

## TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on September 16, 2014 at 7:00 p.m. In attendance were Deputy Mayor John Funk and Councillors Myron Dyck, John Falk and Angela Janz.

Res#259-14 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#260-14 M. Dyck – A. Janz  
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 personnel and development matters that are in its preliminary stages and respecting which long terms plans for the development of the community.  
“Carried”

Deputy Mayor John Funk on behalf of Town Council and Anil Kumar on behalf of the Niverville Chamber of Commerce were pleased to award the Volunteer Appreciation Award for the month of September to Abe & Katherine Unger. The Ungers are currently volunteering their time with MCC, their church and Gimli Bible Camp. Abe is also on the Niverville Funeral Aid board of directors and supervises cleanup. In the past, the Ungers have volunteered their time with Service to Seniors, Adult Day Care and the Helping Hands Food Bank.

Res#261-14 A. Janz – M. Dyck  
Agenda BE IT RESOLVED that the agenda be approved subject to a change in the order of items presented.  
“Carried”

Res#262-14 A. Janz – J. Funk  
BL 736-14 WHEREAS in 2012 Lots 1 and 2, Plan 52450 (civically known as 6 & 12 2<sup>nd</sup>  
Defeated Street S.) were rezoned from “R1” (Single Family Residential Zone) to “R3” (Multiple Family Residential Zone) subject to a specific Development Agreement setting out terms and conditions for the proposed building;  
AND WHEREAS the Developer had since determined that the original Development Agreement was not in keeping with the current community residential requirements and had requested that the Development Agreement be revised;  
AND WHEREAS to respect and ensure the integrity of the planning process and citizens right of appeal to the Manitoba Municipal Board as per The Planning Act, Town Council is required to repeal the zoning change and enact a new bylaw as a two-step process, being By-laws 736-14 and 737-14;  
AND WHEREAS citizens have had an opportunity to review the proposal and have expressed concerns regarding the Developer’s building proposal;  
AND WHEREAS Council determined that the revised proposal was not in the community’s best interest from a planning perspective due to density and parking concerns;  
THEREFORE BE IT RESOLVED that By-law No. 736-14, a by-law to amend by-law No. 663-08, is hereby defeated.  
“Carried”

In Favor: J. Funk, J. Falk, M. Dyck, A. Janz

Res#263-14 A. Janz – M. Dyck  
BL 737-14 WHEREAS to respect and ensure the integrity of the planning process, By-law No. 736-14 was defeated thereby making proposed By-law No. 737-14 inadmissible for consideration;  
THEREFORE BE IT RESOLVED By-law No. 737-14, a by-law to amend by-law No. 663-08, is hereby withdrawn.

“Carried”

Res#264-14 M. Dyck – J. Falk  
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on September 2, 2014 are approved as presented.

“Carried”

A Variation Hearing was held at 7:05 p.m. regarding variation application V9-14, a request by Tim Harder for permission:

- i. to increase the accessory building maximum limit from 75% to 97% of the primary use,
- ii. to reduce the distance between the proposed structure and the primary structure from 10 feet to a maximum of 7 feet; and
- iii. to increase the roof height from 20 feet to a height of 20’3” (determined at the midpoint of the roof rise), for Lot 6, Block 10, Plan 19955, civically known as 234 1<sup>st</sup> Street N.

Tim Harder provided clarification to the proposal and there were no concerns brought forward by the public.

Res#265-14 A. Janz – J. Falk  
V9-14 Harder WHEREAS variation application V9-14 was received from Tim Harder for permission to vary the accessory building maximum limit to 97% of the primary use; to vary the distance between the proposed structure and the primary structure to a maximum of 7 feet; and to vary the roof height to allow for a height of 20’3” (determined at the midpoint of the roof rise) for Lot 6, Block 10, Plan 19955, civically known as 234 1<sup>st</sup> Street N.;  
AND WHEREAS the variation application was duly advertised and there were no concerns brought forward;  
THEREFORE BE IT RESOLVED that variation application V9-14 from Tim Harder for permission to vary the accessory building maximum limit to 97% of the primary use; to vary the distance between the proposed structure and the primary structure to a maximum of 7 feet; and to vary the roof height to allow for a height of 20’3” (determined at the midpoint of the roof rise) for Lot 6, Block 10, Plan 19955, civically known as 234 1<sup>st</sup> Street N. be approved as presented.

