

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on August 15, 2023 at 7:00 p.m. at the Niverville Community Resource and Recreation Centre. In attendance were Mayor Myron Dyck, Deputy Mayor Chris Wiebe, Councillors Nathan Dueck, Bill Fast and Meghan Beasant.

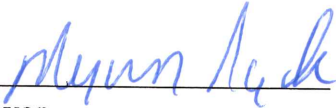
Res#216-23 Agenda	B. Fast – N. Dueck BE IT RESOLVED that the agenda be approved as presented. “Carried”
Res#217-23 Minutes	B. Fast – M. Beasant BE IT RESOLVED that the minutes of the regular Council meeting held on July 18, 2023 be approved as presented. “Carried”
Res#218-23 Table Agenda	C. Wiebe – B. 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 C17-23 for 455 Wittick Street. “Carried”
Res#219-23 Resume	N. Dueck – M. Beasant BE IT RESOLVED that the Public Hearing for Conditional Use C17-23 be closed and Council resume its former order of business (7:11 p.m.). “Carried”
Res#220-23 C17-23	C. Wiebe – B. Fast WHEREAS a Public Hearing was held regarding Conditional Use C17-23, an application from Heather Wallace to allow for a kennel (not including the sale of animals), with outside operations (dog run), and a personal storage unit on Lot 6 Block 2 Plan 63570, civically known as 455 Wittick Street; AND WHEREAS the application was duly advertised; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Council approves Conditional Use C17-23 to allow for a kennel (not including the sale of animals), with outside operations (dog run), and a personal storage unit on Lot 6 Block 2 Plan 63570, civically known as 455 Wittick, subject to the following conditions: 1) That the property owner enter into a Development Agreement with the Town; 2) Outside yard must not generate obnoxious smells or a noise nuisance beyond the subject property boundaries; 3) The outside yard must be securely enclosed with an opaque fence of at least seven feet in height; 4) Applicant must ensure that all dogs under the care of the kennel are licensed in their respective municipalities or Towns, with all rabies and distemper shots up to date; and 5) That the maximum number of dogs permitted at the kennel will be 84. “Carried”
Res#221-23 Table Agenda	M. Beasant – 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 C18-23 for 12 Bentley Place. “Carried”

Res#222-23 Resume	<p>C. Wiebe – M. Beasant</p> <p>BE IT RESOLVED that the Public Hearing for Conditional Use C18-23 be closed and Council resume its former order of business (7:20 p.m.).</p> <p style="text-align: right;">“Carried”</p>
Res#223-23 C18-23	<p>N. Dueck – C. Wiebe</p> <p>WHEREAS a Public Hearing was held regarding Conditional Use C18-23, an application from Courtney Demers to allow in a Residential Single Unit Zone on Lot 32 Block 2 Plan 40624, civically known as 12 Bentley Place, a homebased personal service business offering botox/filler services;</p> <p>AND WHEREAS in accordance with <i>The Planning Act</i>, 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 Conditional Use C18-23 to allow for a homebased personal service business offering botox/filler services on Lot 32 Block 2 Plan 40624, civically known as 12 Bentley Place, be approved subject to the following conditions:</p> <ol style="list-style-type: none"> (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 August 15, 2025. <p>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 July 14, 2025.</p> <p style="text-align: right;">“Carried”</p>
Res#224-23 Vaccine Program	<p>C. Wiebe – N. Dueck</p> <p>BE IT RESOLVED that Council authorizes a 10-month trial period for the Travel Vaccine Program at Open Health, Niverville.</p> <p>AND BE IT FURTHER RESOLVED that following the 10-month trial period, a full review of the Travel Vaccine Program will be undertaken to assess feasibility for its continuation.</p> <p style="text-align: right;">“Carried”</p>
Res#225-23 Accounts	<p>C. Wiebe – B. Fast</p> <p>BE IT RESOLVED that cheque nos. 43047 to 43131 totalling \$585,629.54 be hereby approved for payment.</p> <p style="text-align: right;">“Carried”</p>
Res#226-23 July Financial	<p>C. Wiebe – B. Fast</p> <p>BE IT RESOLVED that the July 31, 2023 financial statement be approved as as presented.</p> <p style="text-align: right;">“Carried”</p>
Res#227-23 BL856-23 Speed Zone 1 st Reading	<p>M. Beasant – B. Fast</p> <p>BE IT RESOLVED that Council gives first reading to Bylaw 856-23, Reduced Speed Zone – Niverville Middle School, which designates a speed zone of 30 kilometers per hour in the reduced-speed zone along 5th Avenue S., which is to be in effect during months of September to June, inclusive, between the hours of 07:00 and 17:30, Monday to Friday.</p> <p style="text-align: right;">“Carried”</p>

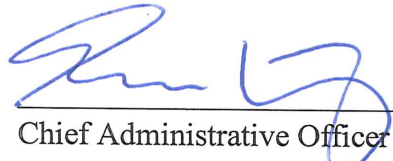
Res#228-23 B. Fast – C. Wiebe
Sewer Clean BE IT RESOLVED that following the Town's due tendering process, that the
Contract contract for the Town's Sewer Main Cleaning be awarded to D & S Industrial
Inc., who submitted the lowest overall bid.
"Carried"

Res#229-23 C. Wiebe – M. Beasant
Well Restore BE IT RESOLVED that following the Town's due tendering process, that the
Contract contract for Station Park Heritage Well Restoration be awarded to JEK Brick &
Tile Ltd., who submitted the only bid of \$11,250.00 (plus applicable taxes).
AND BE IT FURTHER RESOLVED that Council approves a Scope Change to
the Station Park Heritage Well Restoration Contract with JEK Brick & Tile Ltd.
in the amount of \$6,750.00 (plus applicable taxes), to build up the well an
additional 3' (to the same specifications as the rest of the well) following concrete
installation. This would include providing support for and installing a metal
grating (supplied by the Town).
"Carried"

Res#230-23 M. Beasant – N. Dueck
Adjourn BE IT RESOLVED that the meeting be adjourned. (7:29 p.m.)
"Carried"



Mayor



Chief Administrative Officer

Minutes of the Public Hearing held on August 15, 2023, at 7:02 p.m. regarding Conditional Use application C17-23, an application from Heather Wallace to allow for a kennel (not including the sale of animals), with outside operations (dog run), and a personal storage unit on Lot 6 Block 2 Plan 63570, civically known as 455 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, Councillors Nathan Dueck, Bill Fast and Meghan Beasant in attendance.

