

TOWN OF NIVERVILLE

Minutes of the meeting of the Niverville Town Council held on October 4, 2022 at 9:00 a.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#266-22 C. Wiebe – N. Dueck
Agenda BE IT RESOLVED that the agenda be approved subject to the following addition:
New Business 10 c. MJHL Temporary Liquor Permit
“Carried”
- Res#267-22 K. Stott – J. Funk
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on September 20, 2022 and special Council meeting held on September 23, 2022 be approved as presented.
“Carried”
- Res#268-22 J. Funk – N. Dueck
Table BE IT RESOLVED that the Council meeting agenda be tabled and that Council
Agenda sit in accordance with The Planning Act to hold the Public Hearing for Conditional Use C24-22 for Lot 5 Plan 68985, civically known as 440 Wittick Street.
“Carried”
- Res#269-22 N. Dueck – J. Funk
Resume BE IT RESOLVED that the Public Hearing for Conditional Use C24-22 be closed and Council resume its former order of business. (9:03 a.m.)
“Carried”
- Res#270-22 K. Stott – J. Funk
C24-22 WHEREAS a Public Hearing was held regarding Conditional Use C24-22, an application from 5253358 Manitoba Ltd. to allow for an event supply rental business 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 C24-22, to allow for an event supply rental business on Lot 5 Plan 68985, civically known as 440 Wittick Street.
“Carried”
- Res#271-22 C. Wiebe – J. Funk
Table BE IT RESOLVED that the Council meeting agenda be tabled and that Council
Agenda sit in accordance with The Planning Act to hold the Public Hearing for Conditional Use C25-22 for Lot 4 Block 3 Plan 63750, civically known as 540 Wittick Street.
“Carried”
- Res#272-22 C. Wiebe – K. Stott
Resume BE IT RESOLVED that the Public Hearing for Conditional Use C25-22 be closed and Council resume its former order of business. (9:07 a.m.)
“Carried”

Res#273-22 K. Stott – C. Wiebe

C25-22 WHEREAS a Public Hearing was held regarding Conditional Use C25-22, an application from Jeff and Leesa Walker to allow for a parking lot maintenance business to operate with a shop, office space and exterior storage / vehicle compound on Lot 4 Block 4 Plan 63750, civically known as 540 Wittick Street; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Council approves Conditional Use C25-22, to allow for a parking lot maintenance business to operate with a shop, office space and exterior storage / vehicle compound on Lot 4 Block 4 Plan 63750, civically known as 540 Wittick subject to the following condition:

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

“Carried”

Res#274-22 J. Funk – 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 the Public Hearing for Conditional Use C26-22 for Lot 16 Block 7 Plan 19956, civically known as 85 2nd Street S.

“Carried”

Res#275-22 C. Wiebe – N. Dueck

Resume BE IT RESOLVED that the Public Hearing for Conditional Use C26-22 be closed and Council resume its former order of business. (9:14 a.m.)

“Carried”

Res#276-22 C. Wiebe – J. Funk

C26-22 WHEREAS the Niverville Community Fellowship Church has applied for Conditional Use permit C26-22, to allow as a Conditional Use in a RLD-Residential Low Density zone, an existing two-sided LED sign (37 sq. ft. of sign face per side, height of sign will be 10 feet), mounted on a post facing north and south with an illuminated sign cabinet on top displaying the Church name and logo, located in the southwest corner of Lot 16, Block 7 Plan 19956, civically known as 85 2nd Street S.; AND WHEREAS the Conditional Use application was duly advertised and one follow up letter of request was received, opposing the lights being left on 24 hours a day; THEREFORE BE IT RESOLVED that Council approves Conditional Use permit C26-22, an application the Niverville Community Fellowship Church to allow as a Conditional Use in a RLD-Residential Low Density zone, an existing two-sided LED sign (37 sq. ft. of sign face per side, height of sign will be 10 feet), mounted on a post facing north and south with an illuminated sign cabinet on top displaying the Church name and logo, located in the southwest corner of Lot 16, Block 7 Plan 19956, civically known as 85 2nd Street S., subject to the following conditions:

- 1) That the illumination of the sign be dimmed during the hours between sunset and 10 p.m., with illumination in the range of 4 to 6% allowed between the hours of 10 p.m. and sunrise;
- 2) That the sign have directional light illumination installed on the south side to minimize illumination impact on neighboring properties;
- 3) That the sign location not infringe on the Town’s air space;
- 4) That the sign carry no live video, any form of audible broadcast or full motion or animation in the form of a short commercial or video; and
- 5) That the Church shall display public safety broadcasts upon request from the Town of Niverville.

