

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on November 6, 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#341-18 Agenda	K. Stott – J. Funk BE IT RESOLVED that the agenda be approved subject to the following additions: 9 g) Bylaw 794-18 Development Plan 3 rd Reading 10 a) Deposit on Rescue 1 Vehicle 10 b) Award Contract – 2019 Flower Tender 10 c) Niverville Chamber of Commerce – Sign Request <p style="text-align: right;">“Carried”</p>
Res#342-18 Minutes	N. Dueck – C. Wiebe BE IT RESOLVED that the minutes of the regular Council meeting held on October 16, 2018 be approved as presented. <p style="text-align: right;">“Carried”</p>
Res#343-18 Table Agenda	J. Funk – N. Dueck BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with the Planning Act to hold the Public Hearing for Variation application V8-18; to vary the site width from 65 feet to a range of 40 to 43.5 feet, minimum site area from 8,000 sq. ft. to a range of 6,004 to 6,521 square feet and side yards from 5 feet to 4 feet for 7 lots under Community Planning File No. 4340-18-7999, Pt. Lot 2, Block 3, Plan 44819 and Block 6 Plan 44819, civically known as 199, 201, 203, 205, 207, 209 and 211 St. Andrews Way. <p style="text-align: right;">“Carried”</p>
Res#344-18 Resume	N. Dueck – C. Wiebe BE IT RESOLVED that the Public Hearing for Variation application V8-18 be closed and Council resume its former order of business (9:06 a.m.) <p style="text-align: right;">“Carried”</p>
Res#345-18 V8-18	J. Funk – N. Dueck WHEREAS a Public Hearing was held for Variation Application V8-18 an application from Sunset Estates to vary the site width from 65 feet to a range of 40 to 43.5 feet, minimum site area from 8,000 sq. ft. to a range of 6,004 to 6,521 square feet and side yards from 5 feet to 4 feet for 7 lots under Community Planning File No. 4340-18-7999, Pt. Lot 2, Block 3, Plan 44819 and Block 6 Plan 44819, civically known as 199, 201, 203, 205, 207, 209 and 211 St. Andrews Way AND WHEREAS this variation order is requested to permit the construction of single family housing; AND WHEREAS the application was duly advertised and there were no concerns brought forward; THEREFORE BE IT RESOLVED that Variation Application V8-18 from Sunset Estates to vary the site width from 65 feet to a range of 40 to 43.5 feet, minimum site area from 8,000 sq. ft. to a range of 6,004 to 6,521 square feet and side yards from 5 feet to 4 feet for 7 lots under Community Planning File No. 4340-18-7999, Pt. Lot 2, Block 3, Plan 44819 and Block 6 Plan 44819, civically known as 199, 201, 203, 205, 207, 209 and 211 St. Andrews Way be approved as presented. <p style="text-align: right;">“Carried”</p>

Res#346-18 Authorize	C. Wiebe – N. Dueck BE IT RESOLVED that Council authorizes an Operations staff member to attend the World of Asphalt Conference in Indianapolis, IN on February 12-14, 2019. "Carried"
Res#347-18 Authorize	C. Wiebe – J. Funk BE IT RESOLVED that either the Mayor, Deputy Mayor or Chief Administrative Officer are authorized to declare a state of emergency for the entire or part of the municipality that is affected or likely to be affected by a major emergency or disaster. "Carried"
Res#348-18 Temporary Signage	J. Funk – K. Stott WHEREAS a request was received from Kristina Gerbrandt for the placement of temporary signage (sandwich board) at 227 Main Street during the hours when a Pop-Up Shop is open on Saturdays and Sundays; THEREFORE BE IT RESOLVED that Council approves a request for temporary signage (sandwich board) at 227 Main Street subject to the following conditions: i. That the sandwich board sign (4 ft x 2 ft) only be posted during the hours that the Pop-Up Shop is open and removed at the end of each day; ii. That the sign be posted on private property only; iii. That this permission is granted for a three-month term ending January 31, 2019; and iv. That the sign notes the authorizing resolution number. "Carried"
Res#349-18 PD5-15	C. Wiebe – J. Funk BE IT RESOLVED that Council approves an amendment to Security Deposit Policy PD5-15, copy of which is attached hereto as Schedule "A". "Carried"
	Mayor Dyck noted that he enjoyed the recent Community Gala where Tom Jackson was the guest speaker. He also commented that November will be a busy month for Council, with agenda items including the 2018 Grain World Conference, the Association of Manitoba Municipalities annual general meeting and Council's 2019 Planning Session.
Res#350-18 Accounts	J. Funk – C. Wiebe BE IT RESOLVED that cheque nos. 36770 to 36844 totalling \$859,760.66 be hereby approved for payment. "Carried"
Res#351-18 BL 799-18 2 nd Reading	N. Dueck – C. Wiebe BE IT RESOLVED that Bylaw 799-18, being a by-law to govern the organization of the Town of Niverville and the committees thereof, be given second reading. "Carried"
Res#352-18 BL 799-18 3 rd Reading	J. Funk – C. Wiebe BE IT RESOLVED that Bylaw 799-18, being a by-law to govern the organization of the Town of Niverville and the committees thereof, be given third reading and passed. "Carried"

