

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on March 20, 2018 at 7:00 p.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#79-18
Agenda N. Dueck – K. Stott
BE IT RESOLVED that the agenda be accepted subject to the following addition:
10 B. NES/NCI Ice Rental Rate/Rebate
“Carried”
- Res#80-18
Minutes J. Funk – K. Stott
BE IT RESOLVED that the minutes of the regular Council meeting held on March 6, 2018 be approved as presented.
“Carried”
- Res#81-18
Extension C1-17 N. Dueck – C. Wiebe
WHEREAS under The Planning Act [110(1)], an applicant must take steps to 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 on March 6, 2018 to extend the Conditional Use permit for 71 4th Avenue S. originally approved on March 7, 2017;
THEREFORE BE IT RESOLVED THAT Council approves the request to extend the Conditional Use permit for 71 4th Avenue S. originally approved on March 7, 2017, which requires the applicant to take steps to establish the use authorized by the conditional use order within 12 months of the date of the decision.
“Carried”
- Res#82-18
Award Contract N. Dueck – C. Wiebe
BE IT RESOLVED that following the Town’s due tendering process, that the contract for 4th Avenue and Main Street Sidewalk Rebuild (2018) be awarded to Armada Construction, who submitted the lowest bid of \$136,400.00 plus applicable taxes.
“Carried”
- Res#83-18
Public Hearing Financial J. Funk – C. Wiebe
BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with the Municipal Act to hear Public Hearing for Bylaw No. 790-18; a bylaw to adopt the 2018 Financial Plan.
“Carried”
- Res#84-18
Resume C. Wiebe – K. Stott
BE IT RESOLVED that the Public Hearing for Bylaw 790-18 be closed and Council resume its former order of business (7:10 p.m.)
“Carried”
- Res#85-18
Public Hearing N. Dueck – J. Funk
BE IT RESOLVED that the Council meeting agenda be tabled and that

BL 789-18 Council sit in accordance with the Planning Act to hear Public Hearing for Bylaw No. 789-18; a bylaw to change the zoning from "R1" Single Family Residential Zone to "R2" Two Family Residential Zone on the area generally described as Lots 69-78, Plan 53344.

"Carried"

Res#86-18 N. Dueck – C. Wiebe
Resume BE IT RESOLVED that the Public Hearing for Bylaw 789-17 be closed and Council resume its former order of business (7:36 p.m.)

"Carried"

Res#87-18 N. Dueck – C. Wiebe
BL 789-18 WHEREAS the developer has provided a balanced proposal from an urban planning perspective for the rezoning of Lots 69-78 from R1 to R2 Residential Zones and has sought to mitigate resident's concerns regarding lake front residential development;
AND WHEREAS the community has overwhelmingly indicated that it would be their preference to maintain Lots 69-78, Plan 53344 as single family homes in keeping with the original design of the development;
AND WHEREAS Council deems it in the best interest of the community to maintain the current residential zoning classification;
THEREFORE BE IT RESOLVED THAT Bylaw 789-18, a bylaw to rezone the area generally described as Lots 69-78, Plan 53344 from "R1" Single Family Residential Zone to "R2" Two Family Residential Zone, civically known as Breckenridge Drive is defeated.

"Carried"

Mayor Dyck advised that Council has decided not to proceed with the initiative to plant bulrushes by the lakes in Fifth Avenue Estates.

Res#88-18 J. Funk – C. Wiebe
Extension BE IT RESOLVED that Council approve a request from Peter Braun for an
Security extension to the final inspection deadline thereby allowing for an application to be
Deposit submitted for the refund of the security deposit for 161 Church Avenue (original permit date July 18, 2014).
AND BE IT FURTHER RESOLVED that the final inspections for 161 Church Avenue must be completed and the request for any eligible refund submitted to the Town Administration office prior to September 28, 2018 or deposit will be deemed forfeited.

"Carried"

Res#89-18 C. Wiebe – J. Funk
WHEREAS the Government of Canada through its Standing Committee on Public Safety and National Security has been instructed to undertake a study on rural crime in Canada and consider factors, including but not limited to: (i) current rural crime rates and trends; (ii) existing RCMP and other policing resources and policies in rural, remote, and Indigenous communities, particularly in relation to population density, policing geographic area, and staff shortages; (iii) current partnerships with provincial and municipal police; (iv) possible recommendations to improve rural crime prevention and to curb emerging crime rates, and that the committee report its findings to the House within six months of the adoption of this motion;
AND WHEREAS on the Canadian prairies with its sparse population base and limited policing service has in recent months experienced a serious escalation in

certain types of criminal activity and due to police service limitations, citizens have what appears to have been duly left unprotected;
THEREFORE, BE IT RESOLVED that the Niverville Council supports the Government of Canada through its Standing Committee on Public Safety and National Security to undertake a serious review of rural crime in Canada, specifically in rural Western Canada with the goal of bringing forward recommendations for proactive policing services leading to protection of citizens of rural western Canada.

“Carried”

Res#90-18
Accounts

N. Dueck – C. Wiebe
BE IT RESOLVED that cheque nos. 36007 to 36044 totalling \$253,540.19 be hereby approved for payment.

“Carried”

Res#91-18
2018 FP

K. Stott – C. Wiebe
BE IT RESOLVED that Council gives first reading to Bylaw 790-18, a bylaw to adopt the 2018 Financial Plan.

