

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on January 17, 2023 at 7:00 p.m. at the Community Resource and Recreation Centre. In attendance were Deputy Mayor Chris Wiebe, Councillors Nathan Dueck, Bill Fast and Meghan Beasant.

Res#06-23 Excuse	N. Dueck – M. Beasant BE IT RESOLVED that Mayor Myron Dyck be excused due to a personal commitment. “Carried”
Res#07-23 Agenda	M. Beasant – B. Fast BE IT RESOLVED that the agenda be approved as presented. “Carried”
Res#08-23 Minutes	M. Beasant – B. Fast BE IT RESOLVED that the minutes of the regular Council meeting held on January 3, 2023, be approved as presented. “Carried”
Res#09-23 Table Agenda	B. Fast – 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 Bylaw 847-22; a bylaw to amend Niverville’s Zoning Bylaw 795-18, as amended. “Carried”
Res#10-23 Resume	B. Fast – M. Beasant BE IT RESOLVED that the Public Hearing for Bylaw 847-22 be closed, and Council resume its former order of business. (7:03 p.m.) “Carried”
Res#11-23 Table Agenda	B. Fast – 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 the Public Hearing for Conditional Use C2-23 for Lot 16 Plan 61759, civically known as Unit 6 - 735 Schultz Avenue. “Carried”
Res#12-23 Resume	B. Fast – N. Dueck BE IT RESOLVED that the Public Hearing for Conditional Use C2-23 be closed and Council resume its former order of business (7:05 p.m.). “Carried”
Res#13-23 C2-23	M. Beasant – B. Fast WHEREAS a Public Hearing was held regarding Conditional Use C2-23, an application from Brenden Robert Thom to allow for a dealer permit business to sell vehicles and equipment on Lot 16 Plan 61759, civically known as Unit 6 – 735 Schultz Avenue; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Council approves Conditional Use C2-23 to allow for a dealer permit business to sell vehicles and equipment on Lot 16 Plan 61759, civically known as Unit 6 – 735 Schultz Avenue subject to the following condition:

	1) That the Landlord ensure that the Town has provided approval in writing for a revised parking plan that addresses the parking required for this type of business.	"Carried"
Res#14-23 R1-23	B. Fast – M. Beasant BE IT RESOLVED that Council approves Public Art Policy R1-23, which provides direction in the development of the Town's public art program and informs decision-making at every stage of the selection, acquisition, installation and management processes, copy of which is attached as Schedule "A".	"Carried"
Res#15-23 C1-22 Extension	N. Dueck – M. Beasant WHEREAS under The Planning Act [110(1)], an applicant must take steps to establish the use authorized by the conditional use order within 12 months of the date of the decision; AND WHEREAS Council may extend this deadline for an additional period of no longer than 12 months if an application is received before the expiry of the original deadline, and for a second period of no more than 12 months if an application is received before the expiry of the first extension; AND WHEREAS a request was received from John Knebel on behalf of Knebel Prairie Developments for an extension to Conditional Use C1-22 originally approved on February 22, 2022; THEREFORE BE IT RESOLVED that Council approves a one-year extension to Conditional Use C1-22, which allows for the development of four residential units on the second floor of Lot 6, Plan 9965, civically known as 290 Main Street, Niverville subject to the following conditions: 1) That the applicant establish 8 permanently dedicated parking spots on the property, with two parking spaces assigned to each of the new dwelling units; 2) That the southwest existing fire escape and the proposed west fire escape have doors that are alarmed; and 3) That any windows to be added to the west and north sides of the building be of a size that is in keeping with the size of the existing west window (or smaller), subject to meeting minimum egress standards.	"Carried"
Res#16-23 Fee Schedule Update	M. Beasant – B. Fast BE IT RESOLVED that the Town's Fee schedule be updated to reflect increase in the cost of providing services, copy of which is included in Schedule "B".	"Carried"
Res#17-23 Accounts	B. Fast – M. Beasant BE IT RESOLVED that cheque nos. 42286 to 42357 totalling \$3,376,085.92 be hereby approved for payment.	"Carried"
Res#18-23 BL 847-22 2 nd Reading	B. Fast – M. Beasant BE IT RESOLVED that Council gives second reading to Bylaw 847-22, a bylaw to amend Zoning Bylaw 795-18, as amended.	"Carried"

