

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on October 3, 2023, at 9:00 a.m. at the Niverville Community Resource and Recreation Centre. In attendance were Mayor Myron Dyck, Councillors Nathan Dueck and Bill Fast.

Res#260-23 Excused	B. Fast – N. Dueck BE IT RESOLVED that Deputy Mayor Chris Wiebe and Councillor Meghan Beasant be excused due to personal commitments. “Carried”
Res#261-23 Agenda	B. Fast – N. Dueck BE IT RESOLVED that the agenda be approved as presented. “Carried”
Res#262-23 Minutes	N. Dueck – B. Fast BE IT RESOLVED that the minutes of the regular Council meeting held on September 19, 2023 be approved as presented. “Carried”
Res#263-23 Table Agenda	B. Fast – 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 Variance application V17-23 for 11, 15, 19, and 23 Fairway Drive. “Carried”
Res#264-23 Resume	N. Dueck – B. Fast BE IT RESOLVED that the Public Hearing for Variance application V17-23 be closed and Council resume its former order of business (9:12 a.m.). “Carried”
Res#265-23 V17-23	N. Dueck – B. Fast WHEREAS a Public Hearing was held regarding Variation application V17-23 an application from Prairie Sky Properties to allow for a reduced front yard setback from 30’ to no less than 25’ and a reduced rear yard setback from 25’ to no less than 11’ 6” on Lots 1 to 4 Plan 70784 and to reduce the North side yard setback of Lot 1 Plan 70784 and South side yard setback of Lot 4 Plan 70784 from 15’ to no less than 7’ 6”, civically known as 11,15, 19, and 23 Fairway Drive. AND WHEREAS in accordance with <i>The Planning Act</i> , the Variation application was duly advertised; AND WHEREAS there was no opposition received to the proposal; THEREFORE BE IT RESOLVED that Council approves that Council approves Variation application V17-23, as amended, to allow for a reduced front yard setback from 30’ to no less than 25’ and a reduced rear yard setback from 25’ to no less than 16’ 6” on Lots 1 to 4 Plan 70784, and to reduce the North side yard setback of Lot 1 Plan 70784 and South side yard setback of Lot 4 Plan 70784 from 15’ to no less than 7’ 6”, for the properties civically known as 11,15, 19, and 23 Fairway Drive. “Carried”

Res#266-23 Scope Change	<p>B. Fast – N. Dueck</p> <p>BE IT RESOLVED that Council approves a scope change to the contract with Morrison Hershfield for the PR 311 and Mulberry Avenue Intersection Detailed Design in the amount of \$236,994.00 (plus applicable taxes), for the Detailed Design for PR311 – Krahn Road to Wallace Road, which will be subject to receiving funding from Manitoba Infrastructure.</p> <p style="text-align: right;">“Carried”</p>
Res#267-23 BL801-18 Update	<p>N. Dueck – B. Fast</p> <p>BE IT RESOLVED that the following updates be made to Schedules “A” and “B” of Bylaw 801-18 (Niverville Parking Bylaw):</p> <ul style="list-style-type: none"> • Schedule “A” - add Krahn Road (PR 311 to Saint Andrews Way north entrance) to Designated Snow Route • Schedule “B” - change notice period for Street Parking Ban <p>Copy of the Schedules are attached hereto as Schedule “A” of the Council minutes.</p> <p style="text-align: right;">“Carried”</p>
Res#268-23 Accounts	<p>B. Fast – N. Dueck</p> <p>BE IT RESOLVED that cheque nos. 43253 to 43309 totalling \$228,269.50 be hereby approved for payment.</p> <p style="text-align: right;">“Carried”</p>
Res#269-23 BL 857-23 2 nd Reading	<p>B. Fast – N. Dueck</p> <p>BE IT RESOLVED that Council gives second reading to Bylaw 857-23 Site Alteration, Shoreline and Tree Preservation for Public or Private Property, which will serve to conserve, prohibit, protect, restrict, and regulate the protection, preservation and removal of trees and vegetation and site alterations on shoreline and site alterations on public or private lands within the Town of Niverville.</p> <p style="text-align: right;">“Carried”</p>
Res#270-23 BL 857-23 3 rd Reading	<p>B. Fast – N. Dueck</p> <p>BE IT RESOLVED that Council gives third reading and passes Bylaw 857-23 Site Alteration, Shoreline and Tree Preservation for Public or Private Property, which will serve to conserve, prohibit, protect, restrict, and regulate the protection, preservation and removal of trees and vegetation and site alterations on shoreline and site alterations on public or private lands within the Town of Niverville.</p> <p style="text-align: right;">“Carried”</p> <p>In Favour: M. Dyck, N. Dueck, B. Fast, Absent: C. Wiebe, M. Beasant</p>
Res#271-23 BL Update	<p>N. Dueck – B. Fast</p> <p>BE IT RESOLVED that Schedule “A” of Bylaw 778-17 Bylaw Enforcement be amended to reflect the following changes:</p> <ul style="list-style-type: none"> • Remove Bylaw 852-23 • Add Bylaw 857-23 <p style="text-align: right;">“Carried”</p>

