

TOWN OF NIVERVILLE

Minutes of the meeting of the Niverville Town Council held on June 21, 2022 at 7:00 p.m. at the Community Resource and Recreation Centre. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

Res#134-22 Agenda	<p>C. Wiebe – J. Funk BE IT RESOLVED that the agenda be approved subject to the following additions: New Business 10 b. Minor Subdivision 4340-22-8683</p> <p>“Carried”</p>
Res#135-22 Minutes	<p>N. Dueck – K. Stott BE IT RESOLVED that the minutes of the regular Council meeting held on May 17, 2022 be approved as presented.</p> <p>“Carried”</p>
Res#136-22 Table Agenda	<p>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 the Public Hearing for Conditional Use C11-22 for Lot 5 Plan 38985, civically known as 440 Wittick Street.</p> <p>“Carried”</p>
Res#137-22 Resume	<p>C. Wiebe – J. Funk BE IT RESOLVED that the Public Hearing for Conditional Use C11-22 be closed and Council resume its former order of business (7:03 p.m.).</p> <p>“Carried”</p>
Res#138-22 C11-22	<p>C. Wiebe – J. Funk WHEREAS a Public Hearing was held regarding Conditional Use C11-22, an application from David Peters on behalf of Mountainview Investments to allow for a tool rental business and exterior storage on Lot 5 Plan 68985, civically known as 440 Wittick Street; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Council approves Conditional Use C11-22 to allow for a tool rental business and exterior storage on Lot 5 Plan 68985, civically known as 440 Wittick Street, subject to the following condition: 1) That the applicant entering into a Development Agreement with the Town.</p> <p>“Carried”</p>
Res#139-22 Table Agenda	<p>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 the Public Hearing for Conditional Use C12-22 for Lot 6 Plan 64263, civically known as 209 St. Andrews Way.</p> <p>“Carried”</p>
Res#140-22 Resume	<p>J. Funk – K. Stott BE IT RESOLVED that the Public Hearing for Conditional Use C12-22 be closed and Council resume its former order of business (7:07 p.m.).</p> <p>“Carried”</p>

Res#141-22 C12-22	<p>C. Wiebe – N. Dueck</p> <p>WHEREAS a Public Hearing was held regarding Conditional Use C12-22, an application from Steven Baete on behalf of Steven Baete Massage Therapy to allow for a massage therapy business on Lot 6 Plan 64263, civically known as 209 St. Andrews Way;</p> <p>AND WHEREAS in accordance with The Planning Act, the Conditional Use application was duly advertised;</p> <p>AND WHEREAS there was no opposition received to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Conditional Use C12-22 to allow for a massage therapy business on Lot 6 Plan 64263, civically known as 209 St. Andrews Way be approved subject to the following conditions:</p> <ol style="list-style-type: none"> 1) That the applicant provide on-site parking for clients; 2) That the applicant obtain an annual Business License from the Town; and 3) That this Conditional Use approval will expire on June 21, 2024. Applicant will be required to reapply a minimum of 4 weeks in advance of expiry date, with Conditional Use application fee to be waived for second application if application received on or before May 21, 2024. <p style="text-align: right;">“Carried”</p>
Res#142-22 Table Agenda	<p>J. Funk – K. Stott</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 C13-22 for Lot 15 Block 1 Plan 21934, civically known as 67 South Park Drive.</p> <p style="text-align: right;">“Carried”</p>
Res#143-22 Resume	<p>C. Wiebe – K. Stott</p> <p>BE IT RESOLVED that the Public Hearing for Conditional Use C13-22 be closed and Council resume its former order of business (7:15 p.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#144-22 Table Agenda	<p>C. Wiebe – N. Dueck</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 C9-22 and Variance Application V10-22 for Lot 2 Block 2 Plan 34434, civically known as 299 Main Street.</p> <p style="text-align: right;">“Carried”</p>
Res#145-22 Resume	<p>C. Wiebe – J. Funk</p> <p>BE IT RESOLVED that the Public Hearing for Conditional Use C9-22 and Variance Application V10-22 be closed and Council resume its former order of business (7:19 p.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#146-22 C9-22 V10-22	<p>C. Wiebe – K. Stott</p> <p>WHEREAS a Public Hearing was held regarding Conditional Use C9-22 and Variance Application V10-22 from 5584796 Manitoba Ltd., a renewal of the application to vary the number of permitted non-illuminated identification signs from one to four and allow three advertising signs of ninety-six square feet in a Commercial Corridor Zone on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street;</p> <p>AND WHEREAS the application was duly advertised;</p>