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


Res#353-18 BL 800-18 2 nd Reading	K. Stott – C. Wiebe BE IT RESOLVED that Bylaw 800-18, being a by-law to regulate the proceedings and conduct of the Council and the committees thereof, be given second reading subject to Section 9.0 being amended to allow for Special Meetings of Council to be held at the Town Office, Niverville Heritage Centre or other venue as approved by Council. "Carried"
Res#354-18 BL 800-18 3 rd Reading	N. Dueck – K. Stott BE IT RESOLVED that Bylaw 800-18, being a by-law to regulate the proceedings and conduct of the Council and the committees thereof, be given third reading and passed. "Carried" In favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck
Res#355-18 BL 801-18 2 nd Reading	K. Stott – C. Wiebe BE IT RESOLVED that Bylaw 801-18, a bylaw to provide for the regulation of traffic and parking of vehicles in Niverville be given second reading subject to Schedule A being amended to note that the 2 hour parking limit on Second Avenue South, east side is between 2 nd Street S. and Elmdale Place and that the 2 hour parking limits on Second Avenue South and Second Street South are between the hours of 6 a.m. to 6 p.m. "Carried"
Res#356-18 BL 801-18 3 rd Reading	N. Dueck – C. Wiebe BE IT RESOLVED that Bylaw 801-18, a bylaw to provide for the regulation of traffic and parking of vehicles in Niverville be given third reading and passed. "Carried" In favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck
Res#357-18 BL Update	J. Funk – K. Stott BE IT RESOLVED that the following bylaws be added to Schedule "A" of Bylaw 778-18 Bylaw Enforcement: 663-08 Niverville Zoning Bylaw, as amended 791-18 Building Permits 793-18 Business Bylaw 796-18 Burning Ban 797-18 Outdoor Water Restrictions 801-18 Traffic & Parking AND BE IT FURTHER RESOLVED that Bylaw 656-07 Parking be removed from Schedule "A" as it was replaced by Bylaw 801-18 Traffic & Parking. "Carried"
Res#358-18 BL 794-18 3 rd Reading	C. Wiebe – N. Dueck WHEREAS the Town has undertaken a comprehensive review of its current development plan including consultation with the general public; AND WHEREAS a new development plan has been drafted; AND WHEREAS Bylaw 794-18 has been approved pursuant to clause 51 (1) (a) of <i>The Planning Act</i> ; THEREFORE BE IT RESOLVED that Bylaw 794-18, being a Bylaw to adopt a new development plan for the Town of Niverville be given third reading and passed. "Carried" In favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck

Res#359-18 K. Stott – J. Funk
Vehicle WHEREAS the Town intends to purchase a 2018 Ram 5500 Mini-Rescue (demo
Deposit model) with the intent to replace the Rescue 1 vehicle in 2019;
AND WHEREAS a deposit of \$20,000.00 plus applicable taxes is required to
secure the purchase of the 2018 Ram 5500 Mini-Rescue;
AND WHEREAS the deposit will be considered as non-vehicle specific, thereby
allowing the option to apply the deposit to a different vehicle if preferred;
THEREFORE BE IT RESOLVED that Council authorizes a deposit of
\$20,000.00 plus applicable taxes to be forwarded to Dependable Emergency
Vehicles of Brampton, Ontario for the purchase of a 2018 Ram 5500 Mini-
Rescue (demo model) (or alternately to be applied to the purchase of another
suitable emergency vehicle) with the intent to replace Rescue 1 in 2019.
“Carried”


Res#360-18 K. Stott – N. Dueck
Flowers BE IT RESOLVED that following the Town’s due tendering process, that the
Contract 2019 contract for the Town’s Flowers (Main Street/Parks) be awarded to Falk
Nursery, who submitted the lowest bid of \$4,014.17 (plus GST).
“Carried”