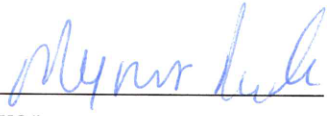
Res#19-23 BL 847-22 3 rd Reading	N. Dueck – B. Fast BE IT RESOLVED that Council gives third reading and passes Bylaw 847-22, a bylaw to amend Zoning Bylaw 795-18, as amended. “Carried” In Favour: C. Wiebe, N. Dueck, B. Fast, M. Beasant Absent: M. Dyck
Res#20-23 Authorize CAO	B. Fast – M. Beasant BE IT RESOLVED that the Town of Niverville confirms that it meets all the requirements of the Canada-Active Transportation Fund Agreements ATF-1343 and ATF-1374; AND BE IT FURTHER RESOLVED that the Chief Administrative Officer is authorized to execute agreements on behalf of the Town of Niverville for the Canada-Active Transportation Fund Contribution Agreements ATF-1343 and ATF-1374. “Carried”
Res#21-23 Annexation	B. Fast – N. Dueck BE IT RESOLVED that Niverville Town Council supports the proposal to annex approximately 2,650 acres from the Rural Municipality of Hanover, Municipal Board File no. 22E2-0001. “Carried”
Res#22-23 A1-23	B. Fast – M. Beasant BE IT RESOLVED that Council approves Service Animals in Town Facilities Policy A1-23, which outlines the rights and responsibilities of staff and users with disabilities who utilize Service Animals and bring them into Town of Niverville Facilities, copy of which is attached as Schedule “C”. “Carried”
Res#23-23 RSR Coop Financing	N. Dueck – M. Beasant WHEREAS the Town is a member of RSR Wastewater Cooperative Ltd. (the “Cooperative”); AND WHEREAS the Cooperative is in the process of developing a regional wastewater treatment facility (the “Project”); AND WHEREAS the Cooperative is arranging short-term financing for the Project with Niverville Credit Union Limited (“the Lender”) by way of a revolving Line of Credit for up to \$3,200,000.00 (the “Financing”); AND WHEREAS the Lender requires that the Town guarantees up to 25% of the Financing which percentage is an equal percentage for each shareholder in the Cooperative; NOW, THEREFORE, the Town of Niverville, in Council duly assembled, is resolved that: 1. It will guarantee 25% of the Financing with the Lender for the Project (the “Guarantee”); and 2. The Mayor and Chief Administrative Officer of the Town are hereby authorized to execute the Guarantee and any other documents required to give effect to the Guarantee. “Carried”

Res#24-23
Adjourn

M. Beasant – B. Fast

BE IT RESOLVED that the meeting be adjourned. (7:22 p.m.)

“Carried”



Mayor



Chief Administrative Officer

Schedule “A”



Town Of Niverville-Recreation

Policy No. R1-23:	<u>Public Art Policy</u>	
Effective Date:	<u>January 17, 2023</u>	Resolution# <u>14-23</u>
Revision Date:	_____	Resolution# _____

Intent:

The intent of the Public Art Policy is to guide the development of a public art program in the Town of Niverville. The Public Art Policy encourages the Town to increase public awareness of public art and provide opportunities for the public to engage in the public art process. It also seeks to provide opportunities for local artists to make meaningful contributions to the Town and to collaborate with Town Staff, designers and other partners on special initiatives.

Policy:

Niverville’s policy will:

1. Actively use public art to enhance the public realm, to promote creativity and to elevate the Town’s status as an important centre for arts and culture.
2. Seek out a wide variety of public art types, opportunities and locations to provide a culturally rich environment.
3. Highlight a diversity of perspectives, the Town’s heritage and the unique physical context of the Town’s Facilities.
4. Use public art to achieve the development, designation and preservation of heritage and recreational resources to maximize interpretive and tourism potential goal laid out in the Town’s Development Plan for Heritage Resources.
5. Demonstrate its commitment to enhancing arts and culture.

