

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on July 15, 2014 at 7:00 p.m. In attendance were Deputy Mayor John Funk and Councillors Myron Dyck, John Falk and Angela Janz.

Res#210-14 A. Janz – M. Dyck
Agenda BE IT RESOLVED that the agenda be approved as presented subject to the following addition:
Motions and By-laws: By-law 739-14 – first reading
“Carried”

Res#211-14 M. Dyck – A. Janz
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on June 17, 2014 and a special meeting held on July 8, 2014 be approved as presented.
“Carried”

A Public Hearing was held at 7:05 p.m. regarding By-law No. 735-14, to hear reasons for and against a re-zoning proposal to amend the Town’s Zoning Bylaw 663-08 for an area generally described as being Lots 1 & 2 of Plan 50391 and Lots 19-22 (inclusive) of Block 6, Plan 19956 WLTO from “R1” Single Family Residential to “R2” Two Family Residential.

The Public Hearing was adjourned at 7:30 p.m. with no objections received. Concerns and comments brought forward are attached hereto as Schedule “A”.

Res#212-14 A. Janz – J. Falk
Heritage Trail WHEREAS the Town of Niverville has duly tendered for Heritage Trail road
Reconstruction reconstruction with the lowest tender being submitted by Borland Construction;
AND WHEREAS Heritage Trail is being developed as a main artery road (access/egress) to the Heritage Centre, including medical and personal care home; THEREFORE BE IT RESOLVED that the road reconstruction contract for Heritage Trail be awarded to Borland Construction in the amount of \$368,520 plus applicable taxes.
“Carried”

Res#213-14 A. Janz – M. Dyck
Prairie Trail WHEREAS the Town of Niverville has duly tendered for Prairie Trail road
Reconstruction reconstruction between 2nd Street North and Prairie Crossing with the lowest tender being submitted by Borland Construction;
AND WHEREAS Prairie Trail is being developed as a main artery from Main Street to the Prairie Crossing development; THEREFORE BE IT RESOLVED that the road reconstruction contract for Prairie Trail be awarded to Borland Construction in the amount of \$155,220.00 plus applicable taxes;
AND BE IT FURTHER RESOLVED that if possible and deemed reasonable, that the second lift of asphalt be delayed to such later date that may be mutually agreed upon.
“Carried”

A Public Hearing was held at 7:45 p.m. to hear reasons for and against a re-zoning proposal being By-law No.736-14 to amend the Town’s Zoning Bylaw 663-08 for an area generally described as being Lots 1 & 2 of Plan 52450 WLTO from “R3” Multiple Family Residential to “R1” Single Family Residential. No

objections were received as it was understood that this By-law is a procedural matter to cancel By-law No.713-12 and the development agreement attached thereto, and provide a setting for consideration of By-law No.737-14. This process was developed in consultation with the Town solicitor and Community Planning officials to ensure residents would have all the rights afforded under the Planning Act of Manitoba.

A Public Hearing was held at 7:46 p.m. to hear reasons for and against a rezoning proposal being By-law No.737-14, a by-law to amend the to amend the Town's Zoning Bylaw 663-08 for an area generally described as being Lots 1 & 2 of Plan 52450 WLTO from "R1" Single Family Residential to "R3" Multiple Family Residential. The Public Hearing was adjourned at 8:30 p.m. with minutes of the meeting attached hereto as Schedule "B".

Council concurred to the following:

- i. That a meeting with CIS executive regarding arena rink improvements be arranged for either August 13 or 14, 2014 at 5:00 p.m. or such time in the late afternoon as soon thereafter; and
- ii. That following discussions with MAFRD, that the public hearing relating to the annexation of certain lands to the Town of Niverville will proceed for August 26, 2014 at 7:00 p.m.

Res#214-14 M. Dyck – J. Falk

Rail Crossing Study WHEREAS Council is concerned that any long term plans for developmental growth north of Main Street include railway crossings to facilitate vehicle and pedestrian traffic from the east side of Town to the proposed Community Campus;
AND WHEREAS proposals have been obtained from two engineering firms specializing in railway transportation studies;
THEREFORE BE IT RESOLVED that the consulting contract for the preparation of a Rail Crossing Transportation Study be awarded to the MMM Group in the amount of \$7800.00 plus applicable taxes.

“Carried”

Res#215-14 A. Janz – M. Dyck

Authorize BE IT RESOLVED that members of Council be authorized to attend a CDEM meeting to be held at the Town offices on August 21, 2014 at 7:00 p.m.

“Carried”

Res#216-14 M. Dyck – J. Falk

Accounts BE IT RESOLVED that cheques nos. 30997 to 31039 in the amount of \$89,885.82 are hereby approved for payment.

“Carried”

Res#217-14 M. Dyck – J. Falk

Financial BE IT RESOLVED that the June 30, 2014 financial statement be accepted as presented.

“Carried”

Res#218-14 A. Janz – M. Dyck

BL 739-14 BE IT RESOLVED that By-law No. 739-14, a by-law to acquire land for a public walkway through a consent expropriation, be given first reading.

