

## TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on March 7, 2023 at 9:00 a.m. at the Community Resource and Recreation Centre. In attendance were Mayor Myron Dyck, Deputy Mayor Chris Wiebe, Councillors Nathan Dueck, Bill Fast and Meghan Beasant.

Res#58-23 Agenda	B. Fast – N. Dueck BE IT RESOLVED that the agenda be approved as presented.  “Carried”
Res#59-23 Minutes	C. Wiebe – M. Beasant BE IT RESOLVED that the minutes of the regular Council meeting held on February 21, 2023 be approved as presented.  “Carried”
Res#60-23 Table Agenda	C. Wiebe – B. Fast 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 C5-23 for Lot 2 Plan 59619, civically known as Unit 11-40 Drover’s Run.  “Carried”
Res#61-23 Resume	N. Dueck – M. Beasant BE IT RESOLVED that the Public Hearing for Conditional Use C5-23 be closed and Council resume its former order of business (9:03 a.m.).  “Carried”
Res#62-23 C5-23	M. Beasant – B. Fast WHEREAS a Public Hearing was held regarding Conditional Use C5-23, an application from DPZ River City Ltd. to allow for an eating and drinking establishment (Domino’s Pizza) on Lot 2 Plan 59619, civically known as Unit 11 – 40 Drover’s Run; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Council approves Conditional Use C5-23, to allow for an eating and drinking establishment (Domino’s Pizza) on Lot 2 Plan 59619, civically known as Unit 11 – 40 Drover’s Run subject to the following conditions: 1) That parking requirements as per the Town’s Zoning Bylaw must be met or approved with a Variance; and 2) That all signage will be in compliance with the Town’s Zoning Bylaw in effect.  “Carried”
Res#63-23 Table Agenda	M. Beasant – C. Wiebe 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 C6-23 for Lot 2 Plan 42256, civically known as 52 2 <sup>nd</sup> Street South.  “Carried”

Res#64-23 Resume	<p>B. Fast – M. Beasant</p> <p>BE IT RESOLVED that the Public Hearing for Conditional Use C6-23 be closed and Council resume its former order of business (9:06 a.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#65-23 C6-23	<p>N. Dueck – C. Wiebe</p> <p>WHEREAS a Public Hearing was held regarding Conditional Use C6-23, an application from Muhammad Zaman to allow for a homebased business operating an Income Tax Return service on Lot 2 Plan 42256, civically known as 52 2<sup>nd</sup> Street South;</p> <p>AND WHEREAS in accordance with The Planning Act, the Conditional Use application was duly advertised;</p> <p>AND WHEREAS there was no opposition received to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Council approves Conditional Use C6-23, to allow for a homebased business operating an Income Tax Return service on Lot 2 Plan 42256, civically known as 52 2<sup>nd</sup> Street South subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1) That the applicant provide on-site parking for clients;</li> <li>2) That the applicant obtain an annual Business License from the Town; and</li> <li>3) That this Conditional Use approval will expire on March 7, 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 February 7, 2025.</li> </ol> <p style="text-align: right;">“Carried”</p>
Res#66-23 Table Agenda	<p>B. Fast – M. Beasant</p> <p>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 C7-23 for Lot 4 Block 3 Plan 63570, civically known as 535 Wittick Street.</p> <p style="text-align: right;">“Carried”</p>
Res#67-23 Resume	<p>N. Dueck – C. Wiebe</p> <p>BE IT RESOLVED that the Public Hearing for Conditional Use C7-23 be closed and Council resume its former order of business (9:11 a.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#68-23 C7-23	<p>B. Fast – C. Wiebe</p> <p>WHEREAS a Public Hearing was held regarding Conditional Use C7-23, an application from Mountainview Investments to allow for a 2-bay shop, with 1 bay to accommodate interior storage and 1 bay to accommodate a rental unit on Lot 4 Block 3 Plan 63570, civically known as 535 Wittick Street;</p> <p>AND WHEREAS there was no opposition received to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Council approves Conditional Use C7-23 to allow for a 2-bay shop, with 1 bay to accommodate interior storage and 1 bay to accommodate a rental unit on Lot 4 Block 3 Plan 63570, civically known as 535 Wittick Street subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1) That the property owner enter into a Development Agreement with the Town; and</li> <li>2) That a Conditional Use be obtained for the use of the rental unit prior to the use being established.</li> </ol> <p style="text-align: right;">“Carried”</p>



