

## TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on December 6, 2016 at 9:00 a.m. at the Niverville Heritage Centre. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

Res#321-16 K. Stott – C. Wiebe  
Agenda BE IT RESOLVED that the agenda be approved subject to the following addition:  
10 c. Re-schedule Board of Revision

“Carried”

Res#322-16 N. Dueck – J. Funk  
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on November 15, 2016 be approved.

“Carried”

Res#323-16 K. Stott – J. Funk  
Interim Well WHEREAS the Town’s water engineer has recommended the limited development of a 8” well located immediately south of the Spruce Drive WTP to serve on an interim basis as a supplementary support to the existing principal wells until a new water field can be brought on stream;  
AND WHEREAS these costs have been approved as part of the Manitoba Water Services Board (MWSB) Agreement with the Town and will be cost shared on a 50/50 basis;  
AND WHEREAS this proactive work will provide assurance to the community that the 2017 water consumption requirements under all circumstances can be met by the Spruce Drive WTP;  
THEREFORE BE IT RESOLVED that Council on the recommendation of the Town’s water engineer, authorizes the limited development of the 8” well located immediately south of the Spruce Drive WTP at an estimated cost of \$50,000, cost of which will be shared equally with the MWSB.

“Carried”

A Public Hearing was held at 9:06 a.m. to hear reasons for and against a re-zoning application from Sunset Estates Limited to rezone Drover’s Run 9 –hole golf course from “R1” *Single Family Residential Zone* to “OS” *Parks and Open Space*; rezone that portion of the driving range currently zoned “R1” *Single Family Residential Zone* to “C2A” *Restricted Highway Commercial*; and rezone the Clubhouse and parking area from “C2A” to OS”. CAO Jim Buys provided an overview of the proposal. There was no opposition brought forward to the proposal.

Res#324-16 N. Dueck – C. Wiebe  
BL 767-16 WHEREAS Sunset Estates Ltd. by way of Agreement with the Town  
2<sup>nd</sup> Reading Niverville has requested permission for rezoning of certain areas of the Drover’s Run golf course to reflect the reality of Sunset’s golf course development, being a private venture;  
AND WHEREAS the areas to be rezoned include the following:  
1) The Drover’s Run developed 9-Hole Golf Course being rezoned from “R1” *Single Family Residential Zone* to “OS” *Parks and Open Space*; and  
2) That portion of the driving range currently zoned “R1” *Single Family Residential Zone* being rezoned to “C2A” *Restricted Highway Commercial* which is in keeping with the zoning of majority of the Driving Range; and  
3) The club house and parking area rezoned from “C2A” to “OS”;

THEREFORE BE IT RESOLVED that By-law 767-16, a by-law to amend By-law 663-08, as amended is given second reading.

“Carried”

Res#325-16 J. Funk – C. Wiebe  
BL 767-16 WHEREAS Sunset Estates Ltd. by way of Agreement with the Town  
3<sup>rd</sup> Reading Niverville has requested permission for rezoning of certain areas of the Drover’s Run golf course to reflect the reality of Sunset’s development, being a private venture;  
AND WHEREAS the areas to be rezoned include the following:  
1) The Drover’s Run 9-Hole Golf Course being rezoned from “R1” Single Family Residential Zone to “OS” Parks and Open Space; and  
2) That portion of the driving range currently zoned “R1” Single Family Residential Zone being rezoned to “C2A” Restricted Highway Commercial which is in keeping with the majority of the Driving Range; and  
3) The club house and parking area rezoned from “C2A” to “OS”;  
THEREFORE BE IT RESOLVED that By-law 767-16, a by-law to amend By-law 663-08, as amended is given third reading and passed.

“Carried”

In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck

A Public Hearing was held to hear reasons for and against an application from Sunset Estates for the Town to close portions of Public Reserves A and B in Block 2, Plan 55833. This application to close portions of the public reserves is requested to permit development of additional commercial properties along Drover’s Run. CAO Jim Buys provided an overview of the proposal. There was no opposition brought forward.

Res#326-16 J. Funk – N. Dueck  
BL 768-16 WHEREAS portions of Public Reserves A and B in Plan 55833 WLTO within  
2<sup>nd</sup> Reading NE ¼ 25-7-3 E.P.M., being legally described as “*all those portions of Public Reserves A and B, Plan No. 55833 WLTO, contained within the limits of Parcels B, C and D on the said Plan, (Dep. 1356-2016) WLTO in the NE 1/4 Section 25, Township 7, Range 3 EPM,*” require closure in accordance with The Planning Act of Manitoba in order to provide for the development of a planned commercial development along Old Drover’s Run;  
AND WHEREAS Council is of the opinion that the closure of the described Public Reserve lands is in the public interest, with Public Reserve B to be sold to the owner of Lot 2 and Public Reserve A to be sold to Sunset Estates excluding all mines and minerals;  
THEREFORE BE IT RESOLVED that Council gives second reading to Bylaw 768-16 to close portion of the Public Reserves A and B in Plan 55833 WLTO within NE ¼ 25-7-3 E.P.M.

