

## TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on December 4, 2018 at 9:00 a.m. at the Niverville Heritage Centre. In attendance were Mayor Myron Dyck, Deputy Mayor John Funk and Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

- Res#383-18 N. Dueck – K. Stott  
Agenda BE IT RESOLVED that the agenda be approved as presented. “Carried”
- Res#384-18 J. Funk – K. Stott  
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on November 20, 2018 be approved as presented. “Carried”
- Res#385-18 C. Wiebe – J. Funk  
Table BE IT RESOLVED that the Council meeting agenda be tabled and that  
Agenda Council sit in accordance with *The Planning Act* to hold the Public Hearing for Conditional Use application C20-18; to allow Tyler Schroeder to operate a restaurant take out and delivery business (Nivervilles Pizzeria) on Lot 23 Block 1 Plan 59619, civically known as Unit 2A - 40 Drovers Run. “Carried”
- Res#386-18 C. Wiebe – K. Stott  
Resume BE IT RESOLVED that the Public Hearing for Conditional Use application C20-18 be closed and Council resume its former order of business (9:08 a.m.) “Carried”
- Res#387-18 N. Dueck – J. Funk  
C20-18 WHEREAS a Public Hearing was held regarding Conditional Use C20-18, an application from Tyler Schroeder to operate a restaurant take out and delivery business (Nivervilles Pizzeria) on Lot 23 Block 1 Plan 59619, civically known as Unit 2A - 40 Drovers Run;  
AND WHEREAS the application was duly advertised;  
AND WHEREAS there was no opposition received to the proposal;  
THEREFORE BE IT RESOLVED that Conditional Use application C20-18, an application from Tyler Schroeder to operate a restaurant take out and delivery business (Nivervilles Pizzeria) on Lot 23 Block 1 Plan 59619, civically known as Unit 2A - 40 Drovers Run be approved as presented. “Carried”
- Res#388-18 N. Dueck – C. Wiebe  
Table BE IT RESOLVED that the Council meeting agenda be tabled and that  
Agenda Council sit in accordance with *The Planning Act* to hold the Public Hearing for Conditional Use application C18-18 and Variation application V9-18; to allow for a Planned Unit Development (60 dwelling units) in a R3 Multiple Family Residential Zone along with several variations on Lots 12, 13, 14 Block 6 Plan 19956, civically known as 87,93 and 103 4<sup>th</sup> Avenue S. “Carried”

Res#389-18 J. Funk – C. Wiebe  
Resume BE IT RESOLVED that the Public Hearing for Conditional Use application C18-18 and Variation application V9-18 be closed and Council resume its former order of business (10:01 a.m.)

“Carried”

Res#390-18 C. Wiebe – N. Dueck  
Table BE IT RESOLVED that Council tables a decision on Conditional Use application  
Decision C18-18 and Variation application V9-18 until more information can be gathered on the proposal.

“Carried”

Councillor Stott abstained from the vote due to an indirect pecuniary interest.

Res#391-18 J. Funk – C. Wiebe  
Table BE IT RESOLVED that the Council meeting agenda be tabled and that  
Agenda Council sit in accordance with *The Planning Act* to hold the Public Hearing for Conditional Use application C22-18; to allow for a coffee shop (Negash Coffee Ltd.) to operate on Lot 23 Block 1 Plan 59619, civically known as Unit 2B – 40 Drovers Run.

“Carried”

Res#392-18 J. Funk – K. Stott  
Resume BE IT RESOLVED that the Public Hearing for Conditional Use application C22-18 be closed and Council resume its former order of business (10:09 a.m.)

“Carried”

Res#393-18 J. Funk – N. Dueck  
C22-18 WHEREAS a Public Hearing was held regarding Conditional Use C22-18, an application from Henok Negash to operate a coffee shop business (Negash Coffee Ltd.) on Lot 23 Block 1 Plan 59619, civically known as Unit 2B - 40 Drovers Run;  
AND WHEREAS the application was duly advertised;  
AND WHEREAS there was no opposition received to the proposal;  
THEREFORE BE IT RESOLVED that Conditional Use application C22-18, an application from Henok Negash to operate a coffee shop business (Negash Coffee Ltd.) on Lot 23 Block 1 Plan 59619, civically known as Unit 2B - 40 Drovers Run be approved as presented.