Res#69-23 Table Agenda	<p>M. Beasant – B. Fast</p> <p>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 Variation application V2-23 for 35 Ellington Way.</p> <p>“Carried”</p>
Res#70-23 Resume	<p>C. Wiebe – B. Fast</p> <p>BE IT RESOLVED that the Public Hearing for Variation application V2-23 be closed and Council resume its former order of business (9:13 a.m.).</p> <p>“Carried”</p>
Res#71-23 V2-23	<p>B. Fast – M. Beasant</p> <p>WHEREAS a Public Hearing was held regarding Variation application V2-23 an application from April Nurse to vary the rear yard setback from 25 feet to no less than 20 feet to accommodate a kitchen renovation on Lot 2 Plan 51589, civically known as 35 Ellington Way;</p> <p>AND WHEREAS in accordance with <i>The Planning Act</i>, the Variation application was duly advertised;</p> <p>AND WHEREAS there was no opposition received to the proposal;</p> <p>THEREFORE BE IT RESOLVED that Council approves Variation application V2-23 to vary the rear yard setback from 25 feet to no less than 20 feet to accommodate a kitchen renovation on Lot 2 Plan 51589, civically known as 35 Ellington Way.</p> <p>“Carried”</p>
Res#72-23 Award Contract	<p>C. Wiebe – B. Fast</p> <p>BE IT RESOLVED that Council awards the contract for the spring opening of ditches to Centennial Gravel, who provided the lowest bid of \$160.00/hour for the trackhoe and \$175.00/hr for the vplow.</p> <p>“Carried”</p>
Res#73-23 Meetings Cancelled	<p>M. Beasant – B. Fast</p> <p>BE IT RESOLVED that the following regular Council meetings are cancelled:</p> <p>July 4, 2023</p> <p>August 1, 2023</p> <p>“Carried”</p> <p>Mayor Dyck advised that he had been invited by our MLA to attend the budget meeting at the Legislature this afternoon and is looking forward to spending time with our MLA and perhaps being able to touch base with other ministers to discuss matters of importance to the community and see where things are at with things like the annexation.</p>
Res#74-23 Accounts	<p>C. Wiebe – M. Beasant</p> <p>BE IT RESOLVED that cheque nos. 42509 to 42548 totalling \$199,914.24 be hereby approved for payment.</p> <p>“Carried”</p>
Res#75-23 Dec. F.S.	<p>B. Fast – M. Beasant</p> <p>BE IT RESOLVED that the December 31, 2022 unaudited Financial Statement be approved as presented.</p> <p>“Carried”</p>


Res#76-23  
Adjourn

M. Beasant – B. Fast

BE IT RESOLVED that the meeting be adjourned. (9:20 a.m.)

“Carried”

  
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Mayor

  
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Chief Administrative Officer

Minutes of the Public Hearing held on March 7, 2023 at 9:01 a.m. regarding Conditional Use C5-23, an application from DPZ River City Ltd. to allow for an eating and drinking establishment (Domino's Pizza) on Lot 2 Plan 59619, civically known as Unit 11 – 40 Drover's Run. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor Chris Wiebe and Councillors Nathan Dueck, Bill Fast and Meghan Beasant in attendance.

CAO Eric King noted that this Conditional Use is requested to allow for an eating and drinking establishment (Domino's Pizza) on Lot 2 Plan 59619, civically known as Unit 11 – 40 Drover's Run. Background - The lot known as 40 Drover's Run is zoned Commercial Corridor, and an eating and drinking establishment is a Conditional Use in this zone. Recommendation is to approve the Conditional Use as requested, subject to the following conditions:

- 1) That parking requirements as per the Town's Zoning Bylaw must be met or approved with a Variance; and
- 2) That all signage will be in compliance with the Town's Zoning Bylaw in effect.

There was no opposition received to the proposal.

The hearing was closed at 9:03 a.m.

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Minutes of the Public Hearing held on March 7, 2023 at 9:04 a.m. regarding Conditional Use C6-23, an application from Muhammad Zaman to allow for a homebased business operating an Income Tax Return service on Lot 2 Plan 42256, civically known as 52 2<sup>nd</sup> Street South. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor Chris Wiebe and Councillors Nathan Dueck, Bill Fast and Meghan Beasant in attendance.

CAO Eric King noted that this Conditional Use is to allow a home-based business operating an Income Tax Return service at 52 2<sup>nd</sup> Street South. Background: The applicant is proposing to operate a part time seasonal home-based business for Income Tax preparation. Recommendation is that in keeping with past precedent, approve the Conditional Use 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 March 7, 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 February 7, 2025.

There was no opposition received to the proposal.

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

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Minutes of the Public Hearing held on March 7, 2023 at 9:10 a.m. regarding Conditional Use C7-23, an application from Mountainview Investments to allow for a 2-bay shop, with 1 bay to accommodate interior storage and 1 bay to accommodate a rental unit on Lot 4 Block 3 Plan 63570, civically known as 535 Wittick Street. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor Chris Wiebe and Councillors Nathan Dueck, Bill Fast and Meghan Beasant in attendance.

CAO Eric King noted that this Conditional Use is to allow for a 2-bay shop, 1 bay to accommodate interior storage and 1 bay to accommodate a rental unit (use of rental unit to be approved under a separate Conditional Use) on 535 Wittick Street. All uses in the Niverville Business Park are Conditional Uses and this proposed use is in line with the industrial uses that



the Industrial General Zone is intended to accommodate. Recommendation would be to approve the Conditional Use as requested, subject to the following conditions:

- 1) That the applicant entering into a Development Agreement with the Town.
- 2) That a Conditional Use be obtained for the use of the rental unit prior to the use being established.

There was no opposition received to the proposal.

The Public Hearing was closed at 9:11 a.m.

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Minutes of the Public Hearing held on March 7, 2023 at 9:12 a.m. regarding Variation application V2-23, an application from April Nurse to vary the rear yard setback from 25 feet to no less than 20 feet to accommodate a kitchen renovation on Lot 2 Plan 51589, civically known as 35 Ellington Way. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Deputy Mayor Chris Wiebe and Councillors Nathan Dueck, Bill Fast and Meghan Beasant in attendance.

CAO Eric King noted that this Variance is requested to vary the rear yard setback from 25 feet to no less than 20 feet at 35 Ellington Way. Background: Property owner is requesting the variance to accommodate a kitchen renovation. Recommendation is to approve the Variance as requested as no opposition has been received.

There was no opposition received to the proposal.

The Public Hearing was closed at 9:13 a.m.

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