

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on December 17, 2024, at 7:00 p.m. at the Niverville Community Resource and Recreation Centre. Mayor Myron Dyck, Deputy Mayor Chris Wiebe, and Councillors Nathan Dueck and Meghan Beasant were in attendance.

Res#297-24 Agenda	M. Beasant – N. Dueck BE IT RESOLVED that the agenda be approved subject to the following additions: Adoption of Agenda: 2 a. Excuse Councillor Bill Fast New Business: 10 a. Scope Change to Design of PR311	“Carried”
Res#298-24 Excuse	C. Wiebe – M. Beasant BE IT RESOLVED that Councillor Bill Fast be excused due to alterations to his travel plans.	“Carried”
Res#299-24 Minutes	C. Wiebe – M. Beasant BE IT RESOLVED that the minutes of the regular Council meeting held on December 3, 2024, be approved as presented.	“Carried”
Res#300-24 Table Agenda	C. Wiebe – 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 combined Public Hearing for Conditional Use application C22-24 and Variance application V19-24 for 1789 Main Street.	“Carried”
Res#301-24 Resume	C. Wiebe – M. Beasant BE IT RESOLVED that the combined Public Hearing for Conditional Use application C22-24 and Variance V19-24 for 1789 Main Street be closed, and Council resume its former order of business (8:14 p.m.).	“Carried”
Res#302-24 C22-24 V19-24	C. Wiebe – N. Dueck WHEREAS a combined Public Hearing was held on December 17, 2024, regarding Conditional Use application C22-24, an application to allow on DESC SE36-7-3E, civically known as 1789 Main Street, an eating and drinking establishment (McDonald’s restaurant) with a drive-through and advertising signage, and Variance application V19-24 for the following: - To vary the permitted number of identification signs from 1 to 5, - To vary the permitted location of an identification sign from being located either on the fascia or roof of the building, or a free-standing structure to allow identification signs in all three locations, - To vary the permitted size of identification signage from the maximum of 100 square feet to an aggregate of no more than 150 square feet, - To vary the size of directional signage from the permitted 5 square feet to no more than 10 square feet, and - To allow for a free-standing 2-lane sign with swing arms directing traffic through the drive-through; AND WHEREAS in accordance with <i>The Planning Act</i> , the combined Public Hearing for the Conditional Use and Variation application was duly advertised; AND WHEREAS there were concerns received to the proposals;	

AND WHEREAS the Town supports a one-way egress only for the approach onto PR311, heading westbound;

AND WHEREAS the approach onto PR311 requires approval from Manitoba Transportation and Infrastructure for its continued use;

THEREFORE BE IT RESOLVED that Council approves Conditional Use application C22-24 to allow on DESC SE36-7-3E, civically known as 1789 Main Street, an eating and drinking establishment with a drive-through and advertising signage, and Variance application V19-24 for the following:

- To vary the permitted number of identification signs from 1 to 5,
- To vary the permitted location of an identification sign from being located either on the fascia or roof of the building, or a free-standing structure to allow identification signs in all three locations,
- To vary the permitted size of identification signage from the maximum of 100 square feet to an aggregate of no more than 150 square feet,
- To vary the size of directional signage from the permitted 5 square feet to no more than 10 square feet, and
- To allow for a free-standing 2-lane sign with swing arms directing traffic through the drive-through.

subject to the following conditions:

- 1) That the owner of the eating and drinking establishment enter into a Development Agreement with the Town;
- 2) That the exterior lighting be non-intrusive;
- 3) That the landscaping plan includes coniferous trees and is subject to the approval of the Town;
- 4) That signage on the west facade of the building is non-illuminated; and
- 5) That an 8-foot-high fence made of a dense material be installed on the west side of the property, suitable for accommodating the drainage along the west side of the property, and subject to the approval of the Town.

“Carried”

Res#303-24
Table
Agenda

N. Dueck – C. Wiebe

BE IT RESOLVED that the Council meeting agenda be tabled and that Council sit in accordance with *The Planning Act* to hold the Public Hearing for Conditional Use application C23-24 for Unit 8B – 40 Drover’s Run.

“Carried”

Res#304-24
Resume

M. Beasant – C. Wiebe

BE IT RESOLVED that the Public Hearing for Conditional Use application Conditional Use application C23-24 for Unit 8B – 40 Drover’s Run be closed, and Council resume its former order of business (8:38 p.m.).

“Carried”

Res#305-24
C23-24

M. Beasant – N. Dueck

WHEREAS a Public Hearing was held regarding Conditional Use C23-24, an application from Dharminderpal Sandhu Dental Corp. to allow for a dental office/clinic on Lot 2 Plan 59619, civically known as Unit 8B of 40 Drover’s Run;

AND WHEREAS in accordance with *The Planning Act*, 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 C23-24 to allow for a dental office/clinic on Lot 2 Plan 59619, civically known as Unit 8B of 40 Drover’s Run.

