether the lots on Turnberry, Gleneagles and Prestwick would be single family, and lots 1 and 2 backing onto the tracks would be multi family units.

Mr. King confirmed that this was correct.

There was no opposition to the subdivision proposal.

The Public Hearing was closed at 7:20 p.m.

Minutes of the Public Hearing held on April 20, 2021 at 7:21 p.m. regarding Conditional Use C8-21, an application from Paul England on behalf of Saba in the Sun Holding to allow for two private units/work bays for storage and non-mechanical maintenance on Lot 4 Plan 61759, civically known as 431 Kuzenko Street (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.

Council asked the following questions and responses are noted:

- Whether the white house would be taken away – Mr. Hiebert confirmed it would be.
- Would the Developer be taking down the evergreens on the back setback? – Mr. Hiebert noted he will be leaving whatever evergreens he could.
- Whether this property would be serviced by water? – Mr. Hiebert confirmed that it would be.
- Whether a fire hydrant would be going in? – Mr. King confirmed that it would be.
- Whether the sump pit would drain to the ditch? – Mr. King confirmed the Town already has an engineered plan for that.
- Where would snow storage be in winter? – Mr. King confirmed that this would be in the Development Agreement and the Developer had advised that the snow would be hauled away if needed.
- Whether this would be a condo or apartment? – Mr. Hiebert noted that he had not yet decided this.
- The number of parking spaces is 22 for 10 units? – Mr. Hiebert confirmed this was correct.
- Whether there would be lighting on the parking lot? – Mr. Hiebert confirmed it would be.
- Confirmation that lighting would not be invasive? – Mr. King confirmed the Town had already received a lighting plan.

The Public Hearing was closed at 7:36 p.m.