“Carried”

Res#266-14 J. Falk – A. Janz  
Excused BE IT RESOLVED that Deputy Mayor John Funk be excused for the balance of the meeting due to a personal commitment.

“Carried”

Res#267-14 A. Janz – J. Falk  
Chair BE IT RESOLVED that Councillor Myron Dyck assume the chair in Deputy Mayor John Funk’s absence.

“Carried”

Peter Hiebert, a resident of 66 2<sup>nd</sup> Avenue North made a presentation to Council with flood proofing suggestions for resident’s consideration. His ideas will be included in future articles to be placed on the Town’s website.

Vince Harder of 17 Beaumont Circle presented a petition to Council to install a crosswalk on Hampton Drive South between Fifth Avenue South and Ellington Drive/Kirkdale Drive. This crosswalk is being requested to improve safety for pedestrians by ensuring that vehicles stop and give priority to the pedestrians crossing the street. Council concurred to bring this request to the Community Operations Committee for their review and recommendation.

Res#268-14 J. Falk – A. Janz  
BL 734-14 WHEREAS with second reading of By-law No. 731-14 legislative action has been  
3<sup>rd</sup> Reading initiated to create an “R3” Multiple Family Zone on Lots 24-27, Block 6, Plan  
19956;  
AND WHEREAS the majority of residents in Block 6, Plan 19956 owning large  
residential lots either facing 3<sup>rd</sup> or 4<sup>th</sup> Avenues South have indicated an interest in  
having their lots rezoned from “R1” Single Family Residential Zone to “R3”  
Multiple Family Residential Zone;  
AND WHEREAS Council in accordance with The Planning Act of Manitoba  
deems it in the expedient to amend By-law 663-08 to create additional “R3”  
Multiple Family Residential Zones;  
THEREFORE BE IT RESOLVED that By-law No. 734-14, a by-law to amend  
By-law No. 663-08 to re-zone from “R1” Single Family Residential Zone to “R3”  
Multiple Family Residential Zone Lots 9-16, Block 6, Plan 19956, civically  
known as 63,71, 79, 87, 93, 103, 113, 121 4<sup>th</sup> Avenue S. and Lots 27-30, Block 6,  
Plan 19956 civically known as 56, 60, 76, 78 3<sup>rd</sup> Avenue S., be given third  
reading, passed subject to the following condition:  
i. that an amendment be made to Zoning by-law No. 663-08 that  
requires all “R3” construction to be conditional and requiring the  
landowner to enter into a Development Agreement with the Town.  
“Carried”  
In Favor: J. Falk, M. Dyck, A. Janz  
Absent: J. Funk

Res#269-14 A. Janz – J. Falk  
Added Taxes BE IT RESOLVED that in accordance with Section 326 of The Municipal  
Act, supplementary taxes as provided by the Manitoba Assessment Services dated  
September 8, 2014 be hereby added to the Tax Roll.  
“Carried”

Res#270-14 A. Janz – J. Falk  
Feedback BE IT RESOLVED that Council supports an administrative policy that provides  
Policy for responses to the Town’s [feedback@whereyoubelong.ca](mailto:feedback@whereyoubelong.ca) email inquiry to be  
completed within 2 business days.  
“Carried”

Res#271-14 A. Janz – J. Falk  
WOL WHEREAS the 2010 Development Agreement between the Town of Niverville  
Amendment and the Word of Life Church (Church) specifies that the Church will limit  
access/egress to the parking lot located on part of Lot 19 and all of Lot 18, Plan  
8773 to one point of access/egress on Lot 19, being not closer than approximately  
120 feet from the easterly limits of Lot 18, Plan 8773;  
AND WHEREAS the Church has proposed that the 2010 Development  
Agreement be amended to place the responsibility of constructing a barrier to  
limit access/egress to the parking lot located on part of Lot 19 and all of Lot 18,  
Plan 8773 to one point of access/egress on Lot 19, being not closer than  
approximately 120 feet from the easterly limits of Lot 18, Plan 8773 from the  
Church to the Town;  
AND WHEREAS the Church in lieu of the requirement to install a barrier is  
offering to provide an unconditional grant of \$5,000.00 which the Town will use  
at its discretion to construct a barrier on the public road allowance;  
THEREFORE BE IT RESOLVED that Council approves and authorizes an  
amendment to the 2010 Development Agreement with the Church to remove the  
requirement for the Church to install a barrier and in lieu of will provide a