“Carried”

Res#327-16 K. Stott – J. Funk  
BL 768-16 WHEREAS portions of Public Reserves A and B in Plan 55833 WLTO within  
3<sup>rd</sup> Reading NE ¼ 25-7-3 E.P.M., being legally described as “*all those portions of Public Reserves A and B, Plan No. 55833 WLTO, contained within the limits of Parcels B, C and D on the said Plan, (Dep. 1356-2016) WLTO in the NE 1/4 Section 25, Township 7, Range 3 EPM,*” require closure in accordance with The Planning Act of Manitoba in order to provide for the development of a commercial development along Old Drover’s Run;  
AND WHEREAS Council is of the opinion that the closure of the described Public Reserve lands is in the public interest, with Public Reserve B to be sold to

the owner of Lot 2 and Public Reserve A to be sold to Sunset Estates excluding all mines and minerals;

THEREFORE BE IT RESOLVED that Bylaw 768-16 to close portions of the Public Reserves A and B in Plan 55833 WLTO within NE ¼ 25-7-3 E.P.M. be given third reading and passed.

“Carried”

In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck

A Public Hearing was held to hear reasons for and against an application from Sunset Estates for the Town to close a portion of Tweed Lane, in Block 2, Plan 55833. This application to close a portion of Tweed Lane is requested to permit the development of additional commercial properties along Drover’s Run. Tweed Lane is proposed to end in a cul-de-sac with access/egress to Krahn Road either directly or along Dochart Gate. CAO Jim Buys provided an overview of the proposal. There was no opposition brought forward.

Res#328-16 C. Wiebe – J. Funk  
BL 769-16 BE IT RESOLVED that Bylaw 769-16, a bylaw for the purpose of closing a  
2<sup>nd</sup> Reading portion of Tweed Lane, Plan 55833, WLTO in the NE ¼ of 25-7-3 EPM, be given  
second reading.

“Carried”

Res#329-16 K. Stott – N. Dueck  
BL 769-16 BE IT RESOLVED that Bylaw 769-16, a bylaw for the purpose of closing a  
3<sup>rd</sup> Reading portion of Tweed Lane, Plan 55833, WLTO in the NE ¼ of 25-7-3 EPM, be given  
third reading and passed.

“Carried”

In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck

Res#330-16 J. Funk – K. Stott  
Show Home WHEREAS the Town of Niverville acknowledges the importance that show  
Policy F5-16 homes have for residential builders in marketing the community;  
AND WHEREAS Council in recognition of these benefits, desires to provide an  
incentive grant beyond its current taxation policy of not beginning taxation on  
unoccupied “spec” homes until the second full year after building completion;  
AND WHEREAS Council believes that this incentive policy will encourage the  
construction of show homes with marketing opportunities for both the builder and  
the community at large;  
THEREFORE BE IT RESOLVED that Council approves Show Home Policy F5-  
16, a strategy providing an incentive grant to residential builders attached hereto  
as Schedule “A”.

“Carried”

Mayor Dyck commented that information from Council’s 2017 Planning Session will be forthcoming in the near future. He also noted that Council members will be attending the State of the Province address later this week as well as various Christmas get-togethers sponsored by neighbouring municipalities.

Res#331-16 K. Stott – J. Funk  
Accounts BE IT RESOLVED that cheque nos. 34431 to 34507 totalling \$637,157.85 be  
hereby approved for payment.

“Carried”

Res#332-16 K. Stott – J. Funk  
BL 770-16 WHEREAS General Borrowing Bylaw 712-12 was issued to provide authorization to borrow an amount not exceeding One Million Dollars (\$1,000,000) to address moderate erosion at the sewage lagoon by repairing and armouring the dikes with rip rap, with funds to be raised annually by a special utility fee as provided by the Public Utilities Board on all user properties within the Town;  
AND WHEREAS the financing for the riprap repairs was accomplished by means of a 3-year phased in cash payment from the sewer reserve, thereby not requiring the borrowing bylaw to be engaged;  
THEREFORE BE IT RESOLVED that Bylaw 770-16, a bylaw authorizing the cancellation of Bylaw 712-12 which authorized borrowing authority for sewage lagoon repairs, be given first reading.