AND WHEREAS there was no opposition received to the proposal;
THEREFORE BE IT RESOLVED that Council approves Conditional Use C9-22 and Variance Application V10-22 to vary the number of permitted non-illuminated identification signs from one to four and allow three advertising signs of ninety-six square feet in a Commercial Corridor Zone on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street.

“Carried”

Res#147-22
C13-22

K. Stott – J. Funk

WHEREAS a Public Hearing was held regarding Conditional Use C13-22, an application from Brianna Marchand to allow for a homebased tattoo studio on Lot 15 Block 1 Plan 21934, civically known as 67 South Park Drive;
AND WHEREAS in accordance with The Planning Act, the Conditional Use application was duly advertised;
AND WHEREAS Council requested that staff conduct further research into the parameters for this application of a third party operating a business out of a residentially zoned property;
THEREFORE BE IT RESOLVED that Council tables a decision on Conditional Use C13-22 to allow for a homebased tattoo studio on Lot 15 Block 1 Plan 21934, civically known as 67 South Park Drive, to allow for further research to be conducted on the parameters for this application.

“Carried”

Res#148-22
Fee Update

K. Stott – C. Wiebe

BE IT RESOLVED that the Town’s Fee Schedule be updated effective June 1, 2022, to increase the daily lake pumping rate from \$500.00 per day to \$1,000.00 per day, with a mobilization and demobilization cost of \$200.00 per setup or tear down if used for less than five consecutive days.

“Carried”

Res#149-22
BL 801-18
Update

J. Funk – N. Dueck

BE IT RESOLVED that the following update be made to Schedule “A” of Bylaw 801-18 (Niverville Parking Bylaw):

*NO PARKING BETWEEN THE HOURS OF MIDNIGHT TO 6 AM –
MONDAY THRU SUNDAY (NBP)

Wittick Street	-both sides	-entire length
Kuzenko Street	-both sides	-entire length
Schultz Avenue	-both sides	-entire length
Pauls Street	-both sides	-entire length

“Carried”

Res#150-22
Credit Cards

C. Wiebe – K. Stott

BE IT RESOLVED that the credit card limits for Ryan Dyck and Warren Britton be raised to \$10,000.00 and that Heather Miller be added as a new credit cardholder with a credit limit of \$3,000.00.

“Carried”

Res#151-22
Fee Update

J. Funk – C. Wiebe

BE IT RESOLVED that the Town’s Fee Schedule be updated to add to the Fee Schedule a \$100.00 plus GST per inspection fee for pre- and post-inspection for crossing of public right of way.

“Carried”