“Carried”

Res#394-18 C. Wiebe – K. Stott  
Table BE IT RESOLVED that the Council meeting agenda be tabled and that  
Agenda Council sit in accordance with *The Planning Act* to hold the Public Hearing for Variation application V10-18; to allow for an additional 45 sq. ft. of sign face on the approved free-standing sign on Lot 23 Block 1 Plan 59619, civically known as 40 Drovers Run.

“Carried”

Res#395-18 C. Wiebe – J. Funk  
Resume BE IT RESOLVED that the Public Hearing for Variation application V10-18 be closed and Council resume its former order of business (10:16 a.m.)

“Carried”

Res#396-18 C. Wiebe – J. Funk  
V10-18 WHEREAS a Public Hearing was held regarding Variation V10-18, an application from Ray Dowse on behalf of Westside Properties Inc. to allow for an additional 45 sq. ft. of sign face on the approved free-standing sign on Lot 23 Block 1 Plan 59619, civically known as 40 Drivers Run;  
AND WHEREAS the application was duly advertised;  
AND WHEREAS there was no opposition received to the proposal;  
THEREFORE BE IT RESOLVED that Variation V10-18, an application from Ray Dowse on behalf of Westside Properties Inc. to allow for an additional 45 sq. ft. of sign face on the approved free-standing sign on Lot 23 Block 1 Plan 59619, civically known as 40 Drivers Run be approved as presented.

“Carried”

Res#397-18 C. Wiebe – K. Stott  
Award BE IT RESOLVED that following the Town’s due tendering process, that the  
Contract contract for the design of the Community Resource Centre/High School Parking Lot and Land Drainage System be awarded to WSP Canada Inc., who submitted the lowest bid of \$17,500.00 (plus applicable taxes).

“Carried”

Res#398-18 K. Stott – J. Funk  
Extension WHEREAS under The Planning Act [110(1)], an applicant must take steps to  
C2-18 establish the use authorized by the conditional use order within 12 months of the date of the decision;  
AND WHEREAS Council may extend this deadline for an additional period not longer than 12 months if an application is received before the deadline when the order expires;  
AND WHEREAS an application was received from Pete and Rose Friesen on November 26, 2018 for a one-year extension to Conditional Use permit C2-18 (166/180 Main Street) originally approved on April 3, 2018;  
THEREFORE BE IT RESOLVED THAT Council approves the request to extend Conditional Use permit C2-18 for 166/180 Main Street to April 3, 2020, thus requiring the applicant to take the required steps to establish the use authorized by the conditional use order prior to April 3, 2020.

“Carried”

Res#399-18 J. Funk – K. Stott  
Appoint WHEREAS the terms of appointment to leadership positions within the Niverville  
Fire Exec. Fire & Emergency Services have expired for Keith Bueckert, Brad Wasilinchuk and Stan Hiebert;  
THEREFORE BE IT RESOLVED that Council re-appoints Keith Bueckert as Fire Chief for a one-year term beginning January 1, 2019.  
AND BE IT FURTHER RESOLVED that Council re-appoints Brad Wasilinchuk and Stan Hiebert as Deputy Fire Chiefs for a one-year term beginning January 1, 2019.

“Carried”

Mayor Dyck extended his appreciation to the Fire Executive for their leadership that they deliver to the Town in their respective roles. He also noted the following highlights that came out of Council’s Planning Session that was held on November 30 and December 1:

- Proposed projects for 2019:
  - o Beginning to pave 6<sup>th</sup> Avenue South

- Construction of the Hespeler Park / Splash Pad playground (2 year project)
- Purchase of Rescue 1 (previously announced in November)
- Plan to move into new Town Office in April 2019
- Expansion of Parking at South-end of Hespeler Park
- Set aside funds to work with CP Rail on a Pedestrian Crossing
- Continued plans for construction of the Niverville Community Resource Centre pending funding agreements with the Province of Manitoba and Government of Canada. If grant is received, focus will be given to sidewalk development in the area.
- A move to begin replacing the aging sewer system in the original sections of Niverville with both new sewer and roads, which is set to commence in 2020 and complete every second year in replacing a couple blocks of sewer and roads each construction season.