“Carried”

Res#333-16 N. Dueck – C. Wiebe  
Penalty WHEREAS clarification is desirable for the residents of Niverville and Town  
Cancellation staff in order to comprehend the restrictions on Council’s authority to  
Policy cancel/remove penalties on property tax or utility accounts;  
THEREFORE BE IT RESOLVED that Council approves Penalty Cancellation Policy F6-16; a policy providing clarification on Council’s authority to cancel/remove penalties on property tax or utility accounts, copy of which is attached hereto as Schedule “B”.

“Carried”

Res#334-16 J. Funk – K. Stott  
BOR BE IT RESOLVED that the Board of Revision will be re-scheduled to December  
Rescheduled 20, 2016 at 7:05 p.m. to accommodate residents who will be presenting supporting documentation for their application.

“Carried”

Res#335-16 C. Wiebe – N. Dueck  
Appointments BE IT RESOLVED that the 2017 Council committee and board appointments be accepted as presented, copy of which is attached hereto as Schedule “C”.

“Carried”

Res#336-16 N. Dueck – C. Wiebe  
Adjourn BE IT RESOLVED that the meeting be adjourned. (9:54 a.m.)

“Carried”

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Mayor

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Town Manager

**SCHEDULE “A”**



**TOWN OF NIVERVILLE-FINANCE**

**POLICY NO. F5-16:**                    **SHOW HOME POLICY**  
**EFFECTIVE DATE:**                **December 6, 2016**                    **RESOLUTION# 330-16**  
**REVISION DATE:**                \_\_\_\_\_                    **RESOLUTION# \_\_\_\_\_**

Background: The Town of Niverville acknowledges the importance show homes have for residential builders in marketing their products within the community. The opportunity for prospective buyers to walk-thru a furnished model is an industry proven approach in the promotion of the sale of new residential lots and similar type residences.

In acknowledgment of these benefits Niverville Council desires to provide an incentive grant beyond its current policy of taxation not beginning on unoccupied spec homes until the second full year after building completion (*See Policy F1-14 for additional details*). The Show Home grant’s purpose is to encourage the construction of show homes marketing both the builder’s opportunity and the community at-large. In essence, the grant, which will be calculated based on the new building’s assessment, will provide for a limit of five years, with a reduced general municipal tax (*see Municipal Tax definition on the subject property*).

An overview of the application process is as follows: The property owner will be required to pay the current property tax invoice in full prior to the property tax deadline (currently September 30<sup>th</sup>). The Town will review the grant application, identify the general Municipal Tax portion of the bill, and process the application accordingly by October 31<sup>st</sup>. Where the new assessment is captured through an added tax bill, the Town will require payment in full and process the application within 30 days following the Added Tax due date.

The grant applicant is required to hold (*see Hold definition below*) a minimum of five (5) serviced available lots for each type of show home. The home builder and/or their subsidiary company are limited to one show home per category (*see Show Home Categories definition*).

**Terms & Conditions:**

1. Grant pertains to the annual general municipal portion of the Show Home’s taxes being levied in any one full calendar year.
2. LIDs fees, Utility fees, Education Tax and Land Tax will not be eligible for a grant under this program.
3. Applicant must provide annually proof of efforts to sell lots/construct residences when payment of property taxes occurs. Proof could include but not limited to MLS listing showing sale price and days on market.
4. The home must be fully furnished (including kitchen, bathrooms, and room furniture). Exterior of property must be fully finished as well (including landscaped / sodded yard, and hard surfaced driveway). The home must be properly maintained in a first class state.

5. Homes cannot be occupied. Should the residence be lived in and a grant received, the grant must be returned to the Town and be removed from future eligibility of this policy.
6. Applications for a grant may be made at the time building permit application is made with the Town. Once construction is completed, it is recommended the property owner contact the Town and confirm intention is to continue with property being a Show Home.

Definitions:

- A) **Show Home:** is a residence that is fully built and furnished and not occupied other than for display purposes, to market buildings of similar style/type for a property owner.
- B) **Hold:** the property owner must be the registered owner of five lots for a single intended type of show home category; to be considered as part of program the lots must be actively for sale via a reputable method such as real estate agent websites or realtor.ca. The lots may be in various states (empty, partially developed or fully serviced).
- C) **Municipal Tax:** each property will be granted back a portion of municipal general taxes after the property owner has paid the taxes in full prior to the property tax due date.
- D) **Show Home Categories:** for the purpose of eligibility there are four categories of homes that a home builder can apply under (limit of one per category per property owner):
  - Duplex
  - Single Detached
  - Multi-Unit – Town house
  - Multi-Unit – Apartment condo / Life Lease
- E) **Local Improvement District (LIDs):** all show homes are expected to pay in full the applicable LIDs fees on their properties; this amount is associated with the land and will not be considered for grant eligibility.
- F) **Education Tax:** the school tax levy for the Hanover School Division is a mandated fee collected by, the Town on behalf of the school division. Therefore these taxes will not be considered for grant eligibility.
- G) **Land Tax:** the property owner will be required to pay the taxes levied on the value of the land.
- H) **Application process:**
  - i) Applicant registers building permit with Town.
  - ii) Building permit approved by Town.
  - iii) Applicant obtains building permit from Town Office; must request application form for the Show Home Grant and note intent to use property as Show Home on building permit as well. (Process in place to avoid grants issued for property's that cannot sell.)
  - iv) Applicant completes and returns application form with supporting documentation to Town Office.
  - v) Upon substantial construction completion and Assessment Branch completing its review, and following the expiry of Policy F1-14, the Town activates the application, reviews current status of all tax and utility accounts made by titleholder.
  - vi) Town approves/denies request and provides basis for decision
  - vii) IF:
    - a. Approved – Town will contact Applicant to work out details of the Letter of Agreement. Town will provide approved grant within thirty days after tax deadline given full payment has been made by the titleholder of the property tax statement;
    - b. Denied – Applicant has option to request review by Council; must submit letter to Council within fifteen (15) days of notice of denied application with reasoning for additional consideration.

SCHEDULE "B"



TOWN OF NIVERVILLE-FINANCE

<b>POLICY NO. F6-16:</b>	<b><u>PENALTY CANCELLATION POLICY</u></b>	
<b>EFFECTIVE DATE:</b>	<b><u>December 6, 2016</u></b>	<b>RESOLUTION# <u>333-16</u></b>
<b>REVISION DATE:</b>	_____	<b>RESOLUTION# _____</b>

**Purpose:** To provide further clarity to the residents of Niverville and the staff within the Town office of the restrictions on the abilities to cancel / remove penalties on a person's property tax or utility account.

**Rules:** As per 346(2) of the Municipal Act  
*A Council may by by-law*

- a) Set a rate, subject to any limitation prescribed by the minister by regulation, at which penalties may be imposed in respect of tax arrears; and*
- b) Impose penalties at that rate.*

Therefore the Municipal Act does not provide the powers to Council and staff to cancel tax penalties or utility penalties for any reason.

A resident has the right to appeal to Council however it is beyond their powers to cancel penalties for late payment of tax and utility payments. Therefore, cancellation of any penalties other than clerical errors where penalties have been applied incorrectly, technically, cannot be approved by Council or staff.

Further, as per Section 343(1), should taxes in respect of a property or business be paid under protest and the assessment roll is later amended by way of recommendation by the Manitoba Assessment Branch to reflect a reduction in the assessed value for the year in respect of which the taxes were paid, the refund must be paid with interest on the excess taxes paid.

Section 343(2) states:

*No person is entitled to the repayment of amounts paid on account of taxes except under the circumstances described in subsection 343(1).*

*(While historically any changes to the Tax Roll were enacted by Council through a Tax Cancellation By-law, the current edition of the Municipal Act allows for this decision by Council through a resolution passed during a regular open Council meeting)*

**SCHEDULE “C”**

**TOWN OF NIVERVILLE  
COUNCIL ORGANIZATION – DECEMBER 6, 2016**

**Deputy Mayor** – John Funk

**Niverville Community Development Corporation**

Myron Dyck – President

Directors – John Funk, Chris Wiebe, Kevin Stott, Nathan Dueck

Treasurer – Dawn Penner

Secretary – G. Jim Buys

**NRT Municipal Broadband**

Myron Dyck – President

**Niverville Business Park Inc.**

Chris Wiebe – President

Directors – Myron Dyck, John Funk, Kevin Stott, Nathan Dueck

**Niverville Recreation Committee**

John Funk – President

Directors – Myron Dyck, Chris Wiebe, Kevin Stott, Nathan Dueck

**Seine Rat River Conservation District**

Kevin Stott - member

John Funk – alternative delegate

**Community Futures Triple R Development**

Greg Fehr – member

Myron Dyck – alternative delegate

**Council Committee**

Myron Dyck – Chairperson

Spokesperson for:

Recreation - John Funk

Residential Development – Chris Wiebe

Business Development – Chris Wiebe

Operations – Kevin Stott

Administration/Finance/Protective – Myron Dyck

Communications Liaison (website/marketing) – Nathan Dueck

Medical Services – Nathan Dueck

**Board of Revision**

Myron Dyck – Chairperson

Jim Buys – Secretary