“Carried”

- Res#219-14 M. Dyck – J. Funk
BE IT RESOLVED that decisions on By-laws Nos. 736-14 and 737-14 be tabled to the August 19, 2014 regular council meeting.
“Carried”
- Res#220-14 M. Dyck – A. Janz
BL 735-14 WHEREAS during the Public Hearing held for By-law No. 735-14, minutes of
2nd Reading which are hereto attached, no objections were received to the rezoning of area generally described as being Lots 1 & 2 of Plan 50391 and Lots 19-22 (inclusive) of Block 6, Plan 19956 WLTO from “R1” Single Family Residential to “R2” Two Family Residential;
AND WHEREAS Council is confident that the concerns raised are valid and will be addressed through the Administrative Review and Development Agreement process into which any new development and/or redevelopment must enter with the Town of Niverville;
THEREFORE BE IT RESOLVED that By-law No. 735-14, being a by-law to amend By-law No. 663-08, as amended be given second reading.
“Carried”
- Res#221-14 A. Janz – J. Falk
In Camera BE IT RESOLVED that in accordance with Section 152(3) of the Municipal Act, that Council meet as committee of the whole in camera.
“Carried”
- Res#222-14 A. Janz – m. Dyck
Resume BE IT RESOLVED that the meeting of the committee of the whole be adjourned;
AND BE IT FURTHER RESOLVED that Council, while in committee of the whole discussed matters that are in its preliminary stages and respecting which long terms plans for the development of the community.
AND BE IT FURTHER RESOLVED that Council, while in committee of the whole discussed matters relating to Edge Business Solutions, a company owned by Councillor John Falk, who having introduced the topic, was excused for the balance of the committee of the whole meeting.
“Carried”
- Res#223-14 A. Janz – M. Dyck
Adjourn BE IT RESOLVED that the meeting be adjourned. (10:57 p.m.)
“Carried”

Deputy Mayor

CAO

SCHEDULE A

Minutes of a Public Hearing regarding a rezoning proposal under the Town of Niverville Zoning By-law No. 663-08, as amended, to re-zone Lots 1 & 2, Plan 50391 and Lots 19, 20, 21, 22 & 23, Block 6, Plan 19956 (civically known as 135, 141, 147, 153, 165 3rd Street South & 127 4th Avenue South from “R1” Single Family Residential to “R2” Two Family Residential. All member of Council were present with Deputy Mayor John Funk serving as chairperson. CAO Jim Buys provided an overview of the proposal.

1. Jason Alguire, 152 3rd Street South - concerned about increased traffic, change in character of the neighborhood. Inquired about the lots across the street being a different zone and wondered on the reasoning. Jim Buys provided more clarification on planning of the zones.
2. Amanda Dumont, 153 3rd Street South – inquired if senior housing was considered for development. No issue if rezoned to R2
3. Janine Bucholz, 147 3rd Street South – concerned with amount of traffic, privacy and that the “feel” of the neighbourhood will change. Asked why it wasn’t public sooner.

SCHEDULE B

Minutes of a Public Hearing regarding a re-zoning application from 6416897 Manitoba Ltd. to re-zone Lots 1 & 2, Plan 52450, civically known as 6 & 12 2nd Street South, from “R3” Multiple Family Residential to “R1” Single Family Residential. As well, a Public Hearing regarding a re-zoning application from 6416897 Manitoba Ltd. to re-zone Lots 1 & 2, Plan 52450, civically known as 6 & 12 2nd Street South, from “R1” Single Family Residential to “R3” Multiple Family Residential. All member of Council were present with Deputy Mayor John Funk serving as chairperson. CAO Jim Buys provided an overview of the proposal.

1. Darryll & Elaine Kehler, 20 2nd Street S. - in addition to their concerns raised in 2012 – a rental property is not compatible with the neighbourhood and would like to see it rezoned to R2.
2. John Braun, 9 2nd Street S. – agreed that a duplex would be a good option for the property.
3. Gerald Friesen, Developer provided details on the changed building proposal from a 12 unit, 2 story condo to an 18 unit, raised 2 story with basement apartment building. The direction of the building was changed to increase privacy to surrounding properties. Also noted that parking is adequate and that there are plans for road and sidewalk upgrades. Commented that renters aren't bad people, they just can't afford to purchase and maintain a home.
4. Elaine Kehler, 20 2nd Street S. – spoke on behalf of Nikki (neighbor), advised that Nikki had been in contact with a realtor and was advised that her property value would go down.
5. Henry Friesen, 3 Linden Place – commented that if tenants are treated well, they tend to stay longer
6. Ferd Klassen, 49 2nd Street S. – questioned the height of the building and privacy.
7. Nikki Rendall, 15 2nd Street S. – commented that she had contacted a realtor and that they had also told her that if she was considering selling, that she should do it before the building is built. Also, commented that the apartment building on 1st Street South has been changed to condominiums and asked if this would happen again here. Concerned about traffic as she has already witnessed drag racing on her street and has even been hit.
8. Darryll Kehler, 20 2nd Street S. – commented that renters are much different than home owners.
9. Elizabeth Braun, 9 2nd Street S. – commented that there already is so much rental property.

Meeting ended at 8:30 pm