“Carried”

Res#92-18
2018 FP

C. Wiebe – J. Funk
BE IT RESOLVED that Council gives second reading to Bylaw 790-18, a bylaw to adopt the 2018 Financial Plan.

“Carried”

Res#93-18
Award
Contract

C. Wiebe – J. Funk
BE IT RESOLVED that following the Town’s due tendering process, that the 2018 Gravel Contract be awarded to Centennial Gravel, who submitted the lowest bid of \$81,735.29 plus applicable taxes.

“Carried”

Res#94-18
Ice Rental

C. Wiebe – N. Dueck
WHEREAS a request was received from the Niverville Elementary School (NES) to secure ice time at no cost to support a day of health and exercise for students; AND WHEREAS in 2017 Council approved a reduced ice rental rate for NES in the amount of \$40/hour plus GST;
THEREFORE BE IT RESOLVED that abiding by the 2017 precedent, that NES be charged a reduced rental rate of \$40/hour plus GST for ice time on March 22, 2018.
AND BE IT FURTHER RESOLVED that in keeping with the reduced ice rental rate for NES, that Niverville Collegiate (NCI) be granted the same reduced rate for their March 8, 2018 rental, with any difference owing due to prepayment to be refunded to NCI.

“Carried”

Res#95-18
Adjourn

N. Dueck – J. Funk
BE IT RESOLVED that the meeting be adjourned. (7:53 p.m.)

“Carried”


Mayor


Town Manager

Minutes of the Public Hearing held on March 20, 2018 at 7:10 p.m. regarding the Re-zoning application from Fifth Avenue Estates to rezone Lots 69-78, Plan 53344 from "R1" Single Family Residential Zone to "R2" Two Family Residential Zone. The proposal was duly advertised as per Section 168 of The Planning Act. Mayor Myron Dyck served as chairperson, with all members of Council in attendance. There were 24 residents who signed in for the meeting noting that they were opposed to the re-zoning proposal.

1. Clint Hiebert, spokesperson on behalf of Fifth Avenue Estates made a presentation to Council noting the following;
 - a) This re-zoning proposal is substantially different from the previous re-zoning proposal, as this one is limited to the inside 10 lot portion of Breckenridge Drive;
 - b) Driveways will incorporate 3 full parking spaces per unit;
 - c) Large back yards with average rear yard being 42' from building to property line;
 - d) Unit size will be 1,430 sq. ft., with total building size of 2,860 sq. ft.;
 - e) Design elements such as stone on the exterior exceed the Design Controls for these lots;
 - f) There are several egress points for the small amount of increased traffic flow for the area;
 - g) Proposed idea and design are in keeping with the area and Provincial land use policies;
 - h) There is no data showing any negative impact on property values of residences in proximity to a 2-unit residential home; and
 - i) Developer complied with Council's directives to dialogue with the public, however, no residents came forward to speak with the Developer regarding their concerns.
2. Alexander (Sandy) Wallace of 36 Claremont Drive registered his opposition to the proposal and submitted a petition with 184 signatures of area residents who were also in opposition. Mr. Wallace's concerns regarding the proposal rezoning were that the existing homes had been developed based on the information provided and that the Developer had not yet completed other items such as walking paths and aeration pumps.
3. Clinton Phillips of 107 Breckenridge Drive indicated that the points supporting opposition to the proposal had already been made.
4. Jacqueline Choptuik of 16 Errington Place wants all houses to be the same and commented that the lots will sell if they look good.
5. Sandra Blanchette of 13 Alders Gate indicated that the points supporting opposition to the proposal had already been made.
6. Carol Kaminiski of 105 Breckenridge Drive indicated that the points supporting opposition to the proposal had already been made.
7. Gary Kaminiski of 105 Breckenridge Drive indicated that all the points supporting opposition to rezoning in this area had already been made at the previous Public Hearing and that undeveloped areas are not being finished (eg. aeration, fencing) and maintained (grass cutting).
8. The following residents indicated that the points supporting opposition to the proposal had already been made:
 - Liette Weir of 26 Claremont Drive
 - Lynne Michaud of 8 Errington Way
 - Justin Plett of 19 Kingsley Gate

Craig Ervick of 25 Denby Cove
Jason Schellenberg of 14 Kingsley Gate
Mona Biladeau of 111 St. Andrew's Way

9. Les Wallace of 111 St. Andrew's Way indicated that Council made a decision 6 months ago and they should advise the developer/deny the request.
10. Jody Groening of 2 Errington Place indicated that the points supporting opposition to the proposal had already been made.
11. Mary Wilson of 88 Claremont Drive indicated that the points supporting opposition to the proposal had already been made.
12. Victoria Petrenko of 121 Breckenridge Drive noted that area residents had already made up their mind about rezoning during the previous proposal and had no reason to change their opinion.
13. The following residents indicated that the points supporting opposition to the proposal had already been made:
 - Doug Wilson of 88 Claremont Drive
 - Marvin Hiebert of 119 Breckenridge Drive
 - Karl Reimer of 15 Alders Gate
14. Mayor Dyck noted that written letters of opposition were received from the following:
 - a) Darren Laurie (dated February 22, 2018)
 - b) Rachel & Allen Pritchard (dated March 11, 2018)
 - c) Cameron and Betty Calder (dated March 19, 2018)
 - d) Christopher Mitchell (dated March 20, 2018)

Concerns noted from residents included parking, traffic, aesthetics, density, expectations for "R1" zoning exclusivity and possible impact on property value.

The Public Hearing was closed at 7:36 p.m.