

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on October 1, 2024, at 9:00 a.m. at the Niverville Community Resource and Recreation Centre. Mayor Myron Dyck and Councillors Nathan Dueck, Bill Fast, and Meghan Beasant were in attendance.

- Res#232-24 N. Dueck – B. Fast  
Excuse BE IT RESOLVED that Deputy Mayor Chris Wibe be excused due to a personal commitment.  
“Carried”
- Res#233-24 M. Beasant – B. Fast  
Agenda BE IT RESOLVED that the agenda be approved as presented.  
“Carried”
- Res#234-24 M. Beasant – B. Fast  
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on September 17, 2024, be approved as presented.  
“Carried”
- Res#235-24 N. Dueck – B. Fast  
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 Variance application V14-24 for Sunset Estates.  
“Carried”
- Res#236-24 B. Fast – M. Beasant  
Resume BE IT RESOLVED that the Public Hearing for Variance application V14-24 for Sunset Estates be closed, and Council resume its former order of business (9:05 a.m.).  
“Carried”
- Res#237-24 B. Fast – N. Dueck  
V14-24 WHEREAS a Public Hearing was held regarding Variation application V14-24 an application from Sunset Estates to vary the minimum side yard setbacks from 5 and 15 feet (if no attached garage) or 5 feet (attached garage) to 4 feet (attached or no attached garage) for the following:  
▪ Lots 1-17 Block 1 Plan 69034, civically known as 15 to 55 Gullane Street,  
▪ Lots 18-30 Block 1 Plan 69034, civically known as 199 to 239 Kingshead Road (west side), and  
▪ Lots 1-13 Block 2 Plan 69034 civically known as 10 to 58 Gullane Street;  
AND WHEREAS in accordance with The Planning Act, the Variation application was duly advertised;  
AND WHEREAS there was no opposition received to the proposal;  
THEREFORE BE IT RESOLVED that Variation application V14-24 to vary the minimum side yard setbacks from 5 and 15 feet (if no attached garage) or 5 feet (attached garage) to 4 feet (attached or no attached garage) be approved for the following:  
▪ Lots 1-17 Block 1 Plan 69034, civically known as 15 to 55 Gullane Street,  
▪ Lots 18-30 Block 1 Plan 69034, civically known as 199 to 239 Kingshead Road (west side), and  
▪ Lots 1-13 Block 2 Plan 69034 civically known as 10 to 58 Gullane Street.  
“Carried”

Res#238-24 Table Agenda	M. Beasant – B. Fast 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 application C19-24 for 41089 6 <sup>th</sup> Avenue N.  “Carried”
Res#239-24 Resume	M. Beasant – B. Fast BE IT RESOLVED that the Public Hearing for Conditional Use C19-24 for 41089 6 <sup>th</sup> Avenue N. be closed, and Council resume its former order of business (9:08 a.m.).  “Carried”
Res#240-24 C19-24	N. Dueck – M. Beasant WHEREAS a Public Hearing was held regarding Conditional Use C19-24, an application from Niverville Rocks Landscaping to allow for a landscaping retail and service business on Lot 1 Block 3 Plan 51355, civically known as 41089 6 <sup>th</sup> Avenue N.; 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 Council approves Conditional Use C19-24 to allow for a landscaping retail and service business on Lot 1 Block 3 Plan 51355, civically known as 41089 6 <sup>th</sup> Avenue N. subject to the following condition: 1) That the site area occupied by this business be enclosed by a fence.  “Carried”
Res#241-24 Appoint. Regional Library	N. Dueck – B. Fast BE IT RESOLVED that Council appoints Councillor Meghan Beasant and Warren Britton, Director of Recreation & Wellness, as Niverville’s representatives on the working group to explore the possibility of a regional library.  “Carried”
Res#242-24 Fees/Fines Update	M. Beasant – N. Dueck BE IT RESOLVED that a fee of \$500.00 be added to the Town’s Fees and Fines Schedule for a Temporary Permit fee to obstruct a municipal road, drain or public place (By-law 685-10), and a fine of \$1,000.00 for those who contravene the requirement for a Temporary Permit or the conditions of a Temporary Permit.  “Carried”
Res#243-24 A4-23	M. Beasant – B. Fast BE IT RESOLVED that Council approves an amendment to the Town Surplus Capital Asset Disposal Policy A4-23, copy of which is attached hereto as Schedule “A”.  “Carried”
Res#244-24 SRRWD Appoint.	B. Fast – M. Beasant BE IT RESOLVED that Council appoints Ryan Dyck, Director of Operations, as Niverville’s representative on the Seine Rat Roseau Watershed District board for a one-year term ending November 2025. AND BE IT FURTHER RESOLVED that Eric King, CAO, will serve as the alternate representative in the absence of Ryan Dyck.  “Carried”