“Carried”

- Res#277-22 C. Wiebe – J. Funk
Subdivision BE IT RESOLVED that Council approves subdivision file no #4340-22-8704, registered owner Sunset Estates Ltd, which will create 40 lots along Kingshead Road for single unit dwelling development and dedicate 8,970.6 square feet for public reserve, subject to the applicant entering into a Development Agreement with the Town.
"Carried"
- Res#278-22 C. Wiebe – J. Funk
Subdivision BE IT RESOLVED that Council approves subdivision file #4340-22-8733 (minor subdivision) for Pt. SW 31-07-04E, Phasing Unit "F" and "J" Condominium Plan 55849, registered owner 5036127 Manitoba Ltd., which proposes to subdivide two row type multi-family dwellings into ten condominium units and create four common element parcels.
"Carried"
- Res#279-22 N. Dueck – K. Stott
Accounts BE IT RESOLVED that cheque nos. 41838 to 41898 totalling \$263,307.91 be hereby approved for payment.
"Carried"
- Res#280-22 N. Dueck – K. Stott
Aug F.S. BE IT RESOLVED that the August 31, 2022 Financial Statement be approved as presented.
"Carried"
- Res#281-22 C. Wiebe – J. Funk
Heritage WHEREAS a request was received from Niverville Communities in Bloom to place Heritage Reflections signage on private property at the northwest corner of 20 Main Street and at the northeast corner of 86 Main Street;
Signs AND WHEREAS Niverville Communities in Bloom has provided written authorization from the property owners for placement of Heritage Reflections signage on private property;
AND WHEREAS the Town's Zoning Bylaw 795-18 as amended requires the approval of Council for display signage in any zone;
THEREFORE BE IT RESOLVED that Council approves the placement of Heritage Reflections signage on private property at the northwest corner of 20 Main Street and at the northeast corner of 86 Main Street subject to the following conditions:
a) That the signage will not be located in such a manner as to materially impede the view of any street, highway intersection or railroad grade crossing;
b) That the signage shall be kept in repair and in proper state of preservation; and
c) That the signage not interfere or limit the Town's snow clearing abilities.
"Carried"
- Res#282-22 C. Wiebe – K. Stott
Station Park BE IT RESOLVED that following the Town's due tendering process, that the Contract contract for the Station Park Rough Grading be awarded to Blue Creek Construction, who submitted the lowest overall bid of \$25,980.00 plus applicable taxes.
"Carried"

Res#283-22 C. Wiebe – K. Stott

Liquor BE IT RESOLVED that Council approves the MJHL to host an event requiring
Permits a temporary liquor permit in the Niverville Community Resource and Recreation
Centre on October 14, 2022, 6:00 p.m. to 11:00 p.m.

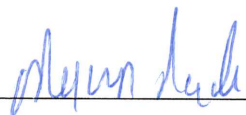
AND BE IT FURTHER RESOLVED that approval for the temporary liquor
permits are subject to the events being held in compliance with Liquor, Gaming
and Cannabis Authority of Manitoba regulations.

“Carried”

Res#284-22 N. Dueck – C. Wiebe

Adjourn BE IT RESOLVED that the meeting be adjourned. (9:32 a.m.)

“Carried”



Mayor



Chief Administrative Officer

Minutes of the Public Hearing held on October 4, 2022 at 9:01 a.m. regarding Conditional Use C24-22, an application from 5253358 Manitoba Ltd. to allow for an event supply rental business on Lot 5 Plan 68985, civically known as 440 Wittick Street in the Niverville Business Park. 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.

CAO Eric King noted that this application was from 5253358 Manitoba Limited (Kevin Derksen), Conditional Use was requested to allow for an event supply rental business on Lot 5 Plan 68985, civically known as 440 Wittick Street. 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. Recommendation is to approve the Conditional Use as requested; the Development Agreement was completed with the property owner.