The Town of Niverville defines public art as visual art that exists in the public realm. It can be either outdoors or indoors and builds a visually rich environment. It should be accessible to the community at large and encourage community interaction to foster a sense of local pride and achievement. Niverville encourages diverse expressions of art that reflect the multicultural nature of the Town and elicit emotional responses from the viewers. Both permanent or temporary artworks aim to expand knowledge and broaden the understanding of the arts and cultural section within the Town.

The following is a list of principles that form the base of the Public Art Policy. These are intended to provide direction in development of the Town’s public art program and inform decision-making at every stage of the selection, acquisition, installation and management processes.

- **Inclusivity** – Public art engages the community at large and, as such, is inherently collaborative. The community may be provided with opportunities to engage in various stages of the public art planning and implementation processes. The Town of Niverville also promotes collaboration between artists and other design professions, art agencies, the private sector and various levels of government.

- **Accessibility** – Given its ‘public’ nature, the Town will strive to ensure that public artworks are both visually and physically accessible. This will be enhanced by the strategic and equitable placement of artworks in locations that are frequented by a large number of residents and visitors alike.
- **Sustainability** – The Town will ensure that projects are supported by sustainable management programs so that public art continues to play an important role in the vision for long-term growth and improvement of the Town of Niverville. The Town will foster partnerships with the private sector to increase programming capacity and will develop management plans to ensure works retain the original intentions of the artist and are not compromised by a lack of upkeep.
- **Diversity** – Public art initiatives strive to build a sense of community, and as such should reflect the diverse interests of that community. The Town will support public art initiatives from a broad range of artists and at various stages of their career development. Furthermore, public art should be balanced across the Town in a diversity of areas and not restricted to any one location.
- **Creativity** – The public art program will be open to a broad definition of creative endeavors, not limiting artists by providing direction on form or materials and will foster innovation and design excellence.

Site Selection - Below are the criteria to be used to determine the appropriateness of sites for the installation of public art. It is important that the site selection criteria and process ensures the following:

- that opportunities and public benefit are maximized through public art placement
- that sites are selected where investments in public art have the potential for successful, high-quality implementation
- that sites are selected with consideration to ensuring they reach diverse audiences and that artwork is not limited to the urban centres
- there is flexibility for the Town to respond to new and unforeseen initiatives, plans and developments
- that the criteria allow for a range of potential public art sites in order that there can be a variety of types of public art experience in Niverville including: landmark locations, neighbourhood experiences (art in the CRRC), and artwork that is a destination (e.g. along the trails). In many cases, further consultation with relevant Town of Niverville departments and stakeholders will still be required.

The Town will partner with the Hanover School Division/Niverville High School to offer the exterior west wall of the Niverville Centennial Arena as a “Temporary installation” area for art produced by Niverville High School students. The Town reserves the right to revoke this permission upon provision of 6 months notice to the Hanover School Division/Niverville High School of its intention to discontinue the Temporary installation opportunity.

Selection Criteria – An Art Selection Committee must be established for each Art project or Donation of Works over **\$10,000** in value, but they may also be established for Works and Art of a lesser amount (at the Town’s discretion). The members of the Art Selection Committee will be appointed by resolution of Niverville Council and be responsible for selecting an artist for a commission or an artwork for purchase following the Acquisition Criteria listed in this document. Art Selection Committee members shall be independent of the Town and Council and should include arts and design professionals such as practicing artists, curators, art critics, art educators, architects, landscape architects and local community representation. It is understood that any member, professional arts and/or community representatives will not be in a conflict of

interest. Depending on the scope of the project, the Art Selection Committee usually consists of three or five members, with the majority being qualified art and design experts. Local representation with interests in the site could include a neighbourhood or community representative from a local association, a business representative or a resident. While the ultimate objective of the panel is to reach a unanimous decision, members may be divided in their evaluations and as such, a panel will consist of uneven numbers to enable a majority vote. In the event of an Art competition, the Art Selection Committee shall recommend a competition winner to the Town, with Town Council to provide final approval to the selection. All recommendations will remain confidential until the Town announces the results. Relevant Town staff and other experts may attend the adjudication session as applicable to the project, but they will be non-voting advisors. Any concerns regarding the selection of the Works as chosen by the Art Selection Committee will be directed back to the Committee for a response.

