

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on August 19, 2014 at 7:00 p.m. In attendance were Deputy Mayor John Funk and Councillors Myron Dyck, John Falk and Angela Janz.

Res#224-14 M. Dyck – A. Janz
In Camera BE IT RESOLVED that in accordance with Section 152(3) of the Municipal Act, that Council meet as committee of the whole in camera.
“Carried”

Res#225-14 A. Janz – M. Dyck
Resume BE IT RESOLVED that the meeting of the committee of the whole be adjourned; AND BE IT FURTHER RESOLVED that Council, while in committee of the whole discussed personnel matters and development matters that are in its preliminary stages and respecting which long terms plans for the development of the community.
“Carried”

Deputy Mayor John Funk on behalf of Town Council and Jenifer Bardarson on behalf of the Niverville Chamber of Commerce were pleased to award the Volunteer Appreciation Award for the month of August to Fran Giesbrecht. Fran volunteers her time with the Envision Community Living board, the Envision Foundation 2012 Inc. board, and the Service to Seniors board.

Res#226-14 A. Janz – J. Falk
Agenda BE IT RESOLVED that the agenda be approved as presented.
“Carried”

Res#227-14 M. Dyck – A. Janz
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on July 15, 2014 be approved as presented.
“Carried”

A Public Hearing was held at 7:05 p.m. regarding By-law No. 738-14; a by-law to authorize the closure of a Municipal Road and the sale of the land (excepting all mines and minerals), to Claude and Angela Leonard. A history of drainage and development matters relating to this back lane was provided for clarification. There were no objections to the proposal.

Res#228-14 A. Janz – M. Dyck
BL 738-14 BE IT RESOLVED that By-law No. 738-1, a by-law for the purpose of closing a
2nd Reading portion of the back lane between Lot 6 and Lot 14, Block 8, Plan 19956 and for selling the closed portion of the lane described above be given second reading.
“Carried”

A public hearing, having been duly advertised, was held to hear reasons for and against Conditional Use application C4-14, an application by Jinming Liu to allow the sale of alcoholic beverages to be served with meals in the Maneki Sushi restaurant located at Lot 10/12, Block 10, Plan 19955, civically known as 229 Main Street. A report was submitted by the applicant outlining the various details of the proposed use. There was no opposition to the proposal.

Res#229-14 J. Falk – A. Janz
C4-14 WHEREAS Jinming Liu has applied for a Conditional Use permit C4-14 to allow
Maneki Sushi as a conditional use, the sale of alcoholic beverages to be served with meals in the
Maneki Sushi restaurant at Lot 10/12, Block 10, Plan 19955, civically known as
229 Main Street;
AND WHEREAS the application was duly advertised and no concerns were
brought forward by the public to the application;
THEREFORE BE IT RESOLVED that Conditional Use application C4-14 to
allow as a conditional use, the sale of alcoholic beverages to be served with meals
in the Maneki Sushi restaurant located at Lot 10/12, Block 10, Plan 19955,
civically known as 229 Main Street, be approved subject to the following
conditions:
a) That the serving of alcoholic beverages with meals be permitted during
the following hours only:
• Monday-Friday 11:00 a.m. – 8:30 p.m.
• Saturday-Sunday 12:00 p.m. – 8:30 p.m.
b) That where the above conditions conflict with MLCC regulations, the
most restrictive regulations shall prevail.

“Carried”

Councillor John Falk asked for permission to be excused from the meeting due to
Variation Application V8-14 being applicable to his personal property.

Res#230-14 A. Janz – M. Dyck
Excused BE IT RESOLVED that Councillor John Falk be excused from the meeting due to
a conflict of interest.

“Carried”

A Variation hearing was held at 7:20 p.m. regarding Variation application V8-14,
a request from Peter Braun on behalf of the owners John & Irene Falk, for
permission to reduce the minimum front yard requirement from 25 feet to 18 feet
and the minimum side yard requirement from 5 feet to 4.5 feet for Lot 13, Plan
10269, civically known as 161 Church Street, to accommodate the addition of a
second residence to the existing single family residence. Peter Braun was present
and provided clarification to the proposal. There was no opposition brought
forward.

Res#231-14 M. Dyck – A. Janz
V8-14 WHEREAS Peter Braun has submitted a Variation Application (V8-14) to vary
161 Church St. the minimum front yard requirement from 25 feet to 18 feet and the minimum
side yard requirement from 5 feet to 4.5 feet for Lot 13, Plan 10269, civically
known as 161 Church Street, to accommodate the addition of a second residence
to the existing single family residence;
AND WHEREAS this variation application has been duly advertised and there
was no opposition to the proposal;
THEREFORE BE IT RESOLVED that Council approves Variation Application
V8-14 to vary the minimum front yard requirement from 25 feet to 18 feet and
the minimum side yard requirement from 5 feet to 4.5 feet for Lot 13, Plan 10269,
civically known as 161 Church Street, to accommodate the addition of a second
residence to the existing single family residence;

“Carried”

Councillor Falk rejoined the meeting.