Res#241-24  
Accounts

M. Beasant – B. Fast

BE IT RESOLVED that cheque nos. 44685 to 44758, totaling \$219,572.32, be hereby approved for payment.

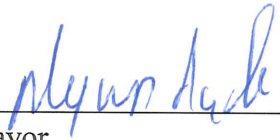
“Carried”

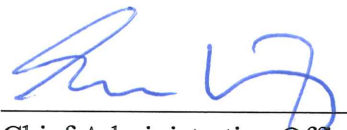
Res#242-24  
Adjourn

M. Beasant – B. Fast

BE IT RESOLVED that the meeting be adjourned. (9:14 a.m.)

“Carried”

  
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Mayor

  
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Chief Administrative Officer

Schedule "A"



Town Of Niverville-Administration

**Policy No. A4-23:** Town Surplus Capital Asset Disposal Policy  
**Effective Date:** December 5, 2023      **Resolution#** 324-23  
**Revision Date:** October 1, 2024      **Resolution#** 243-24

**Part 1: Preamble:**

The purpose of this policy is to establish guidelines for the sale of Town capital assets.

**Part 2: Definitions:**

**Bid** means a competitive bid received from a supplier in response to a verbal or written Request for Quotation, a Request for Proposal, or an Invitation to Tender.

**Bid Opportunity** means a publicly advertised invitation for suppliers to submit bids for the provision of goods or services through a Request for Quotation, a Request for Proposal or an Invitation to Tender.

**Goods** mean all types of personal property (machinery, gravel, land, etc.).

**Services** mean all types of services, including construction (consulting, engineering and design, accounting and auditing services, legal services, maintenance, operation and repair of buildings, machines, or equipment, etc.).

**Part 3: Principles:**

The following principles will guide the process for the sale of Town capital assets:

- An open, fair, and consistent process for the sale of surplus capital assets that will ensure the best value for capital assets sold.
- Accountability of the Town for the disposal of surplus capital assets.
- Town Staff and Council are welcome to submit a bid.
- **Exceptions:**
  - Where surplus land is a land-locked parcel, it may be first offered for sale to the adjacent property owner(s) before offering it for sale to the general public.
  - Where the asset may be disposed of by way of trade-in rather than offering it for sale.
  - Where the asset is given at no cost to a school board or non-profit corporation or association.
  - The CAO may, with the approval of Council, award surplus capital assets without competition or auction to any municipality in limited circumstances, as determined and approved by Council.
  - Where the asset is otherwise not sold or sellable, items may be offered at no charge and advertised as follows:
    - Advertise in Town Newsletter;
    - Local signage;
    - Social Media

- Items not sold, sellable or otherwise useable, may be sold as scrap.

**Part 4: Process For Selling Surplus Capital Assets:**

Surplus capital assets will be disposed of in the following manner:

**A. Surplus Equipment and Land Valued over \$50,000**

- competitive bid process through a Request for Quotations;
- public auction; or
- another method, should value not be achieved through former and latter methods.
- Invitations to bid on capital assets valued over \$50,000 offered for sale by the Town will be:
  - posted on the municipality's website for at least 7 days before the closing date of the invitation to bid.
  - Posted through the Town's "E-News" emails
  - Posted on the Town's Social Media platforms
- Contracts for the sale of a capital asset to a bidder shall be awarded using the evaluation process that is specified in the invitation to bid. The Town is not required to accept a bid if Council decides not to proceed with the sale, for example, if all bids are too low. The highest or any bid will not necessarily be accepted.

