

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held virtually on May 18, 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#148-21 Agenda	K. Stott – J. Funk BE IT RESOLVED that the agenda be approved as presented. “Carried”
Res#149-21 Minutes	C. Wiebe – J. Funk BE IT RESOLVED that the minutes of the regular Council meeting held on May 4, 2021 and special Council meeting held on May 11, 2021 be approved as presented. “Carried”
Res#150-21 Table Agenda	N. Dueck – 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 a Public Hearing for Conditional Use application C9-21 (10 Main Street). “Carried”
Res#151-21 Resume	C. Wiebe – J. Funk BE IT RESOLVED that the Public Hearing for Conditional Use application C9-21 (10 Main Street) be closed and Council resume its former order of business (7:10 p.m.). “Carried”
Res#152-21 C9-21	J. Funk – N. Dueck WHEREAS a Public Hearing was held regarding Conditional Use C9-21, an application from Niverville Chicken Chef to allow for the development of a permanent 20-seat licensed patio on Lots 1 and 2 Plan 20078, civically known as 10 Main Street (Commercial Main Street Zone); AND WHEREAS in accordance with <i>The Planning Act</i> , 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 C9-21 from Niverville Chicken Chef to allow for the development of a permanent 20-seat licensed patio on Lots 1 and 2 Plan 20078, civically known as 10 Main Street, be approved subject to the following conditions: <ol style="list-style-type: none">1) That the applicant provide a garbage receptacle in the vicinity of the tables;2) That the tables are located on private property;3) That the patio area is enclosed with a minimum 3-foot high fence;4) That the service of alcoholic beverages be permitted during the hours of 11:00 a.m. and 10 p.m.; and5) That where the above conditions conflict with Liquor, Gaming & Cannabis Authority of Manitoba (LGCA) regulations, the most restrictive regulations shall prevail. “Carried”
Res#153-21 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 Conditional Use application C10-21 (301 Main Street). “Carried”

Res#154-21 Resume	<p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that the Public Hearing for Conditional Use application C10-21 (301 Main Street) be closed and Council resume its former order of business (7:27 p.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#155-21 C10-21	<p>K. Stott – C. Wiebe</p> <p>WHEREAS a Public Hearing was held for Conditional Use C10-21, an application from Ray Dowse on behalf of 5584796 MB Ltd. to allow for the development of a 103 space self-storage parking area on the north side of Lot A Plan 59119, civically known as 301 Main Street (Commercial Corridor Zone); AND WHEREAS in accordance with <i>The Planning Act</i> the Conditional Use application was duly advertised;</p> <p>AND WHEREAS there was no opposition brought forward to the proposal; THEREFORE BE IT RESOLVED that Council approves Conditional Use C10-21, an application from Ray Dowse on behalf of 5584796 MB Ltd. to allow for the development of a 103 space self-storage parking area on the north side of Lot A Plan 59119, civically known as 301 Main Street, subject to the following conditions:</p> <ol style="list-style-type: none"> 1) That the applicant install fencing around the self-storage parking area that matches the existing fencing on 299 Main Street; and 2) That the applicant submit an engineered drainage plan to the Town. <p style="text-align: right;">“Carried”</p>
Res#156-21 Extension B2193	<p>J. Funk – C. Wiebe</p> <p>WHEREAS the Town’s policy on refunds for building permit security deposits states that the time limit on refunds expires after a period of 2 years from the date of the permit;</p> <p>AND WHEREAS a request was received for an extension to the security deposit refund for building permit #B2193, 30 Briarfield Court, originally dated July 22, 2019;</p> <p>THEREFORE BE IT RESOLVED that Council approves an extension to July 22, 2022, to the time limit allowed for the security deposit refund request for 30 Briarfield Court (original permit #B2193 dated July 22, 2019).</p> <p style="text-align: right;">“Carried”</p>
Res#157-21 Summer Schedule	<p>C. Wiebe – N. Dueck</p> <p>BE IT RESOLVED that Council cancel the July 6th, 2021 and August 3rd, 2021 regular Council meetings and that the following summer meeting schedule be followed:</p> <ol style="list-style-type: none"> i. July 20, 2021 – 7:00 p.m. ii. August 17, 2021 – 7:00 p.m. <p style="text-align: right;">“Carried”</p>
Res#158-21 Accounts	<p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that cheque nos. 40015 to 40076 totalling \$274,687.96 be hereby approved for payment.</p> <p style="text-align: right;">“Carried”</p>
Res#159-21 BL 833-21 1 st Reading	<p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED THAT Bylaw 833-21, a Bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended, to rezone Lots 4 and 5 Plan 47174 from Residential Single Unit to Residential Medium Density be given first reading.</p> <p style="text-align: right;">“Carried”</p>

Res#160-21
Financial
Statements

C. Wiebe – K. Stott

BE IT RESOLVED that Council approves the April 30, 2021 Financial Statement as presented.

“Carried”

Res#161-21
R1-21

C. Wiebe – N. Dueck

BE IT RESOLVED that Council approves Bulk Water Sales Policy R1-21, copy of which is attached hereto as Schedule “A”.

“Carried”

Res#162-21
Adjourn

N. Dueck – C. Wiebe

BE IT RESOLVED that the meeting be adjourned. (7:52 p.m.)

“Carried”



Mayor



Chief Administrative Officer

SCHEDULE "A"



TOWN OF NIVERVILLE-FINANCE

POLICY NO. F1-21: **BULK WATER SALES POLICY & PROCEDURE**

EFFECTIVE DATE: **May 18, 2021** **RESOLUTION# 161-21**

REVISION DATE: _____ **RESOLUTION# _____**

Purpose: This Policy is to establish a process for providing bulk water from the Operations Building and billing customers requesting to purchase bulk water from this source.