All acquisitions **other than Temporary Installations** will be conducted in consultation with an Art Selection Committee and will be evaluated based on the following list of criteria:

- overall artistic quality of the Work(s) and authenticity
- artist reputation - demonstrated and related experience based on their previous work
- avoid over-representation by any one artist
- the Work's relevance/impact to Niverville and its citizens
- the Work's relevance and suitability for its intended location and in a public space
- the relationship of the artist/author to Niverville and the local and/or regional area
- the Work does not minimize and/or detract from the image of Niverville
- reflects the Town's heritage and/or history, culture and diversity, and/or natural elements and landscapes
- Works whose messages are exclusively religious in nature will not be accepted
- Works whose messages are exclusively political in nature will only be considered if the political message is of historical context
- Message and content shall be judged by generally accepted community standards.
- the Work does not pose any safety hazard to the public
- the Work is able to withstand the physical elements and is vandal-proof for the duration of time it is intended to be displayed
- short- and long-term costs
- tourism potential
- maintenance or conservation requirements for the Work and the Town's ability to maintain and conserve the Work
- authenticity and provenance of the Work (ethical and legal considerations regarding ownership)
- the Town's ability to display or store the Work appropriately
- Must meet Town Codes and Ordinances
- cost and value of the Work to the Town of Niverville
- in the case of a Donation, the donor's suitability may also be used as part of the assessment, including any conflicts of interest perceived or otherwise. Donations are also subject to the Town of Niverville's Donation Receipting Policy F2-13.

Temporary installations assigned to the Niverville High School must be pre-approved in writing to the Town by the Hanover School Division. Any concerns regarding the selection of the Works from the Niverville High School will be directed back to the Hanover School Division for a response.

Temporary Installations – The Town may accept temporary works of art for display on Town-owned property. Installations can last from one day to one year, typically remaining on view for three to six months.

Artwork considered for display in public space is distinct from installations that occur as part of a special event (where the installation period coincides with the event.)

Proposals for temporary art display will be reviewed by the Town's review team. Consideration will be given to safety, durability and suitability to the site.

Deaccessioning - A work may be deaccessioned if at least one of the following applies:

- The Town cannot properly care for or store the work;
- Security of the artwork can no longer be reasonably guaranteed;
- There is no suitable site for relocation of a work that must be moved;
- Maintenance costs are higher than can reasonably be absorbed by the Town;
- The artwork requires repairs that are unfeasible;
- The artwork's condition requires restoration in excess of its aesthetic value;
- The work is so deteriorated that restoration would prove unfeasible or misleading;
- It, as erected, the artwork poses risks to public safety not identified in the selection process;
- It is determined that the work lacks significant aesthetic, historical and/or cultural value;
- The work is determined to be a duplicate (e.g. prints or multiples) of lesser quality than other works in the collection;
- The work is determined to be a copy or pastiche without significant historical, documentary, or aesthetic value; or
- The Work /site is scheduled for replacement due to a new initiative coming forward.