**B. Surplus Equipment Valued over \$500 and under \$50,000**

- First or Best Offer
- Offers for Sale to be advertised as follows:
  - Advertise in Town Newsletter;
  - Local Buy & Sell Applications (such as Kijiji or FB or equivalent); or
  - Local signage;



Minutes of a Public Hearing held on October 1, 2024, at 9:02 a.m. regarding Variance application V14-24, an application from Sunset Estates to vary the minimum side yard setbacks from 5 and 15 feet (if no attached garage) or 5 feet (attached garage) to 4 feet (attached or no attached garage) for the following lots:

- Lots 1-17 Block 1 Plan 69034, civically known as 15 to 55 Gullane Street
- Lots 18-30 Block 1 Plan 69034, civically known as 199 to 239 Kingshead Road (west side)
- Lots 1-13 Block 2 Plan 69034 civically known as 10 to 58 Gullane Street.

The proposal was duly advertised as per Section 169 of The Planning Act. Mayor Myron Dyck served as chairperson, with Councillors Nathan Dueck, Bill Fast and Meghan Beasant in attendance.

CAO Eric King advised that is to potentially extend a variance which has been requested to vary the minimum side yard setbacks from 5 and 15 feet (if no attached garage) or 5 feet (attached garage) to 4 feet (attached or no attached garage) for the following lots:

- Lots 1-17 Block 1 Plan 69034, civically known as 15 to 55 Gullane Street
- Lots 18-30 Block 1 Plan 69034, civically known as 199 to 239 Kingshead Road (west side)
- Lots 1-13 Block 2 Plan 69034 civically known as 10 to 58 Gullane Street.

Back in 2020, the Developer had applied for and received approval for the same 4' side yard setbacks, which approval expired on September 1, 2024. This variance, if approved, will re-establish the same minimum 4' side yard setbacks for the same number of lots.

Mayor Myron Dyck questioned whether it dealing with an expiry of what was previously approved, which Mr. King confirmed that it was.

There was no opposition to the proposal.

Councillor Dueck questioned whether there were some properties on Lots 1-17 Gullane, whether it was a four year term that had been done previously, and whether this was dealing with conformity which was already in place.

Mr. King confirmed there were properties already developed , some of which have acted on the variance. The variance was written as a blanket variance for all rather than writing it randomly. He added that the previous variance was for four-year term, it was up to Council whether they wanted to do that again, and that the existing properties that acted upon it were still legit.

Mr. King advised that his recommendation was to make this variance permanent.

The public hearing was closed at 9:05 a.m.

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Minutes of a Public Hearing held on October 1, 2024, at 9:06 a.m. regarding Conditional Use C19-24, an application from Niverville Rocks Landscaping to allow for a landscaping retail and service business on Lot 1 Plan 51355, civically known as 41089 6<sup>th</sup> Avenue N. The proposal was duly advertised as per Section 169 of The Planning Act. Mayor Myron Dyck served as chairperson, with Councillors Nathan Dueck, Bill Fast and Meghan Beasant in attendance.

CAO Eric King advised that this was an application from Niverville Rocks Landscaping for a Conditional Use requesting permission for a landscaping retail and service business at 41089 6<sup>th</sup> Avenue N. 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 Zone is intended to accommodate. The recommendation is to approve the Conditional Use subject to requiring the site area occupied for this business to be enclosed by a fence, which aligns with the current Business Park Design Guidelines for enclosing exterior storage.

There was no opposition to the proposal.

Councillor Nathan Dueck questioned where this was located, and whether this property was a Condo and they would be part of the Condo.

Mr. King advised that it was the old Mountain View Building now owned by Heritage Lane (Builders), and the business would be located in the rear. He confirmed that the property is condo-ized and they would be part of it.

The public hearing was closed at 9:08 a.m.

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