Procedure Summary:

- Customer contacts Town Office to make an appointment for the fill.
- On first visit, all customers attend the Town Office to provide credit card information or make pre-payment for water purchase if fill is known to be 1000 IG (Imperial Gallons) or less or presents credit card to staff to hold and complete transaction after the fill.
- Customers that may require repeated fills may apply for an account after the first pre-paid fill. Applications to be reviewed and approved by CAO and Operations Manager.
- Once application is approved, Town Office staff create the account.
- Once payment has been made or arranged, Town Office staff meets the customer at the wash bay to turn on the tap and supervise the fill, record the meter reading on chart, then:
a) if fill is prepaid, transaction is complete; b) if fill is over 1000 IG customer returns to Town Office to finalize transaction; or c) if account charge, forwards the data to staff responsible for accounts receivable billing.
- If the customer will be coming back and forth over a few days, non-account customers will be required to pre-pay each time, while account customers may have their data tracked by staff and billed at the end of the filling period or current year at the latest.

Costs/Billing codes: The PUB established Water Utility rates currently in effect at the time of purchase will apply for this purpose. In addition to the regular utility rates, a fee for staff time also applies. Rates are subject to change. **See Fee Schedule for current rates.**

The rates at the time of policy implementation are:

U100 PUB Water rate (currently \$11.18/1000 IG, minimum fill = 1000 IG)

U101 PUB Admin. Fee (currently \$7.37 per invoice.)

U110 Town Admin Staff Fee (currently \$31.45 per fill)

Total minimum fee = \$50.00 per fill

Note: fills under 1000 IG over 2 or more trips are still subject to the \$50.00 minimum fee per fill.

Minutes of the Public Hearing held on May 18, 2021 at 7:01 p.m. regarding Conditional Use C9-21, an application from Niverville Chicken Chef to allow for the development of a permanent 20-seat licensed patio on Lots 1 and 2 Plan 20078, civically known as 10 Main Street (Commercial Main Street Zone). 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.

Eric King, CAO of the Town of Niverville, noted the application was to allow for a licensed outdoor patio with a 20-seat capacity, located on the east side of the existing building at 10 Main Street (Commercial Main Street Zone). On January 21, 2020, Council approved Conditional Use C2-20, to allow for liquor service in the restaurant at 10 Main Street and on June 23, 2020, Council approved Conditional Use C11-2020 to allow for 3 picnic tables to be located in the parking lot at 10 Main Street until September 30, 2020. The applicant is now requesting permission to develop a permanent 20 seat licensed patio at 10 Main Street. The approach onto Main Street from the parking lot will be closed this summer and the applicant has demonstrated that they have the appropriate number of parking spots available on-site.

Ms. Laura Mulvena, applicant, commented about the challenges that COVID presented the restaurant industry, removing the ability to serve patrons inside the restaurant. Ms. Mulvena noted that they expect this option to better the community and their business.

Mr. Tim Mulvena, co-applicant noted that they have been looking for ideas on how to increase business and add more services to their customers. They had observed that there was a lack of spaces to enjoy outside and want to use this as a means for their business to survive the Pandemic.

Council asked questions about appropriate number of parking spaces, closing the access to Main Street, whether the lot would be hard surfaced and how far off the building the patio would extend.

Ms. Mulvena advised that this was going to be a permanent concrete pad, they would be re-doing the parking spaces on the lot, that the access to Main Street was going to be closed as per the Town, and that hard surfacing of the lot was a long-term goal, with dust control the plan for the interim. She also noted that the patio would be 390 sq. ft., located on the east wall of the building, with 2 parking spots remaining on the east wall.

CAO Eric King confirmed that this proposal met the required parking spaces for post COVID.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:10 p.m.

Minutes of the Public Hearing held on May 18, 2021 at 7:16 p.m. regarding Conditional Use C10-21, an application from Ray Dowse on behalf of 5584796 MB Ltd. to allow for the development of a 103 space self-storage parking area on the north side of Lot A Plan 59119, civically known as 301 Main Street (Commercial Corridor Zone); 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.

Eric King, CAO of the Town of Niverville, noted the application was to allow for the development of a self-storage parking area on the north side of 301 Main Street consisting of 103 spots. On April 6, 2021, the applicant received Conditional Use approval to add 2 accessory self-storage units at 299 Main Street, necessitating the development of a new self-storage parking area. The applicant has secured the north side of the neighboring property (301 Main Street) for the purposes of developing a self-storage parking area consisting of 103 spots. The Niverville Animal Hospital located at 301 Main Street is maintaining the required amount of parking spaces on site.

Mr. Ray Dowe, applicant, noted that with the coming expansion of the self-storage at 299 Main Street, he was joining forces with the Hamiltons (owners of 301 Main Street) to expand the self-storage parking on the un-used land to the north of the vet clinic. Mr. Dowe noted that a drainage plan and survey would be provided to the Town shortly.

Mr. Eric Hamilton, owner of 301 Main Street, noted that they were working together and that this would be a great addition to the property.

Deputy Mayor John Funk commented that there was a 15-foot easement outside the hydro fence and suggested that the applicant check this out.

Mr. Dowe noted they would be using the existing fencing of the hydro station as part of the compound to contain the parking area and would check with Manitoba Hydro regarding the easement.

Councillor Dueck asked whether this would be a separate title from 299 Main Street and whether access would be from 299 Main Street, which Mr. Dowe provided confirmation that both were correct (only one access from existing storage facility).

Councillor Dueck asked if the lot would be paved or gravel – Mr. Dowe confirmed the lot would be gravel.

Deputy Mayor John Funk asked whether the lot would drain to the back.

Mr. Dowe advised the lot would drain from the back to front, and that he would be working on a drainage plan.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:27 p.m.