Res#152-22 Scope Change	C. Wiebe – J. Funk BE IT RESOLVED that Council approves a fee adjustment of \$79,740.00 plus applicable taxes to the Niverville RCMP Detachment Project contract with Calnitsky Associates Architects, for the additional scope of work due to client initiated programmatic changes.	
		“Carried”
Res#153-22 F1-22	N. Dueck – K. Stott BE IT RESOLVED that Council approves Policy F1-22, Licensed Daycare Start-up Grant, copy of which attached hereto as Schedule “A”.	
		“Carried”
Res#154-22 FD Donation	J. Funk – K. Stott BE IT RESOLVED that Council authorizes a donation receipt to a donor who designated a \$5,000.00 donation to the Niverville Firefighters Association for the purchase of jackets for the Niverville Firefighters.	
		“Carried”
Res#155-22 Award Contract	K. Stott – C. Wiebe BE IT RESOLVED that following the Town’s due tendering process, that the contract for the Town’s 2022 Gravel and Topsoil be awarded to Centennial Gravel & Excavating Limited, who submitted the lowest overall bid.	
		“Carried”
Res#156-22 Waive Fees	J. Funk – C. Wiebe WHEREAS the Niverville High School Safe Grad Committee has submitted a request to waive the facility rental fee for the picnic shelter for June 26, 2022, from 3 p.m. to 6 p.m. to host a safe grad event; AND WHEREAS the Niverville High School Safe Grad Committee has provided a security deposit as per Facility Fee Rebate Policy R1-17; THEREFORE BE IT RESOLVED that Council waives the facility rental fee for the Hespeler Park picnic shelter on June 26, 2022, from 3 p.m. to 6 p.m. to allow Niverville High School Safe Grad Committee to host their grad event.	
		“Carried”
Res#157-22 Award Contract	N. Dueck – C. Wiebe BE IT RESOLVED that following the Town’s due tendering process, that the contract for the Town’s 2022/2023 Tree Supplier & Maintenance be awarded to Meridian Landscaping & Nursery, who submitted the only bid for the project.	
		“Carried”
Res#158-22 Ice Rates 2022/2023	J. Funk – C. Wiebe BE IT RESOLVED that Council authorizes a freeze in the ice rental rates charged to local youth for the 2022/2023 season, with non-local rates to increase by 5% for the 2022/2023 season.	
		“Carried”
Res#159-22 Award Contract	C. Wiebe – K. Stott BE IT RESOLVED that following the Town’s due tendering process, that the contract for the Town’s 2022 Equipment be awarded to H. Baudry Construction (1980) Ltd., who submitted the lowest overall bid for equipment rentals.	
		“Carried”

Res#165-22 J. Funk – C. Wiebe
Subdivision BE IT RESOLVED that Council approves minor subdivision File no. 4340-22-8683 for Pt. SE 25-07-03E, being Lots 1 to 5 Block 4 Plan 69042 WLTO, to allow for a boundary realignment that reduces the size of five existing lots to accommodate a drainage swale, subject to the following:

- 1) That a variance order be obtained if required, as a result of the minor subdivision.


“Carried”

Res#166-22 N. Dueck – C. Wiebe 7:51
Adjourn BE IT RESOLVED that the meeting be adjourned. (7:51 p.m.)

“Carried”



Mayor



Chief Administrative Officer

Mayor Dyck remarked on an email that he had received from a resident who had grown up in Niverville and had recently moved back to Town. The resident mentioned they loved seeing how the Town has grown, is happy how things are being managed, and wants to contribute their part to the Town (volunteer). Mayor Dyck expressed his thanks to the Chamber of Commerce, volunteers and businesses for their part (in the success of the Town), as people are taking notice and want to come here and be involved.

Res#160-22 J. Funk – C. Wiebe
Accounts BE IT RESOLVED that cheque nos. 41421 to 41535 totalling \$753,894.06
be hereby approved for payment.
“Carried”

Res#161-22 C. Wiebe – J. Funk
April 30 BE IT RESOLVED that the April 30, 2022 Financial Statement be approved as
F.S. presented.
“Carried”

Res#162-22 N. Dueck – K. Stott
May 31 BE IT RESOLVED that the May 31, 2022 Financial Statement be approved
F.S. as presented.
“Carried”

Res#163-22 C. Wiebe – J. Funk
PUB Letter WHEREAS it was learned earlier this year that The Public Utilities Board Order 61/16 required the Town to review utility rates for adequacy and file a report with the Board by June 30, 2018;
AND WHEREAS a Water Utility Rate study for the Town completed in 2021 determined that the water utility rates were sufficient for the time being;
THEREFORE BE IT RESOLVED THAT Council supports a letter to The Public Utilities Board, noting that the Town will complete a new Water Utility rate study shortly following the completion of the expanded Water Treatment Plant, which is anticipated to be operating in 2023.
“Carried”