Res#272-23
BL 858-23
1st Reading

N. Dueck – B. Fast

BE IT RESOLVED that Council gives first reading to Bylaw 858-23, a bylaw to acquire land through consent expropriation for a public drain in Fifth Avenue Estates West.


“Carried”

Res#273-23
Adjourn

B. Fast – N. Dueck

BE IT RESOLVED that the meeting be adjourned. (9:41 a.m.)

“Carried”



Mayor



Chief Administrative Officer

October 3, 2023 Council Minutes Schedule A

Schedule "A"

Bylaw 801-18

Amended July 9, 2019

September 3, 2019

November 5, 2019

April 21, 2020

December 21, 2021

June 21, 2022

October 18, 2022

November 15, 2022

December 20, 2022

July 18, 2023

September 5, 2023

October 3, 2023

The following traffic signs are hereby authorized to be erected and enforced, namely:

"NO PARKING"

Fourth Street South	- north side	- entire length
Third Street South	- south side	- entire length except Sunday
Second Street South*	- south side	- entire length
First Street South	- south side	- 2 nd Ave. S. to 5 th Ave. S.
	- north side	- Heritage Trail to Second Ave South
First Street North	- south side	- entire length
Second Street North	- south side	- entire length
Third Street North	- south side	- entire length
Hespeler Park Drive	-both sides	- entire length
Heritage Trail	- west side	- entire length
Second Avenue South *	- west side	- First St. South to Fourth St. South
Third Avenue South	- west side	- First St. South to Fourth St. South
Fourth Avenue South	- west side	- Fourth St. South to First St. South
Fourth Avenue South	-east side	- Main Street to First St. South
Prairie Trail	- east side	- entire length
Prairie Trail	-west side	-Prairie Crossings to 2 nd St. North
Second Avenue North	- east side	- First St North to Third St North
Second Avenue North	- west side	- entire length
Third Avenue North	- east side	- entire length
Fourth Avenue North	- east side	- entire length
Fifth Avenue North	- east side	- entire length
Spruce Drive	- north side	- entire length
Edelweiss Crescent	- inside of Crescent	- entire length
Roselawn Bay	- inside of Bay	- entire length
Ashgrove Crescent	- inside of Crescent	- entire length
Maplewood Crescent	- inside of Crescent	- entire length
South Park Drive	- inside of Drive	- entire length
Lilac Place	- south side	- entire length
Linden Place	- south side	- entire length
Elmdale Place	- south side	- entire length
Redwood Place	- south side	- entire length
Aspen Avenue	- east side	- entire length
Ritchot Drive	- inside of Drive	- entire length
Church Avenue	- south side	- entire length
Mulberry Avenue	- east side	- north of Centre Street
	- between PR311 and Centre Street	