Res#232-14 A. Janz – M. Dyck
Pay Loader WHEREAS there remains a requirement to obtain a second pay loader to meet the annual operational requirements of the Public Works & Facilities department;
AND WHEREAS research has been completed in the different replacement options available including the cost estimates;
AND WHEREAS the Community Operations Committee is recommending the purchase of a used 524K pay loader;
THEREFORE BE IT RESOLVED that Council authorizes the purchase of a 2013 John Deere 524K pay loader (with 500 hours) in the amount of \$142,500.00 plus applicable taxes, with funding to be taken from the Machinery Replacement reserve.

“Carried”

Res#233-14 M. Dyck – J. Falk
Chamber WHEREAS the Niverville Chamber of Commerce has requested a partnership
Grant grant of an amount up to \$4,000.00;
AND WHEREAS the grant will be used to fund the “First Impressions Community Exchange”; the Community Christmas Tree Lighting, and the completion of the promotional “Where You Belong” DVD; being items which both support and promote Niverville;
THEREFORE BE IT RESOLVED that the Town provide a grant of up to \$4,000.00 to be applied as follows:

- i. “First Impressions Community Exchange” – up to \$1,000 with program costs split 50/50 with the Chamber;
- ii. Christmas Tree Lighting – up to \$1,500.00 for the construction of an artificial tree with costs to be split 50/50 with the Chamber; and
- iii. “Where You Belong” DVD – \$1,140.00 for the completion of the DVD.

“Carried”

Res#234-14 M. Dyck – J. Falk
NCF Fence WHEREAS the Niverville Community Fellowship Church (the “Church”) is currently renovating and expanding the church building located at 85 2nd Street S.;
AND WHEREAS the Development Agreement with the Town directs the Church to provide, if requested by the property owner, a 6 foot high wood privacy fence along the west side of Lot 13, Block 7, Plan 19956;
AND WHEREAS there is a question as to the location of the fence along the west side of Lot 13, Block 7, Plan 19956 due to the presence of trees located along the property line;
AND WHEREAS Council is of the opinion that the removal of trees on Lot 13 is not in the best interest of the owner nor the community and that requirement for the construction of a fence is of primary benefit to the Church who has been permitted to expand their facility;
THEREFORE BE IT RESOLVED that the Niverville Community Fellowship Church be required to place the 6 foot high wood privacy fence on the east side of Lot 14, Block 7, Plan 19956, being the Church’s most easterly lot, as close to the property line as is reasonably possible.

“Carried”

Res#235-14 A. Janz – J. Falk

Authorize BE IT RESOLVED that three members of Council and the CAO are authorized to attend the Niverville Chamber of Commerce 2014 Texas Scramble Golf Tournament on September 5, 2014 at Quarry Oaks (Steinbach).
"Carried"

Res#236-14 M. Dyck – A. Janz
Accounts BE IT RESOLVED that cheques nos. 31040 to 31157 in the amount of \$287,184.21 are hereby approved for payment.
"Carried"

Res#237-14 A. Janz – J. Falk
BL 735-14 WHEREAS during the Public Hearing held for By-law No. 735-14, no objections
3rd Reading were received to the rezoning of the area generally described as being Lots 1 & 2 of Plan 50391 and Lots 19-22 (inclusive) of Block 6, Plan 19956 WLTO from "R1" Single Family Residential to "R2" Two Family Residential;
AND WHEREAS Council is confident that the concerns raised will be addressed through the Administrative Review and Development Agreement process into which any new development and/or redevelopment must enter with the Town of Niverville;
THEREFORE BE IT RESOLVED that By-law No. 735-14, being a by-law to amend By-law No. 663-08, as amended, be given third reading and passed.
"Carried"
In Favor: J. Funk, J. Falk, M. Dyck, A. Janz

Res#238-14 A. Janz – M. Dyck
BL 738-14 BE IT RESOLVED that By-law No. 738-14 for the purpose of closing a portion
3rd Reading of the lane between Lot 6 and Lot 14, Block 8, Plan 19956 and for selling the closed portion of the lane described above be given third reading and passed.
"Carried"
In Favor: J. Funk, J. Falk, M. Dyck, A. Janz