Schedule "B"

Fee Schedule Update

Town of Niverville

Fee Schedule Updates January 2023

<u>TS Code</u>	<u>Item Category/Name</u>	<u>Current</u>	<u>Change</u>
	Administration		
A060	Tax Certificate	\$ 40.00	\$ 40.00
	This fee is in BL 791-18 Planning, proposing to move it off this schedule to Amin.		
	Shows in Dec.20/22 Schedule C, as \$35 but was updated to \$40 Feb15/22 RES 19-22		
A023	Conditional Use Renewal	\$ 100.00	Remove, no longer used.
	Publishing Fees		
A120	Newsletter, legal size, both full sides	\$.27/each	\$ 0.28
A120	Newsletter, legal size, one full side	\$.14/each	\$ 0.16
A120	Newsletter, legal size, 3/4 one side	\$.11/each	\$ 0.12
A120	Newsletter, legal size, 1/2 one side	\$.07/each	\$ 0.10
A120	Newsletter, letter size, one full side	\$.13/each	\$ 0.14
A120	Newsletter, letter size, 3/4 one side	\$.10/each	\$ 0.11
	Sale of Products		
A171	Town Pins (picked up)	\$ 1.00	no change
A172	Town Pins (mailed)	\$ 2.50	1.00 + postage
A173	50th Anniversary toque	\$ 5.00	\$ 3.00
A173	50th Anniversary t-shirt	\$ 20.00	\$ 10.00
A173	50th Anniversary hoodie	\$ 45.00	\$ 33.00
A173	50th Anniversary golf shirt	\$ 40.00	\$ 30.00
	Water		
U032	Water Networks-Infill/frontage foot	\$ 83.40	\$ 101.23

Schedule “C”



Town Of Niverville-Administration

Policy No. A1-23: **Service Animals In Town Facilities**

Effective Date: **January 17, 2023**

Resolution# **22-23**

Revision Date: _____

Resolution# _____

Part 1: Legal Authority:

The Accessibility for Manitobans Act (“the AMA”).
<https://accessibilitymb.ca/>

Part 2: Preamble:

The purpose of this policy is to permit Service Animals to be in Town Facilities and provide conditions that govern their presence. The policy applies to staff and users in Town Facilities and is intended to outline the rights and responsibilities of staff and users with disabilities who utilize Service Animals.

Part 3: Definitions:

Service Animal means an animal that has been trained to provide assistance to a person with a disability that relates to that person’s disability (ss. 9(2)(l) Manitoba Human Rights Code). The disability can be visible (ex: visual impairment) or invisible (e.g. epilepsy). Under section 2 of The Service Animals Protection Act, a Service Animal is defined as being one that is:

- trained to be used by a person with a disability for reasons relating to his or her disability;
- trained to be used by a peace officer in the execution of his or her duties; or
- trained to be used by a person who is authorized by a peace officer to assist peace officers in their duties.

Barrier means anything (for a person who has a physical, mental, intellectual or sensory disability) that interacts with that disability in a way that may hinder the person's full and effective participation in society on an equal basis (ss. 3(1) of the AMA). An organization such as the Town of Niverville must establish and implement measures, policies and practices respecting barrier-free access to the good or services that the Town provides (ss. 4(1) of Customer Service Standard Regulation 171/2015 of the AMA). Also, the Town’s policies must recognize that a person who is disabled and encounters a barrier may be accompanied by a Service Animal when he or she seeks to obtain, use or benefit from the Town’s goods or services. (ss. 8 of Customer Service Standard Regulation 171/2015 of the AMA).

Custodian means an individual who, as a result of a disability, requires the assistance of a Service Animal.

Facility includes any indoor space owned by the Town of Niverville which includes but is not limited to:

- Niverville Town Office;
- Niverville Community Resource and Recreation Centre;
- Niverville Centennial Arena;
- Niverville Curling Rink;
- Niverville Open Health; and
- The Niverville Operations Building.

Part 4: Scope:

In order to provide an accessible environment, the Town is committed to the development and implementation of policies and procedures which will enable the Town to understand and support situations and circumstances in which Service Animals can be in Town Facilities. It is also important that both the Custodian and staff understand their rights and responsibilities in this regard.

Service Animals are working animals and not pets. Pets are restricted from Town Facilities. Service Animals are animals that are specifically trained to perform tasks for persons with disabilities such as, but not limited to:

- guiding people who are blind or visually impaired;
- alerting people who are deaf or hearing impaired;
- pulling wheelchairs for those with limited mobility;
- alerting and protecting a person who is having a seizure;
- performing other specialized tasks; and
- reminding a person to take their medication.

