

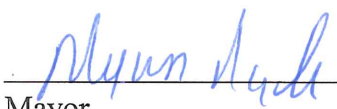
TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on December 5, 2023, at 9:00 a.m. at the Niverville Community Resource and Recreation Centre. In attendance were Mayor Myron Dyck, Deputy Mayor Chris Wiebe, Councillors Nathan Dueck and Meghan Beasant.

Res#314-23 Excuse	C. Wiebe – M. Beasant BE IT RESOLVED that Councillor Bill Fast be excused due to a personal commitment.	“Carried”
Res#315-23 Agenda	M. Beasant – N. Dueck BE IT RESOLVED that the agenda be approved as presented.	“Carried”
Res#316-23 Minutes	C. Wiebe – M. Beasant BE IT RESOLVED that the minutes of the regular Council meeting held on November 21, 2023 be approved as presented.	“Carried”
Res#317-23 Table Agenda	M. Beasant – N. Dueck BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold the Public Hearing for Conditional Use application C22-23 for 67 Claremont Drive.	“Carried”
Res#318-23 Resume C22-23	N. Dueck – M. Beasant BE IT RESOLVED that the Public Hearing for Conditional Use C22-23 for 67 Claremont Drive be closed and Council resume its former order of business (9:06 a.m.).	“Carried”
Res#319-23 C22-23 67 Claremont	C. Wiebe – N. Dueck WHEREAS a Public Hearing was held regarding Conditional Use C22-23, an application from Melissa Klippenstein to allow a homebased art studio business on Lot 47, Plan 50833, civically known as 67 Claremont Drive; AND WHEREAS in accordance with <i>The Planning Act</i> , the Conditional Use application was duly advertised; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Council approves Conditional Use C22-23, to allow for a homebased art studio business on Lot 47, Plan 50833, civically known as 67 Claremont Drive, subject to the following conditions: (1) That the applicant provide on-site parking for clients; (2) That the applicant obtain an annual Business License from the Town; and (3) That this Conditional Use approval will expire on December 5, 2025. Applicant will be required to reapply a minimum of 4 weeks in advance of expiry date, with Conditional Use application fee to be waived for second application if application received on or before November 4, 2025.	“Carried”

Res#320-23 Table Agenda	N. Dueck – M. Beasant BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with <i>The Planning Act</i> to hold the Public Hearing for Conditional Use application C23-23 for 20 Cedar Drive.	“Carried”
Res#321-23 Resume	M. Beasant – C. Wiebe BE IT RESOLVED that the Public Hearing for Conditional Use C23-23 for 20 Cedar Drive be closed and Council resume its former order of business (9:14 a.m.).	“Carried”
Res#322-23 C23-23 20 Cedar Dr.	C. Wiebe – M. Beasant WHEREAS a Public Hearing was held regarding Conditional Use C23-23, an application from William Elliot to allow for a digital sign displaying third party advertising on Lot 2, Plan 47549, civically known as 20 Cedar Drive; AND WHEREAS in accordance with <i>The Planning Act</i> , the Conditional Use application was duly advertised; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Council approves Conditional Use C23-23, to allow for a digital sign displaying third party advertising on the existing free-standing sign on Lot 2, Plan 47549, civically known as 20 Cedar Drive.	“Carried”
Res#323-23 Weed Inspector	N. Dueck – M. Beasant BE IT RESOLVED that Council appoints a Bylaw Enforcement Officer for the Town through the Commissionaires as Niverville’s Municipal Noxious Weeds Inspector effective March 1, 2024 to February 28, 2025; AND BE IT FURTHER RESOLVED that the Municipal Noxious Weeds Inspector will be responsible for enforcing The Noxious Weeds Act within Niverville’s boundaries and ensure that the Act’s provisions are complied with.	“Carried”
Res#324-23 Policy A4-23	M. Beasant – C. Wiebe BE IT RESOLVED that Council approves to the Town Surplus Capital Asset Disposal Policy A4-23, copy of which is attached hereto as Schedule “A”.	“Carried”
	Mayor Myron Dyck commented that recently there was not a lot of Town business going on other than answering questions.	
Res#325-23 Accounts	C. Wiebe – M. Beasant BE IT RESOLVED that cheque nos. 43556 to 43594 totalling \$586,279.42 be hereby approved for payment.	“Carried”
Res#326-23 BL 859-23 1 st Reading	N. Dueck – M. Beasant BE IT RESOLVED that Bylaw 859-23, being a Council Remuneration bylaw for 2024 is given first reading.	“Carried”