Councillor Wiebe asked for clarification on the rentals, whether this was for wedding stuff or other.

Mr. Kevin Derksen, on behalf of 5253358 Manitoba Ltd., noted that this was for Touch of Glass rentals, not other items.

There was no opposition received to the proposal.

The Public Hearing was closed at 9:03 p.m.

Minutes of the Public Hearing held on October 4, 2022 at 9:04 a.m. regarding Conditional Use C25-22, an application from Jeff and Leesa Walker to allow for a parking lot maintenance business to operate with a shop, office space and exterior storage / vehicle compound on Lot 4 Block 4 Plan 63750, civically known as 540 Wittick Street in the Niverville Business Park. 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.

CAO Eric King noted that this was an application from Jeff and Leesa Walker and the Conditional Use was requested to allow for a parking lot maintenance business to operate with a shop, office space and exterior storage / vehicle compound on Lot 4 Block 4 Plan 63750, civically known as 540 Wittick Street. Background - 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. Recommendation is to approve the Conditional Use as requested, subject to the following condition:

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

There was no opposition received to the proposal.

Councillor Stott asked if this was for a locker and storage business. Mr. King advised that this was a parking lot agent.

Ms. Leesa Walker, applicant, further clarified that Clean-a-lot was a parking lot business that provides year-round maintenance services.

Mayor Dyck questioned whether the vehicle storage was for their own equipment and Ms. Walker confirmed it was.

Deputy Mayor Funk questioned the number of employees, and Ms. Walker noted that it was her and her husband and they had 1 to 2 employees.

The Public Hearing was closed at 9:07 a.m.

Minutes of the Public Hearing held on October 4, 2022 at 9:10 a.m. regarding Conditional Use C26-22, an application from the Niverville Community Fellowship Church (NCF) to allow as a Conditional Use in a RLD-Residential Low Density zone, an existing two-sided LED sign (37 sq. ft. of sign face per side, height of sign will be 10 feet), mounted on a post facing north and south with an illuminated sign cabinet on top displaying the Church name and logo, located in the southwest corner of Lot 16, Block 7 Plan 19956, civically known as 85 2nd Street S. 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.

CAO Eric King noted that this was a renewal application, Conditional Use is to allow for an existing sign to remain on the property, with specs as follows - a two-sided LED sign 37 sq. ft. of sign face per side, height of sign 10 ft. mounted on a post, facing north and south with an illuminated sign cabinet on top displaying the Church name and logo. The location of the sign is in the southwest corner of Lot 16 Block 7 Plan 19956. Background - NCF received a two-year approval for this sign back in September of 2020, and this application is to allow for the continued use of the sign, not the installation of a new sign as the advertising suggests. Recommendation is to approve the Conditional Use to allow the continued use of the existing Church sign, subject to the following conditions:

- 1) That the illumination of the sign be dimmed during the hours between sunset and 10 p.m., with illumination in the range of 4 to 6% allowed between the hours of 10 p.m. and sunrise;
- 2) That the sign have directional light illumination installed on the south side to minimize illumination impact on neighboring properties;
- 3) That the sign location not infringe on the Town's air space;
- 4) That the sign carry no live video, any form of audible broadcast or full motion or animation in the form of a short commercial or video; and
- 5) That the Church shall display public safety broadcasts upon request from the Town of Niverville.

Mr. King noted that these were all original conditions (from the first approval of the sign).

Councillor Wiebe asked if the Church had received any complaints about the sign, to which Mr. Gerald Loeppky, on behalf of the Church stated absolutely none.

Mr. King noted that there was one complaint received from Ms. Evelyn McFarlane of 55 2nd Avenue S., who noted that she doesn't oppose the existing sign as is, except that she opposes the lights being left on 24 hours a day. Ms. McFarlane requested that the lights be turned off at 9:00 p.m., except for Christmas Eve.

Mayor Dyck questioned that instead of the dimming from 4-6%, they wanted complete darkness, to which Mr. King advised he believed so.

There was no other opposition received to the proposal.

The Public Hearing was closed at 9:14 a.m.