Res#361-18 C. Wiebe – J. Funk
Temporary WHEREAS a request was received from the Niverville Chamber of Commerce
Signage for the placement of temporary signage on Town boulevards at the entrances to
5th Avenue Estates, the Highlands, corner of Main Street and Heritage Trail and in
the flower pots along Main Street to advertise the Winterfest Craft Sale and
Market being held at the Niverville Heritage Centre on November 17, 2018;
THEREFORE BE IT RESOLVED that Council approves a request for temporary
signage to be placed on Town boulevards at the entrances to 5th Avenue Estates,
the Highlands, corner of Main Street and Heritage Trail and in the flower pots
along Main Street to advertise the Winterfest Craft Sale and Market being held at
the Niverville Heritage Centre on November 17, 2018, subject to the following
conditions:
1) That the signage is authorized for the period beginning November 7th, 2018
through to November 17, 2018; and
2) That the signage not be located in such a manner where it may materially
impede the view of any intersection or rail road grade crossing.
“Carried”

Res#361-18
Adjourn BE IT RESOLVED that the meeting be adjourned. (9:52 a.m.)
“Carried”



Mayor



Chief Administrative Officer

SCHEDULE "A"



TOWN OF NIVERVILLE-PLANNING AND DEVELOPMENT

POLICY NO. PD5-15:	<u>BUILDING PERMIT SECURITY DEPOSIT</u>	
EFFECTIVE DATE:	<u>December 15, 2015</u>	RESOLUTION# <u>358-15</u>
REVISION DATE:	<u>July 19, 2016</u>	RESOLUTION# <u>201-16</u>
REVISION DATE:	<u>November 6, 2018</u>	RESOLUTION # <u>349-18</u>

A refundable Security Deposit fee will be charged on all new building permit applications except accessory and renovation permits where staff discretion for requirement will apply. Staff will consider factors including residency, service requirements and/or impact on property drainage. Security Deposit will be refunded to the applicant upon a release being provided by either the designated Niverville Operations Department representative and/or the Niverville Building Inspector, and then issuing an occupancy permit when applicable. Contractors need to apply to the Town for permission to use public property for access/egress purposes.

Inspections by

- A. Operations Department include:
 - a. assessing possible damages caused to the curbs, drainage ditches and street;
 - b. utility inspections;
 - c. lot and building elevations confirmed with engineered design (Schedule "A").

Damages to municipal infrastructure will be repaired with cost being deducted from the Security Deposit. A statement outlining damages and repairs will be provided to the applicant. In the event the contractor desires to carry out the repairs to municipal infrastructure, arrangements with Operations staff will need to be made in advance of any work commencing. Repairs must be completed to the satisfaction of Operations staff in their sole opinion.

- B. Niverville Building Inspector will complete a final inspection prior to issuing of an **Occupancy Permit**. All structure(s) must comply with the Manitoba Building Code and applicable municipal regulations (Schedule "C").

Re-inspections - In the event that a re-inspection is required due to either: (1) non-compliance, (2) not ready for agreed inspection time or, (3) no-show by the builder/homeowner, the cost of the supplementary inspection will be charged at a rate of \$ 100.00** per inspection and with the fee being deducted from the Security Deposit.

Security Deposit fee is set by Council at \$2,500 for every private/condo titled property. E.g. A duplex building permit would require a \$5,000 Security Deposit fee and a 4-plex townhouse with individual titles (whether condo or private) would require a \$10,000 Security Deposit. The Security Deposit for a significant renovation permit is \$2,500. (Significant is defined as impacting landscaping of the property and / or exterior façade.) Security Deposits for multi-family units are \$2,000 per unit to a maximum of \$50,000 per building. Commercial development Security Deposits are \$ 2,500. Development in the Niverville Business Park (NBP) will have the Security Deposit determined as per the NBP Guidelines.

Due to seasonal weather challenges, **final inspections** by the Operations staff will be conducted only between **May 1 and October 31**. Final inspections arrangements must be made a *minimum* of 7 business days prior to October 31st.

In the event damages to municipal infrastructure amount to any dollar value greater than the Security Deposit, an invoice will be sent by Town to the titleholder for additional fees plus a \$50.00 administrative fee. This invoice must be paid within thirty (30) days of the invoice date otherwise it will be placed upon the property taxes of the property in question. If the Security Deposit is forfeited by the applicant, the cost to remedy the outstanding deficiencies may be collected by the Town by adding them to the property taxes of the property in question, and the titleholder and its successors in title will not object to the said addition.**

Time Limit on Refund – The Security Deposit is forfeited when construction is not completed within twenty-four (24) months from the time of payment of the permit, unless a twelve (12) month written extension is obtained from the Town of Niverville **prior** to the expiry of the 24 month period. (Extension request must be submitted in writing to Town of Niverville at least 15 working days prior to expiration of permit.) No further time extensions will be considered.