Res#164-22 N. Dueck – C. Wiebe
Triple R BE IT RESOLVED THAT Council appoints Alexander (Sandy) Wallace as
Rep Niverville’s Triple R representative on the Community Futures Triple R Development Corporation, with Mayor Myron Dyck serving as the alternate representative.
AND BE IT FURTHER RESOLVED that the Town as per policy will provide reimbursement to Mr. Wallace for the mileage expenses to attend Triple R meetings as per the Town’s remuneration bylaw, with additional expenses if any, requiring prior resolution of Council.
“Carried”

Minutes of the Public Hearing held on June 21, 2022 at 7:02 p.m. regarding Conditional Use C11-22, an application from David Peters on behalf of Mountainview Investments to allow for a tool rental business and exterior storage on Lot 5 Plan 68985, civically known as 440 Wittick Street. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Mr. Eric King, CAO, reported that the Conditional Use was requested to allow for a tool rental business and exterior storage on Lot 5 Plan 68985, civically known as 440 Wittick Street. The background is that all uses in the Niverville Business Park are Conditional Uses and this proposed use is in line with the industrial uses that the Industrial General Zone is intended to accommodate. Mr. King also noted that the recommendation from Administration was to approve the Conditional Use as requested, subject to the following condition:

- a) That the applicant entering into a Development Agreement with the Town.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:03 p.m.

Minutes of the Public Hearing held on June 21, 2022 at 7:05 p.m. regarding Conditional Use C12-22, an application from Steven Baete on behalf of Steven Baete Massage Therapy to allow for a massage therapy business on Lot 6 Plan 64263, civically known as 209 St. Andrews Way. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Mr. Steven Baete, on behalf of Steven Baete Massage Therapy noted that this was his own business, that he does mobile as well, and that he didn't know he needed to get a Conditional Use first (business is already operating). Mr. Baete also advised that the business would accommodate one person at a time, 30 minutes at a time, parking was available on the driveway and that this would be non-disturbing to the general area.

Ms. Tabitha Baete (spouse), 209 St. Andrews Way, was in favour of the proposal.

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 June 21, 2022 at 7:11 p.m. regarding Conditional Use C13-22, an application from Brianna Marchand to allow for a homebased tattoo studio on Lot 15 Block 1 Plan 21934, civically known as 67 South Park Drive. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Ms. Brianna Marchand, applicant, advised that she would like to open a tattoo studio in a basement suite on South Park. The business model is to be more like a spa/relaxing environment, hours of operation 8:30 a.m. to 10 p.m. (not confirmed), parking on driveway, and usually 1 or 2 clients at the same time. Ms. Marchand noted that she did not live at the residence where the proposed business was going to be operating out of.

Councillor Chris Wiebe asked about licensing and Ms. Marchand advised that she was in the process of getting licensed and following that the health inspector would need to approve the space.

Ms. Heather Marchand (parent), 60 South Park Drive, was in favour of the proposal.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:15 p.m.

Minutes of the Public Hearing held on June 21, 2022 at 7:17 p.m. regarding Conditional Use C9-22 and Variance Application V10-22 from 5584796 Manitoba Ltd., a renewal of the application to vary the number of permitted non-illuminated identification signs from one to four and allow three advertising signs of ninety-six square feet in a Commercial Corridor Zone on Lot 2 Block 2 Plan 34434, civically known as 299 Main Street. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck in attendance.

Mr. Ray Dowse on behalf of 5584796 Manitoba Ltd. noted that the property has changed over the past years, as when the initial approval was done there was only dirt on the property. He also commented about a future change, where he hopes to construct a pylon sign but for now, is only seeking a renewal.

There was no opposition received to the proposal.

The Public Hearing was closed at 7:19 p.m.