\$5,000.00 unconditional grant which the Town will use at its discretion to create a barrier on the public road allowance that complete the terms of the Agreement.  
“Carried”

Res#272-14 A. Janz – J. Falk  
Water Rate Study Amendment WHEREAS a water rate study is being prepared for the Public Utilities Board by consultant Dale Lyle;  
AND WHEREAS in order to encourage environmental sustainability through water conservation, Council wishes to amend the water rate study to provide consideration for a two-step rate structure which would assess a higher rate for high water users, high volume residential users to be defined by the consultant and the Manitoba Public Utilities Board;  
THEREFORE BE IT RESOLVED that the water rate study being prepared for Town for presentation to the Manitoba Public Utilities Board be amended to include a two-step rate structure which would assess a higher residential rate for high volume water users;  
AND BE IT FURTHER RESOLVED that the consultant’s fee for the water rate study be augmented by \$1,000 to reflect the study amendment.  
“Carried”

Res#273-14 J. Falk – M. Dyck  
NCFC Amendment WHEREAS the Niverville Community Fellowship Church (NCFC) has requested an amendment to the Development Agreement to permit additional time for the construction of a privacy fence;  
AND WHEREAS Council deems the requests to be reasonable;  
THEREFORE BE IT RESOLVED that Council amend the 2013 Development Agreement with NCFC as follows:  
i. Para. 2(iii) – change date for fence installation from September 30, 2014 to October 31, 2014; and  
ii. That Para 2(iii) – be further amended to permit a private fencing agreement between Greg Fehr & Associates and NCFC to have the fence constructed on the west property line of Lot 13, Block 7, Plan 19956 by June 30, 2015.  
“Carried”

Res#274-14 A. Janz – M. Dyck  
Authorize BE IT RESOLVED that Council and/or staff members are authorized to attend the Revised Recycling Strategy Consultation to be held at the Norwood Hotel in Winnipeg on September 18, 2014.  
“Carried”

Res#275-14 M. Dyck – J. Falk  
Accounts BE IT RESOLVED that cheques nos. 31202 to 31256 in the amount of \$274,748.89 are hereby approved for payment.  
“Carried”

Res#276-14 A. Janz – M. Dyck  
C.S. Policy BE IT RESOLVED that Council approves the revised Community Services Policy No. CS1-14 for Facility Rental Rates as stated in Schedule “A”, attached hereto.  
“Carried”

Res#277-14 A. Janz – M. Dyck  
C.S. Policy BE IT RESOLVED that Council approves Community Services Policy No. CS2-14 for Equipment Rental Rates as stated in Schedule “B” attached hereto.  
“Carried”

Res#278-14 J. Falk – A. Janz  
Photocopier WHEREAS the Administrative office is requiring a replacement of their 6 year old Xerox photocopier;  
AND WHEREAS following due research with various firms, Administration staff have recommended that the Town purchase a Ricoh MP C5503 photocopier from Milne Office Systems at a cost of \$13,396.32 plus GST;  
THEREFORE BE IT RESOLVED that Council authorizes the purchase of a Ricoh MP C5503 photocopier from Milne Office Systems at a cost of \$13,396.32 plus GST for the Administration office, with reserve funds from the Administrative Office Building and Equipment Fund (\$13396.32).  
“Carried”

Res#279-14 A. Janz – J. Falk  
Finance BE IT RESOLVED that Council approves Finance Policy No. F1-14 for Tax  
Policy Levy Start Date for new construction as stated in Schedule “C”, attached hereto.  
“Carried”

Res#280-14 A. Janz – J. Falk  
Adjourn BE IT RESOLVED that the meeting be adjourned. (8:18 p.m.)  
“Carried”