This policy is applicable to all Security Deposits received by the Town.

**All fees are subject to change as approved by resolution or bylaw.

SCHEDULE A -- Building Permit Security Deposit

NIVERVILLE OPERATIONS FINAL INSPECTION CHECKLIST

(initial)	(m/d/y)		
_____	_____	A	Sewer Inspection -- grade slope 1" over 4 feet
_____	_____	B	Curb stop valve operational / set to final finish grade / accessible
_____	_____	C	Garage Pad Elevation -- PRIOR to pouring of concrete in garage
_____	_____	D	Water meter successfully installed
_____	_____	E	Damages to road in front of residence have been repaired and mud removed.
_____	_____	F	Damages to curbs have been repaired
_____	_____	G	All damages to public drain have been repaired.
_____	_____	H	Driveway -- doweling into concrete curb with epoxy dowels
_____	_____	I	Driveway -- width within Town allowances
_____	_____	J	Driveway -- location of curb stop
_____	_____	K	Elevations -- Final Grade (topsoil/sod)
_____	_____	L	Any damages to municipal infrastructure

_____ # of re-inspections, amount of time spent: _____ Date(s): _____

Invoice # _____

Date of Final Inspection _____

Inspector: _____

Legal Address _____

Civic Address: _____

Roll # _____ Permit # _____ Date Pulled _____

Applicant Name _____ Phone Number _____

Company Name _____ Deposit Amount \$ _____

SCHEDULE B – Building Permit Security Deposit

Niverville Operations Department has been assigned additional inspection responsibilities. Inspections relating to Building Permits as noted below require at least 4 business hours advance notice. Water meter installations and water service connections require 24 business hours advance notice.

All BUILDING PERMIT Holders are asked to contact Operations personnel for the following inspections:

- i. Sewer inspection to confirm line grade and proper sand backfill around the main connection prior to trench infill
- ii. Initial garage pad elevation grade – garage pad elevation will be marked on basement wall in the middle of the garage
- iii. Second garage pad elevation inspection – completed once foundation has been formed but prior to pouring of concrete.
- iv. Water meter installation & water service activation ***** Billing starts as soon as meter is installed*****
- v. Prior to hard surfacing of driveway
- vi. Final lot grade elevations as per diagram provided at time building permit was obtained.

Please call Andrew Rempel @ 204-388-4600 ext. 117 or email operations@whereyoubelong.ca during business hours (7:00 a.m. and 4:00 p.m. Monday through Friday).

NOTE: Cost of additional inspections required due to (1) non-compliance, (2) not ready for agreed inspection time or, (3) no-show by the builder/homeowner, the cost of the supplementary inspection will be charged as per rates set by Bylaw 791-18, with the fee being deducted from the Security Deposit. Damages to municipal infrastructure will have the cost for repair fee deducted from the Security Deposit unless the contractor has made arrangements to correct the damage as approved by Operations staff and completed said repairs to the satisfaction of Operations staff in their sole opinion. Damages in excess of the Security Deposit will be invoiced and if outstanding after 30 days, invoice will be added to the property tax account. A copy of Niverville's Building Permit Security Deposit Policy is available upon request.

Please also note that due to seasonal challenges, final inspections will only be conducted between **May 1** and **October 31**. Arrangements for all final inspections must be made a minimum of 7 business days prior to October 31st.

I, _____ as applicant for permit# _____ acknowledge
(please print)

that I have read and understood the inspection requirements as noted above.

(Permit Holders Signature) Date _____

FOR DETAILED INFORMATION ON THE MANITOBA BUILDING CODE – Please check out the following link: http://www.nationalcodes.ca/eng/presentations/2010_codes_presentations.shtml

Minutes of the Public Hearing held on November 6, 2018 at 9:04 a.m. with respect to Variation V8-18, an application from Len Peters on behalf of Sunset Estates to vary the site width from 65 feet to a range of 40 to 43.5 feet, minimum site area from 8,000 sq. ft. to a range of 6,004 to 6,521 square feet and side yards from 5 feet to 4 feet for 7 lots under Community Planning File No. 4340-18-7999, Pt. Lot 2, Block 3, Plan 44819 and Block 6 Plan 44819, civically known as 199, 201, 203, 205, 207, 209 and 211 St. Andrews Way. The proposal was duly advertised as per Section 169 of The Planning Act. Mayor Myron Dyck served as chairperson, with all members of Council in attendance.

Eric King, CAO for the Town of Niverville provided an overview of the proposal. There was no opposition was received to the proposal.

The Public Hearing was closed at 9:06 a.m.