Res#239-14 M. Dyck – A. Janz
BL 739-14 BE IT RESOLVED that By-law No. 739-14, a by-law to acquire land for a public
2nd Reading walkway through a consent expropriation, be given second reading.
"Carried"

Res#240-14 A. Janz – J. Falk
BL 739-14 BE IT RESOLVED that By-law No. 739-14, a by-law to acquire land for a public
3rd Reading walkway through a consent expropriation, be given third reading and passed.
"Carried"
In Favor: J. Funk, J. Falk, M. Dyck, A. Janz

Res#241-14 J. Falk – A. Janz
BL 740-14 BE IT RESOLVED that By-law 740-14, a by-law to reduce speed in the
1st Reading Niverville Elementary School zone be given first reading.
"Carried"

Res#242-14 M. Dyck – J. Falk
Parking WHEREAS By-law 656-07 of the Town of Niverville provides for the regulation
Schedule A of traffic and parking of vehicles in the Town;
Update AND WHEREAS By-law 656-07 requires an amendment of Schedule "A" to reflect the addition of new streets and current parking requirements;
AND WHEREAS By-law 656-07 Section 4.3 authorizes amendments to Schedule "A" by resolution of Council;

THEREFORE BE IT RESOLVED that Schedule “A” of By-law 656-07 be amended to reflect the addition of new streets and current parking requirements as per the attached Schedule “A”.

“Carried”

Res#243-14 M. Dyck – J. Falk

In Camera BE IT RESOLVED that in accordance with Section 152(3) of the Municipal Act, that Council meet as committee of the whole in camera.

“Carried”

Res#244-14 A. Janz – J. Falk

Resume BE IT RESOLVED that the meeting of the committee of the whole be adjourned; AND BE IT FURTHER RESOLVED that Council, while in committee of the whole discussed matters that are in its preliminary stages and respecting which long terms plans for the development of the community.

“Carried”

Council concurred that “Hanville Industrial Park” be renamed to “Niverville Business Park”.

Res#245-14 A. Janz – J. Falk

Adjourn BE IT RESOLVED that the meeting be adjourned. (9:25 p.m.)

“Carried”

Deputy Mayor

CAO

SCHEDULE “A”
BY-LAW NO. 656-07
Amended August 19, 2014

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

“NO PARKING”

First Street South	- north side	- Heritage Trail to Second Avenue South
First Street South	- south side	- entire length
Second Street South	- south side	- entire length
Third Street South	- south side	- entire length except Sunday
Fourth Street South	- north side	- entire length
First Street North	- north side	- Third Avenue North to Fourth Avenue North
First Street North	- south side	- entire length
Second Street North	- south side	- entire length
Third Street North	- south side	- 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	- Third St. South to Fourth St. South
Fourth Avenue South	- east side	- First St. South to Main St.
Fourth Avenue South	- west side	- Fourth St. South to First St. South
Prairie Trail	- east side	- entire length
Second Avenue North	- east side	- entire length
Second Avenue North	- west side	- First Street North to Second Street North
Third Avenue North	- east side	- entire length
Fourth Avenue North	- east side	- entire length
Fifth Avenue North	- east side	- entire length
Ash Grove Crescent	- inside of Crescent	- entire length
Ashcroft Cove	- north side	- entire length
Aspen Avenue	- east side	- entire length
Bentley Place	- west side	- entire length
Breckenridge Dr	- east side	- entire length
Cambridge Way	- south side	- entire length
Carnoustie Cove	- west side	- entire length
Church Avenue	- south side	- entire length
Claremont Drive	- west side	- entire length
Cobblestone Court	- outside of Court	- entire length
Edelweiss Crescent	- inside of Crescent	- entire length
Ellington Way	- west and south side	- entire length
Elmdale Place	- north side	- entire length
Errington Place	- north side	- entire length
Errington Way	- north side	- entire length
Foxdale Way	- west side	- entire length
Hampton Drive	- north side	- entire length
Hespeler Park Drive	- north side	- entire length
Hill Crest Court	- west side	- entire length
Kipling Lane	- north side	- entire length

Kirkdale Drive	- west and south side	- entire length
Landsbury Lane	- north side	- entire length
Lilac Place	- south side	- entire length
Linden Place	- north side	- entire length
Maplewood Crescent	- inside of Crescent	- entire length
Mulberry Avenue	- east side	- entire length
Redwood Place	- north side	- entire length
Ritchot Drive	- inside of Drive	- entire length
Roselawn Bay	- inside of Bay	- entire length
Saint Andrew's Way	- inside or west side	- entire length
Saint George Place	- south side	- entire length
South Park Drive	- inside of Drive	- entire length
Spruce Drive	- north side	- entire length
Troon Cove	- west side	- entire length

“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