- Res#327-23 C. Wiebe – N. Dueck
 BL 859-23 BE IT RESOLVED that Bylaw 859-23, being a Council Remuneration bylaw for
 2nd Reading 2024 is given second reading.
 “Carried”
- Res#328-23 C. Wiebe – M. Beasant
 BL 860-23 BE IT RESOLVED that Bylaw 860-23, being a Staff Remuneration bylaw for
 1st Reading 2024 is given first reading.
 “Carried”
- Res#329-23 N. Dueck – M. Beasant
 BL 860-23 BE IT RESOLVED that Bylaw 860-23, being a Staff Remuneration bylaw for
 2nd Reading 2024 is given second reading.
 “Carried”
- Res#330-23 M. Beasant – N. Dueck
 BL 861-23 WHEREAS Section 130 of *The Municipal Act* provides that Council may by
 1st Reading bylaw establish one or more designated officer positions to carry out the powers,
 duties and functions of a designated officer under the authority of a municipal
 bylaw or provincial legislation;
 THEREFORE BE IT RESOLVED that Council gives first reading to Bylaw 861-
 23, being a bylaw to create the positions of designated officers for the Town of
 Niverville.
 “Carried”
- Res#331-23 M. Beasant – C. Wiebe
 BL 861-23 WHEREAS Section 130 of *The Municipal Act* provides that Council may by
 2nd Reading bylaw establish one or more designated officer positions to carry out the powers,
 duties and functions of a designated officer under the authority of a municipal
 bylaw or provincial legislation;
 THEREFORE BE IT RESOLVED that Council gives second reading to Bylaw
 861-23, being a bylaw to create the positions of designated officers for the Town
 of Niverville.
 “Carried”
- Res#332-23 M. Beasant – N. Dueck
 Adjourn BE IT RESOLVED that the meeting be adjourned. (9:25 a.m.)
 “Carried”



 Mayor



 Chief Administrative Officer

Schedule "A"



Town Of Niverville-Administration

Policy No. A4-23: Town Surplus Capital Asset Disposal Policy
Effective Date: December 5, 2023 **Resolution#** 324-23
Revision Date: _____ **Resolution#** _____

Part 1: Preamble:

The purpose of this policy is to establish guidelines for the sale of Town capital assets.

Part 2: Definitions:

Bid means a competitive bid received from a supplier in response to a verbal or written Request for Quotation, a Request for Proposal, or an Invitation to Tender.

Bid Opportunity means a publicly advertised invitation for suppliers to submit bids for the provision of goods or services through a Request for Quotation, a Request for Proposal or an Invitation to Tender.

Goods mean all types of personal property (machinery, gravel, land, etc.).

Services mean all types of services, including construction (consulting, engineering and design, accounting and auditing services, legal services, maintenance, operation and repair of buildings, machines, or equipment, etc.).

Part 3: Principles:

The following principles will guide the process for the sale of Town capital assets:

- An open, fair, and consistent process for the sale of surplus capital assets that will ensure the best value for capital assets sold.
- Accountability of the Town for the disposal of surplus capital assets.
- Town Staff and Council are welcome to submit a bid.
- **Exceptions:**
 - Where surplus land is a land-locked parcel, it may be first offered for sale to the adjacent property owner(s) before offering it for sale to the general public.
 - Where the asset may be disposed of by way of trade-in rather than offering it for sale.
 - Where the asset is given at no cost to a school board or non-profit corporation or association.
 - The CAO may, with the approval of Council, award surplus capital assets without competition or auction to any municipality in limited circumstances, as determined and approved by Council.

Part 4: Process For Selling Surplus Capital Assets:

Surplus capital assets will be disposed of in the following manner:

- A. **Surplus Equipment Valued under \$50,000**
 - First or Best Offer
 - Offers for Sale to be advertised as follows:
 - Advertise in Town Newsletter;
 - Local Buy & Sell Applications (such as Kijiji or FB or equivalent); or
 - Local signage;

B. Surplus Equipment and Land Valued over \$50,000

- competitive bid process through a Request for Quotations;
- public auction; or
- another method should value not be achieved through other methods.
- Invitations to bid on capital assets valued over \$50,000 offered for sale by the Town will be:
 - posted on the municipality's website for at least 7 days before the closing date of the invitation to bid.
 - Posted through the Town's "E-News" emails
 - Posted on the Town's Facebook page
- Contracts for the sale of a capital asset to a bidder shall be awarded using the evaluation process that is specified in the invitation to bid. The Town is not required to accept a bid if Council decides not to proceed with the sale, for example, if all bids are too low. The highest or any bid will not necessarily be accepted.