Service Animals, accompanied by their Custodian, are permitted to access areas of Town Facilities generally accessible to the public as provided for by the Manitoba Human Rights Code, except in exceptional circumstances such as areas that are closed off for construction or public safety reasons.

There are many different types of Service Animals and most are usually Service Dogs, which are assigned to persons with certain disabilities. A Service Dog is specifically trained to assist Custodians who have mobility or health impairments. However, in rarer instances, Service Animals may include other animals. Service Dogs may perform a wide variety of functions which include but are not limited to:

- carrying;
- retrieving;
- opening doors;
- ringing doorbells;
- activating elevator buttons;
- steadying a Custodian while walking;
- or helping a Custodian up after they have fallen.

Service Dogs are also referred to as Assistance Dogs. The following is a listing of the various types of Service Dogs:

- Guide Dog - generally refer to dogs that are trained specifically to lead blind and visually impaired Custodians around obstacles.
- Hearing Dog - is a dog trained to alert a Custodian who is deaf or has impaired hearing to sounds (e.g., someone knocking at a door).
- Seizure Response Dog – is a dog trained to assist a Custodian with a seizure disorder. How the dog may serve the Custodian depends on his/her needs. The dog may stand

guard over the Custodian during a seizure, or the dog may go for help. Some dogs have learned to predict seizures and warn the Custodian in advance.

- PTSD (Post Traumatic Stress Disorder) Dog - is a dog that is generally utilized to assist Custodians who have experienced a traumatic event in their lives (i.e. war veteran, severe accident, depression etc.). These Dogs are used to provide comfort and reduce stress in certain situations where the Custodian may feel threatened or uncomfortable for any number of reasons.
- Severe Allergy Alert Dog – is a dog that alerts their Custodian to life-threatening allergens that may be in the area, especially, tree nuts, shellfish or gluten.
- Autism Assistance Dog - is a dog that assists in calming and grounding a Custodian on the autism spectrum via tactile or deep pressure stimulation. Autism Assistance Dogs may also assist in teaching life skills and maintaining boundaries.
- Diabetic Alert Dogs – is a dog used to alert their Custodian to dangerous or potentially deadly blood sugar highs and lows. Many dogs are trained to call 911 on a special K-9 Alert Phone if their Custodian cannot be roused.
- Medical Alert Dogs – is a dog used to alert their Custodian to dangerous physiological changes such as blood pressure, hormone levels or another verifiable, measurable bodily symptom.

Part 5: Process:

1. Focus on the Custodian. A Service Animal should not be touched or distracted.
2. The Town will post “Service Animals are welcome, but pets are not allowed” at all public entrances to Town Facilities.
3. Not sure if an animal is a Service Animal? Here are some tips:
 - You can ask: “Has this animal been trained to help with a disability-related need?”
 - Consider asking for documentation only when it is not obvious that the animal is providing a service.

The Custodian has the right to request that others avoid the following:

- Petting or addressing the Service Animal as this may distract it from the task at hand;
- Feeding the Service Animal;
- Deliberately startling the Service Animal; and
- Separating or attempting to separate the Custodian from the Service Animal.

The Service Animal must be vaccinated and licensed as required by Manitoba law and/or civic ordinance. Staff and users should only intervene if the Custodian has specifically requested assistance or appears to be confused and is having difficulty handling their Service Animal.

The Custodian is responsible for all aspects of maintenance of the Service Animal including:

- Any cleaning that may result from the Service Animal;
- Any costs associated with cleaning the Service Animal; and
- Ensuring that all feces are cleaned up immediately and disposed of in an appropriate receptacle.

At all times, Service Animals must be:

- Accompanied by the Custodian
- Remain in close proximity to the Custodian; and
- Restrained on a leash.

If at any time a Service Animal becomes aggressive or is deemed to pose a direct threat to the health and safety of staff, or users, the Custodian will be required to remove the animal

from Town Facilities.