Mr. Eric King, CAO, provided an overview of the proposal, noting that this was an application from Heather Wallace to allow for a kennel (not including the sale of animals), with outside operations (dog run), and a personal storage unit on Lot 6 Block 2 Plan 63570, civically known as 455 Wittick Street. Mr. King indicated that the Town has approved kennels in the past in Town (eg. Talk To The Tail doggy daycare was approved for 86 Main Street). The application is to construct a 5,500 square foot building, dedicating 4,000 square feet to the “Talk To The Tail” doggy daycare, which will board dogs during the daytime hours with occasional overnight boarding, and for example will have 4-6 employees. This proposal does not include the sale of animals. The remaining 1,500 square feet will be used for storage. The other kennel style of businesses in Town have been located in commercial zones adjacent to residential areas, and the restrictions that have been imposed addressed (note Administration is not providing a recommendation regarding these):

- 1) generating of obnoxious smells;
- 2) noise nuisance;
- 3) ensuring dogs in their care were licensed in their respective municipalities, with all rabies and distemper shots up to date; and
- 4) maximum number of dogs permitted at the kennel.

The recommendation from Administration is to approve the Conditional Use as requested subject to the property owner entering into a Development Agreement with the Town, along with any other conditions that Council may wish to impose, as this is the first kennel in the business park.

Mr. Scott Wallace, on behalf of the applicant, noted that this business was moving to the business park to have more space.

Deputy Mayor Chris Wiebe questioned whether the business owner was going to close the Main Street location.

Mr. Wallace advised yes.

Mr. King questioned the difference between the amount of space at 86 Main Street to this new location.

Mr. Wallace advised that 86 Main Street was 2,400 square feet and the new location would be 4,000 square feet.

Deputy Mayor Wiebe questioned whether this proposal would be something like Waldenway (Canine & Kitty Camp Inc., Ste. Anne, MB).

Mr. Wallace showed Council the schematic of the building, also noting that this will have overnight boarding, grooming, and a dog run on the south and east side, with opaque fencing.

Deputy Mayor Wiebe questioned whether there was a provincial limitation on the number of dogs that they could have; the Town had previously limited the number of dogs for their 86 Main Street location based on the owner’s input.

Mr. Wallace noted that she (Talk To The Tail owner) limits the number of dogs she has daily based on available space.

Mr. King noted advised that the previous number of dogs approved for the Main Street location was 50.

Mayor Dyck commented that the square footage for the Main Street location worked out to be 48 square feet per dog (2,400 sq. ft./50 dog limit), and the new location would accommodate 83-84 dogs.

Mr. Wallace advised that the new space would be set up better for size internally and depending on the types of dogs she has.

Mr. King referred to the previous approval for 86 Main Street and the (5) conditions imposed, stating that:

- 1) *Outside yard must not generate obnoxious smells or a noise nuisance beyond the subject property boundaries*, and that the Town has only had one complaint in all the years that they have been operating;
- 2) *Outside yard must not be used for exercising dogs between the hours of 10:00 p.m. and 7:00 a.m. (no noise nuisance)* - this is for Council's consideration, as it may not matter as much in the business park as it does on Main Street (discussion point);
- 3) *The outside yard must be securely enclosed with an opaque fence of at least seven feet in height and have a partial roof in order to dampen the noise of the animals outside, the design of which shall be approved by the Town* - question was posed to Council, whether a roof is needed in the business park or not, and asked Mr. Wallace whether the fence would be 7 feet, which Mr. Wallace confirmed it would be.

Deputy Mayor Wiebe questioned whether there was internal fencing and commented that the south (front) fence would not need to be opaque because it was along the frontage. Mr. King noted that the proposal did not include perimeter fencing for the entire compound and Mr. Wallace advised that the dog run was also on the front (south side).

- 4) *Applicant must ensure that all dogs under the care of the kennel are licensed in their respective municipalities, with all rabies and distemper shots up to date; and*
- 5) *That the maximum number of dogs permitted at the kennel will be 50.*

There was no opposition received to the proposal.

The hearing was closed at 7:11 p.m.

Minutes of the Public Hearing held on August 15, 2023, at 7:18 p.m. regarding Conditional Use application C18-23, an application from Courtney Demers to allow in a Residential Single Unit Zone on Lot 32 Block 2 Plan 40624, civically known as 12 Bentley Place, a homebased personal service business offering botox/filler services. 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, Bill Fast and Meghan Beasant in attendance.

The applicant was not in attendance.

Mr. Eric King, CAO, provided an overview of the proposal, noting that the Conditional Use is to allow in a Residential Single Unit Zone at 12 Bentley Place, a homebased personal service business offering botox/filler services.

Recommendation from Administration would be a stepped approach to the approval as per the Town's current procedure, in conjunction with the required conditions noted below:

- 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 August 15, 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 July 14, 2025.

There was no opposition received to the proposal.

The hearing was closed at 7:20 p.m.