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Deputy Mayor

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CAO

## SCHEDULE A



### TOWN OF NIVERVILLE-COMMUNITY SERVICES

<b>POLICY NO. CS1-14:</b>	<b><u>Facility Rental Rates</u></b>	
<b>EFFECTIVE DATE:</b>	<b><u>May 20, 2014</u></b>	<b>RESOLUTION# <u>163-14</u></b>
<b>REVISION DATE:</b>	<b><u>September 16, 2014</u></b>	<b>RESOLUTION# <u>276-14</u></b>

The following represents the Facility Rental Rates currently in effect:

#### GENERAL:

- a. Contracts are required to be completed for all bookings
  - i. Special contracts for multiple or seasonal bookings
  - ii. Casual contracts for one-time bookings
- b. Prepayment is required for all casual contract bookings
- c. First come-First Serve rule applies to all bookings
- d. Definitions:
  - i. Booking means: contract signed with definite date (non-tentative) chosen, casual bookings must be prepaid.
  - ii. Local means Majority of team are Niverville residents or business owners.
  - iii. Day means 8am to 10pm
  - iv. Non-prime time ice rental defined as Sunday morning prior to 12:00 noon and evening rental after 9:30 p.m.
  - v. Event means a two day tournament or playoff weekend.
  - vi. First come-First serve means the first group or individual to book the facility has exclusive use of the facility.

#### FACILITIES:

1. Hespeler Park Fields
  - a. Community Organizations such as soccer, baseball, rugby, and beach volleyball - \$15/ player plus GST for the regular season.
  - b. Local Day Rentals & /Tournaments including reserved use of the picnic shelter - \$150/ day plus GST plus actual costs for any special services, including staff time and equipment and/or equipment required for the preparation or hosting of the event or tournament.
  - c. Non-local Day Rentals & Tournaments \$250/day plus GST including reserved use of the picnic shelter - \$150/ day plus GST plus actual costs for any special services, including staff time and equipment and/or equipment required for the preparation or hosting of the event or tournament.
  - d. Use of the hydro connection in circle drive is a flat fee of \$20/day plus GST.
2. Circle Drive Green space
  - a. Use of the hydro connection in circle drive is a flat fee of \$20/day plus GST.
3. Hespeler Park Picnic Shelter
  - a. Per Day Booking \$100 plus GST
  - b. Per 4 hour block booking \$60 plus GST
  - c. No booking, first come – first serve \$0 (no charge)
  - d. Rentals during Fair Weekend do not include picnic tables.
  - e. Tournament use – see 1b

4. Niverville Centennial Arena
  - a. Youth hockey - \$95.00/hr. plus GST
  - b. Adult local ice rental - \$125/hr. plus GST
  - c. Non local prime time ice rental - \$150/hr. plus GST
  - d. Non-prime time non local ice rental - \$125/hr. plus GST (Public skating \$2/person or \$5/family GST included.

The following ice cancellation policy is implemented:

- a. Special Contract ice rental (including CIS, Recreational children's hockey, Jr. and Sr. Clippers (if applicable), Lady Clippers, Ringette and GTHL)- No cancellations for weekdays (Monday thru Friday) and four weeks prior written notice for weekend (Saturday and Sunday) cancellations.
  - b. Casual contract ice – no cancellations
  - c. Town of Niverville retains its right to cancel ice rental contract times and agreements due to arena closure.
5. South End Rooms
    - a. South end Hall only - \$25/hour plus GST
    - b. South end Hall only - \$100/day plus GST
    - c. South end Hall and Grounds - \$150/Day plus GST
    - d. South End Hall - No additional charge for CIS, Baseball, Soccer, Rugby group paying regular season fees. Cleaning fees may apply if group does not clean up after event. See contract terms. First come first serve bookings still apply.
    - e. South end Committee room - \$20/hour plus GST also see Policy CS1-13
6. Curling Rink
    - a. Ice only - \$10/sheet/hour plus GST. Minimum fee \$75 plus GST
    - b. Basement only - \$25/hour plus GST
    - c. Basement only - \$65/day plus GST
    - d. Basement & Ice – minimum fee of \$100/event plus GST
7. Off-Leash Dog Park  
No charge
8. RV Campground
    - a. No charge. Service includes 110-power only. No water provided. Sewer dumping allowed at Lagoon.
    - b. No booking required, first come-first serve.
9. Hampton Park
    - a. The Town will not be renting out or reserving the amphitheatre at Hampton lakes for special events or private functions. The amphitheatre together with the immediate adjacent park is designed for full public access and enjoyment.