Carnoustie Cove	- west side	- entire length
Troon Cove	- west side	- entire length
Lytham Place	- south side	- entire length
Saint George Place	- south side	- entire length
Saint Andrews Way	- inside or west side	- entire length
Muirfield Cove	- south side	- entire length
Tweed Lane	-north & west of Lane	-entire length
Tweed Lane North	- hammerhead section on Tweed north	
Dochart Gate	-south side of Gate	-entire length
Birkdale Cove	- south side	- entire length
Turnberry Cove	- south side	- entire length
Aberdeen Drive	- west side	- entire length
Balgonie Bay	- inside of bay	-entire length
Cedar Drive	- south side	- entire length
Bronstone Drive	- north side	- entire length
Hampton Drive	- south side	- entire length
Hill Crest Court	- west side	- entire length
Bentley Place	- west side	- entire length
Claremont Drive	- west side	- entire length
Cobblestone Court	- outside of Court	- entire length
Errington Place	- north side	- entire length
Errington Way	- north side	- entire length
Kingsley Gate	- south side	- entire length
Beaumont Circle	- outside of circle	- entire length
Carling Circle	- outside of circle	- entire length
Arena Road	- both sides	- entire length
Park Road	- north side	- entire length
Centre Street	- both sides	- from Arena to Mulberry
Ellington Way	- inside of Way	- from Claremont to elbow
Breckenridge Dr	- east side	- entire length
Landsbury Lane	- north side	- entire length
Landsbury Terrace	- east side	- entire length
Landsbury Terrace	- hammerhead section at end of street	
Cambridge Way	- south side	- entire length
Kirkdale Drive	- west and south side	- entire length
Ashcroft Cove	- north side	- entire length
Stratford Place	- north east side	- entire length
Foxdale Way	- east side	- entire length
Briarfield Court	- south and east side	- entire length
Kipling Lane	- north side	- entire length
Sheffield Way	- north side	- entire length
Wyldeewood Crescent	- east side	-entire length
Alders Gate	- east side	- entire length
Denby Cove	- east side	- entire length
Hawthorne Way	- north side	- entire length
Wyndham Court	- outside of loop	- entire length
Krahn Road	- west side	- between PR311 and Crown Valley Road
Gleneagles Street -	- north side	- entire length
Gullane Street -	- north side	- entire length
Kingshead Road	- east side	- entire length
Murcar Street	- south side	- entire length
Prestwick Street -	- north side	- entire length

***NO PARKING MIDNIGHT TO 6 A.M.- MONDAY THRU SUNDAY (NBP)**

Wittick Street	-both sides	-entire length
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Kuzenko Street	-both sides	-entire length
Schultz Avenue	-both sides	-entire length
Pauls Street	-both sides	-entire length

***NO PARKING 8:15 A.M. TO 9:15 P.M.- MONDAY THRU FRIDAY**

First Street North	- north side	- Third Avenue North to Fourth Avenue North
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***2 HOUR PARKING LIMIT BETWEEN THE HOURS OF 6 A.M. TO 6 P.M., MONDAY THRU FRIDAY**

Second Avenue South	-east side	-between 2 nd St. S and Elmdale Place
Second Street South	-north side	-between 3 rd Ave. S. and Heritage Trail