Res#400-18 K. Stott – C. Wiebe  
 Accounts BE IT RESOLVED that cheque nos. 36909 to 36943 totalling \$195,579.75 be hereby approved for payment.

“Carried”

Res#401-18 N. Dueck – J. Funk  
 BL 802-18 BE IT RESOLVED that Bylaw 802-18, being a Council remuneration bylaw,  
 2<sup>nd</sup> Reading is given second reading subject to the addition of the following clauses:  
 3.(e) - which provides pre-authorization for Council members to attend a maximum of six (6) out of Town meetings per year related to business conducted on behalf of Council portfolios, subject to approval by either the Mayor or CAO; and  
 6. - which provides for an annual reimbursement of \$150 for members of Council who use their personal device for reading and editing digital files or alternately, the Town will provide a device that allows for the reading and editing of digital files. Eligibility will be determined by the CAO based on the current standards used within the municipal Town office.

“Carried”

Res#402-18 C. Wiebe – J. Funk  
 BL 802-18 BE IT RESOLVED that Bylaw 802-18, being a Council remuneration bylaw,  
 3<sup>rd</sup> Reading is given third reading and passed.

“Carried”

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

Res#403-18 K. Stott – C. Wiebe  
 BL 803-18 BE IT RESOLVED that Bylaw 803-18, being a Staff remuneration bylaw,  
 2<sup>nd</sup> Reading is given second reading.

“Carried”

Res#404-18 J. Funk – C. Wiebe  
 BL 803-18 BE IT RESOLVED that Bylaw 803-18, being a Staff remuneration bylaw,  
 3<sup>rd</sup> Reading is given third reading and passed.

“Carried”

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

Council took a recess to meet with the press and discuss development matters (10:32).

Council resumed their former order of business at 12:02 p.m.

Res#405-18 J. Funk – C. Wiebe

C18-18 WHEREAS a Public Hearing was held regarding Conditional Use application  
V9-18 C18-18 and Variation application V9-18, to allow for a Planned Unit  
Development (60 dwelling units) in a R3 Multiple Family Residential Zone along  
with variations on Lots 12, 13, 14 Block 6 Plan 19956, civically known as 87,93  
and 103 4<sup>th</sup> Avenue S.;

AND WHEREAS the variations requested for Lots 12, 13, 14 Block 6 Plan 19956  
were as follows:

- Vary front yard setback from 30 ft. to 27 ft.
- Vary Rear yard setback from 25 ft. to 15 ft.
- Vary Fence height on side and rear yards from 6 ft. to 6 ft. 6 in.
- Vary Fence height maximum in front yards for the side fence to front  
property line from 2 ft. 6 in. to 5 ft.
- Vary Fence height maximum in front yard for step down fence, ranging  
from 2 ft. 6 in. to 5 ft.
- Vary Parking requirement from 120 spaces to 103 spaces
- Vary requirement to designate 4 handicap parking spaces as there are  
currently 42 parking spaces meeting 10 ft. width requirement
- Allow garbage/recycling and Canada Post mailboxes (accessory uses) in  
front yard
- Vary private roadways (aisles) from 25 ft. width to 22 ft. width

AND WHEREAS the application was duly advertised;

AND WHEREAS there was opposition received to the proposal noting concerns  
regarding traffic, parking, pedestrian safety, parking layout, size of development,  
schools, taxes, devaluation, glut of condos, density and greenspace;

THEREFORE BE IT RESOLVED that Conditional Use application C18-18 and  
Variation application V9-18, to allow for a Planned Unit Development (60  
dwelling units) in a R3 Multiple Family Residential Zone along with variations  
requested on Lots 12, 13, 14 Block 6 Plan 19956, civically known as 87,93 and  
103 4<sup>th</sup> Avenue S. be denied as presented.

“Carried”

Councillor Stott abstained from the vote due to an indirect pecuniary interest.

Res#406-18 N. Dueck – C. Wiebe

Adjourn BE IT RESOLVED that the meeting be adjourned. (12:03 p.m.)

“Carried”

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Mayor

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Chief Administrative Officer