**SCHEDULE B**



**TOWN OF NIVERVILLE-COMMUNITY SERVICES**

**POLICY NO. CS2-14:**      **Equipment Rental Rates**

**EFFECTIVE DATE:**      **September 16, 2014**      **RESOLUTION# 277-14**

**REVISION DATE:**      \_\_\_\_\_      **RESOLUTION# \_\_\_\_\_**

The following represents the Equipment Rental Rates currently in effect:

	<b>Fee</b>	<b>Deposit per item</b>
GPS	\$0	\$40
Pedometers	\$0	\$15
Snowshoes	\$0	\$40
Disc Golf Nets	\$10	\$50
Shuffle Board (pair)	\$10	\$50
Bean Bag Toss	\$5	\$20
Bocce Set	\$5	\$30
Football	\$1	\$10
Basketball	\$1	\$10

Plastic Bowling Set	All games in this section:	\$20
Parasheets		\$10
Pylons	5 games for \$15	\$1
Bars for Pylons	9 games for \$20	\$25/12
Potato Sacks		\$1
Fitness Dice		\$12/set
Ring Toss		\$15
Lawn Toss		\$10
String Balls		\$10
Horseshoes		\$10
Egg & Spoon set		\$10
Pizza Toss		\$20/6
Rubber Chickens		\$10
Velcro Catch		\$15
Bean Bags		\$20/12
Skipping Ropes		\$2

GST is included in all rental fees. Rental contracts are required for each rental. (one rental may include multiple items).

Deposits are required for lost items or damage beyond normal wear. Normal wear is determined at the Town's discretion.



## SCHEDULE C



### TOWN OF NIVERVILLE-FINANCE

**POLICY NO. F1-14:**            **TAXATION LEVY START DATE**  
**EFFECTIVE DATE:**        **September 16, 2014**            **RESOLUTION# 279-14**  
**REVISION DATE:**        \_\_\_\_\_            **RESOLUTION# \_\_\_\_\_**

**Background:** Each year the Manitoba Assessment Branch officials provide the Town with a list of Property Assessment changes. Assessment changes can be the result of a new subdivision of property, buildings having been added or removed, deck added or removed, basement finishes and renovations, essentially anything that changes the value of the property. The Assessment Branch provides the Town with the current and new assessed value for the Town to calculate and prepare an added tax bill or credit based on the change in value. The Assessment Branch provides an estimated date of the start of the change, but leaves the decision on when taxation on the change begins.

Niverville Council concludes taxation on added assessments:

1. New Builds
  - a. Single Family Residence – taxation start date based on move in date. Provide 1 month grace as follows: A move-in date of 1-10<sup>th</sup> of the month – taxation begins the following month; A move-in date of the 11<sup>th</sup> – 31<sup>st</sup> of the month, taxation begins the 2<sup>nd</sup> month after move-in.
  - b. Multi-unit Rental building – taxation start date for each building is based on the date the first unit is occupied. Grace period as per new house applies.
  - c. New (spec.) Homes that are unoccupied past one full year - Taxation begins January 1<sup>st</sup> of the second full year after building completion.
2. Demolitions  
The tax reduction starts the first day of the month of demolition.
3. Other additions
  - a. Completed additions - Taxation begins the first day of the month following the date of completion. Use the Assessment Branch date of assessment where provided or contact the homeowner.  
If homeowner says work was already done when they bought the house:
    - i. prior year purchase: taxation begins January 1 current year
    - ii. current year purchase: taxation begins on possession date
  - b. Incomplete additions – The assessment would be a partial assessment. Taxation begins with the date the assessment was done, if provided or date available for use as provided by owner.