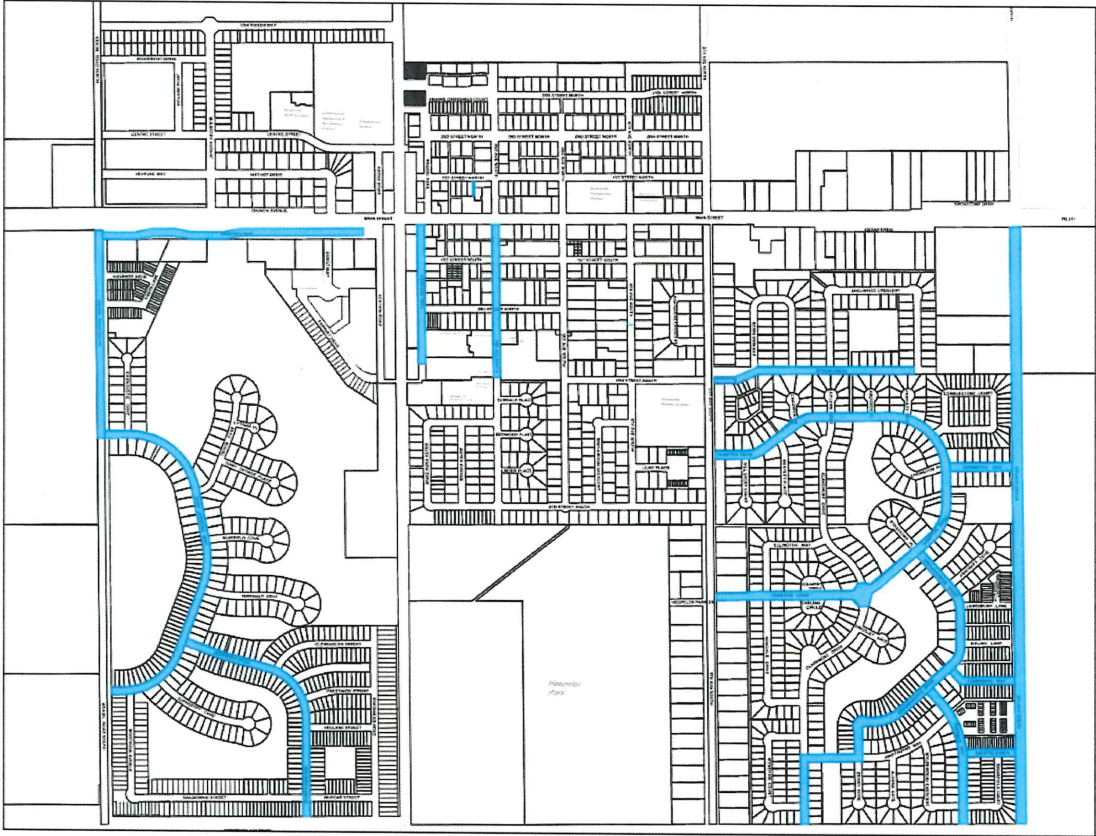
***15 MINUTE PARKING LIMIT BETWEEN THE HOURS OF 6 A.M. TO 11 P.M., SEVEN DAYS A WEEK**

Fourth Avenue South	-east side	-between First St S & Main St.
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“NO STOPPING”, “5 MINUTES PARKING LIMIT”, “NO PARKING, LOADING ZONE”
 “4-WAY STOP” Intersections, “LOAD RESTRICTIONS”, As posted on the authority of a Resolution of Council when necessary. “PLAYGROUND” SIGNS”

Designated Snow Route

During the period of November 1st, through May 1st annually, a **Designated Snow Route** will be in effect. This means that all vehicles (including trailers) are not permitted to park on any of the streets identified below between the hours of **6 am to 6 pm**, 7 days a week. Vehicles (including trailers) that are parked on the streets identified below may be ticketed and towed at the owner’s expense.



2 nd Avenue S.	Foxdale Way
6 th Ave. S. (not including gravelled parking lane)	Hampton Drive
Aberdeen Drive	Hawthorne Way (as shown)
Back lane behind 41 Main Street	Heritage Trail
Breckenridge Drive	Krahn Road (PR 311 to Saint Andrews Way north entrance)
Cambridge Way	Sheffield Way
Claremont Drive (south portion as shown)	Spruce Drive
Drover’s Run	Saint Andrews Way
Errington Way	

Schedule "B"
Bylaw 801-18
Updated Oct. 15, 2019
Updated Feb. 4, 2020
Updated Dec. 1, 2020
Updated October 18, 2022
Updated October 3, 2023

Street Parking Ban

As per Section 6.1 of Bylaw 801-18, when a Street Parking Ban has been put into effect, residents must not park on that street between the hours of 6 a.m. to 6 p.m. on the specified date, to allow for street cleaning to occur. The Town may order a vehicle to be towed away when such a vehicle is parked on the street during a ban, the cost or fees of which will be the responsibility of the registered owner.