Minutes of the Public Hearing held on December 5, 2023, at 9:02 a.m. regarding Conditional Use application C22-23, an application from Melissa Klippenstein to allow a homebased art studio business on Lot 47, Plan 50833, civically known as 67 Claremont Drive. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor Chris Wiebe, Councillors Nathan Dueck and Meghan Beasant in attendance.

Mr. Eric King, CAO, provided an overview of the proposal, noting that this was an application from Melissa Klippenstein to allow in a Residential Single Unit Zone at 67 Claremont Drive, a homebased art studio business. Background - the applicant is requesting permission to have a homebased art studio business at 67 Claremont Drive and requires the Conditional Use permit to allow for pick up of materials from the residence. The recommendation would be a stepped approach to the approval as per the Town's current procedure is recommended, in conjunction with the required conditions noted below, which will allow for the home-based business to get established, ensure that the business owner remains cognizant of impact on neighborhood, and provide a mechanism for area residents to bring concerns forward once the business has been established. The recommendation would be to approve with the following conditions:

- 1) That the applicant provide on-site parking for clients;
- 2) That the applicant obtain an annual Business License from the Town; and
- 3) That this Conditional Use approval will expire on December 5, 2025. Applicant will be required to reapply a minimum of 4 weeks in advance of expiry date, with Conditional Use application fee to be waived for second application if application received on or before November 4, 2025.

There was no opposition received to the proposal.

The applicant, Melissa Klippenstein, was present and noted that she just creates art and only has minimum traffic for pick up. the odd time someone will come to her house to pick up art.

Councillor Beasant questioned whether there would be hosting of paint nights and Ms. Klippenstein clarified that she would not be doing any.

The hearing was closed at 9:06 a.m.

Minutes of the Public Hearing held on December 5, 2023, at 9:09 a.m. regarding Conditional Use application C23-23, an application from William Elliot to allow for a digital sign displaying third party advertising on Lot 2, Plan 47549, civically known as 20 Cedar Drive. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor Chris Wiebe, Councillors Nathan Dueck and Meghan Beasant in attendance.

Mr. Eric King, CAO, provided an overview of the proposal, noting this was an application from William Elliot which is a Conditional Use to allow for a digital sign displaying third party advertising at 20 Cedar Drive. Background - the applicant is requesting permission to have signage for third party advertising. Note this is on an existing sign that has had a digital component added. The recommendation is to approve the request for third party advertising on the existing free-standing sign.

Suggestions to the applicant based on conversations with MTI (Manitoba Transportation and Infrastructure):

- 1) That the digital projector be arranged so as not to present glare to the oncoming motorists; and

- 2) That the digital projectors lamp lumens in combination with the reflection coefficient of the surface which is being projected onto, shall reflect a maximum of 8000 lumens per square meter.

There was no opposition received to the proposal.

Councillor Dueck questioned what brought this up to the Town's attention.

Mr. King commented that the Town was just making sure that what happened on the west end of Town was the same as the east end of Town and we're making sure that provincial approval was not required as the property is adjacent to a provincial highway. He also noted that the property was exempt from the provincial permit requirement because it is in Town, otherwise it would have fallen under the conditions of MTI permitting approval.

Councillor Dueck commented MTI didn't have jurisdiction over signage in Town and Mr. King confirmed that this was not in the (province's) controlled area. Mayor Dyck noted that MTI had suggestions, but they don't have mandate over this requirement. Deputy Mayor Wiebe questioned whether MTI mandated brightness and Mr. King confirmed that this was only a suggestion, not a requirement and would only be a requirement if this was outside of the municipality where Council would not control it, but it is not in the Town (Zoning) Bylaw.

Mayor Dyck questioned the applicant(s) whether they knew what their lumen count would be.

Ms. Elliot questioned what MTI was.

Mayor Dyck clarified that MTI was Manitoba Transportation and Infrastructure, also known as Manitoba Highways, and because Hwy 311 goes through Town, MTI has jurisdiction over the highway system including roadways and signage that may be in roadways and such, except when its in a controlled zone, inside Town boundaries. He also commented that Council can approve something but don't want to have to come back and tell you "Sorry, provincial standards say otherwise". In this case they (MTI) had suggestions, but they don't have authority to mandate what a municipal council can or can't decide, they can only offer suggestions of what they would like to see.

Mayor Dyck asked whether the lumens strength on the sign was known, and Mr. King replied no, it would be something should Council want restrictions and they could put that condition on. He also noted that the Town worked with their sign company and the only other time the Town addressed lumens and brightness was the NCF (Niverville Christian Fellowship) sign, and that was adjacent to a residential zone, which is a bit different than this case.

The public hearing was closed at 9:14 a.m.