Notices indicating when the parking ban will be in effect will be posted on the Town's website www.wheretheybelong.ca and the Town's Facebook **by noon the day prior to** the ban being implemented.

Minutes of the Public Hearing held on October 3, 2023, at 9:01 a.m. regarding Variance application V17-23, an application from Prairie Sky Properties to allow for a reduced front yard setback from 30' to no less than 25' and a reduced rear yard setback from 25' to no less than 11' 6" on Lots 1 to 4 Plan 70784, and to reduce the North side yard setback of Lot 1 Plan 70784 and South side yard setback of Lot 4 Plan 70784 from 15' to no less than 7' 6", for the properties civically known as 11,15, 19, and 23 Fairway Drive. The proposal was duly advertised as per Section 169 of *The Planning Act*. Mayor Myron Dyck served as chairperson, with Councillors Nathan Dueck and Bill Fast in attendance.

Mr. Eric King, CAO, provided an overview of the proposal, noting the application is from Prairie Sky Properties and the Variance was requested to allow for a reduced front yard setback from 30' to no less than 25' and a reduced rear yard setback from 25' to no less than 11' 6", and to reduce the North side yard setback and South side yard setback from 15' to no less than 7' 6", which is for the lots are civically known as 11,15, 19, and 23 Fairway Drive.

Mr. Jeremy Braun, on behalf of Prairie Sky Properties, noted that they were asking to make adjustments to the front, rear and side yards, and the distance from the front of the garage to the property line as per the drawing is 25', with the actual distance to the roadway being over 42 feet. He commented that the driveways were quite wide and one could probably fit 4 cars in the driveway plus 2 in the garage, which is why they weren't concerned about traffic. Also, no sidewalks were planned and having a front 25' setback allows the homes to not get pushed back because there is the fairway behind it. He further commented that the size of the homes has to be substantial enough to get the investment needed, with 1,300 square foot being substantial to charge a premium price for a premium lot. It is anticipated that this will fit an older demographic rather than younger owners, and Fairway Drive is a wide street with a curb on far (east) side.

Mr. Len Peters, on behalf of Sunset Estates, the principal developer of the area, clarified that there would be curbs on both sides of the street with an entrance further south to the (proposed) apartment blocks.

Mr. Braun stated the rear yard to the house is about 27', and the covered deck to the property line is 16' 11", and the 11' 6" setback was requested due to not being sure of what Council would decide for the front and wanting to keep houses further away from the fairway.

Councillor Dueck questioned the applicant about the proposed site planning, whether the applicant was happy with how it was set up and secondly, commented that he appreciated the amount of parking, the 25' plus 18' in front, with room for 4 cars in each driveway plus room for 2 cars in the garage. Councillor Dueck inquired if a parking ban was to be put on that street, whether that would cause a problem with the development.

Mr. Braun responded yes to the question of if they were happy with how it was set up and said that they felt like they had enough parking and didn't feel that a parking ban would be an issue.

Councillor Dueck commented that the rear setback of 25' was from the house to the property line and 16' from the covered deck. He advised that one concern that was brought to his attention was that they would be dividing the side yard (setbacks) in half, which he personally was ok with, and how updates to the back yard like landscaping would be handled as there is no (readily available) access from the golf course.

Mr. Braun advised that they were fully finishing the properties with landscaping and for future additions (to the rear of the properties), unit 2 has access through the back yard with the gate on unit 1 and unit 3 has access through unit 4, and questioned Councillor Dueck as to why the access would need to be wider than 7 feet.

Councillor Dueck responded that it had come up as a concern in case someone wanted to put in something that is 20 feet wide back there.

Mr. Braun referenced a 5-unit building in Prairie Crossings at which all property owners have access to the rear via side gates.

Council Dueck asked whether there had been confirmation from both development and the Town side that no sidewalk was planned, and also commented that he was confident that diligent research had been done.

There was no opposition received to the proposal.

The hearing was closed at 9:12 a.m.