“Carried”

Res#306-24 Subdivision	<p>N. Dueck – C. Wiebe</p> <p>BE IT RESOLVED that Council approves subdivision application File no. 4340-22-8729 for Block 3 and Lot 19 Block 2 Plan 66425 WLTO in SE ¼ 25-7-3-E, registered owner Sunset Estates Ltd., which proposes to subdivide 89 residential lots and one residual lot and a public reserve for new residential development, subject to the following:</p> <ol style="list-style-type: none"> 1) That the Developer enter into a Development Agreement with the Town; 2) That an engineered drainage plan is provided and that concerns with drainage are satisfactorily addressed; and 3) That variance orders be obtained as necessary to ensure compliance with the Town’s Zoning By-law. <p style="text-align: right;">“Carried”</p>
Res#307-24 O/S Security Deposits	<p>C. Wiebe – M. Beasant</p> <p>WHEREAS Niverville’s Building Permits Department has compiled a listing of expired Building Permits originally dated 2021 and 2022; AND WHEREAS the list represents those properties for which final inspections have not been completed satisfactorily within the required time limit nor have arrangements been made for an extension to the permit; THEREFORE BE IT RESOLVED that the expired Building Permit security deposits from permits dated 2021 in the amount of \$15,000.00 for building permits that have not completed satisfactory final inspections nor arrangements made for the completion of same be moved to the General Operating fund.</p> <p style="text-align: right;">“Carried”</p>
Res#308-24 Weed Inspector	<p>C. Wiebe – M. Beasant</p> <p>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, 2025 to February 28, 2026; 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.</p> <p style="text-align: right;">“Carried”</p>
<p>Mayor Myron Dyck comments wished everyone a Merry Christmas, Happy Holidays and a Happy New Year.</p>	
Res#309-24 Accounts	<p>N. Dueck – C. Wiebe</p> <p>BE IT RESOLVED that cheque nos. 44967 to 44989, totaling \$110,107.49, and Electronic Fund Transfers totaling \$418,207.61 are hereby approved for payment.</p> <p style="text-align: right;">“Carried”</p>
Res#310-24 Nov. F.S.	<p>M. Beasant – C. Wiebe</p> <p>BE IT RESOLVED that Council approves the November 30, 2024, Financial Statement as presented.</p> <p style="text-align: right;">“Carried”</p>
Res#311-24 BL 867-24 3 rd Reading	<p>C. Wiebe – N. Dueck</p> <p>BE IT RESOLVED that Bylaw 867-24, being a Council Remuneration By-law for 2025 is given third reading and passed.</p> <p style="text-align: right;">“Carried”</p> <p>In Favour: M. Dyck, C. Wiebe, N. Dueck, M. Beasant Absent: B. Fast</p>

Res#312-24 M. Beasant – C. Wiebe
BL 868-24 BE IT RESOLVED that Bylaw 868-24, being a Staff Remuneration By-law for
3rd Reading 2025 is given third reading and passed.
“Carried”
In Favour: M. Dyck, C. Wiebe, N. Dueck, M. Beasant
Absent: B. Fast

Res#313-24 N. Dueck – M. Beasant
BL 869-24 BE IT RESOLVED that Council gives third reading and passes By-law 869-24,
3rd Reading The Fire Prevention and Emergency Services By-law, being a (consolidated) by-
law for the prevention and control of fires, to regulate fireworks and define the
authority of the Niverville Fire & Emergency Services and the Chief
Administrative Officer.
“Carried”
In Favour: M. Dyck, C. Wiebe, N. Dueck, M. Beasant
Absent: B. Fast

Res#314-24 C. Wiebe – M. Beasant
BL 870-24 WHEREAS Schedule A of draft By-law 870-24 has been updated to include
3rd Reading “other” as another type of inspection for the Town’s Designated Officer and a new
format to allow for the customizing of forms to accommodate the required
information;
THEREFORE BE IT RESOLVED that Building By-law 870-24, a by-law to
regulate and control the use of new and existing buildings and structures, including
the construction, placement, alteration, repair, renovation, demolition, relocation,
removal and the erection of a structure or addition to a building, as amended, be
given third reading and passed.
“Carried”
In Favour: M. Dyck, C. Wiebe, N. Dueck, M. Beasant
Absent: B. Fast

Res#315-24 C. Wiebe – M. Beasant
BL 872-24 BE IT RESOLVED that the Fees and Charges By-law 872-24, being a by-law to
3rd Reading establish, consolidate, revise and update the fees and charges payable to the Town
of Niverville for products and municipal services rendered under the authority of
The Municipal Act, The Planning Act, and the by-laws of the Town, is given third
reading and passed.
“Carried”
In Favour: M. Dyck, C. Wiebe, N. Dueck, M. Beasant
Absent: B. Fast

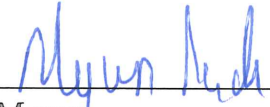
Res#316-24 N. Dueck – C. Wiebe
BL 778-17 BE IT RESOLVED that the following updates be made to Schedule “A” of
Update By-law 778-17 By-law Enforcement:
Remove:
By-law 791-18 Building By-law
By-law 854-23 Mobile Food Service Units
By-law 864-24 Fire Prevention and Emergency Services
Add:
By-law 869-24 Fire Prevention and Emergency Services
By-law 870-24 Building By-law
By-law 871-24 Mobile Food Services Unit
By-law 872-24 Fees and Charges
“Carried”

Res#317-24 C. Wiebe – M. Beasant
Repeal BE IT RESOLVED that the following Town policies are repealed effective January 1, 2025, as they have been incorporated into the new Building By-law:
D5-15 Security Deposit Policy
D1-21 Rush Fee Policy
D3-17 Occupancy Permit Policy
D5-13 Foundation Permit Policy
“Carried”

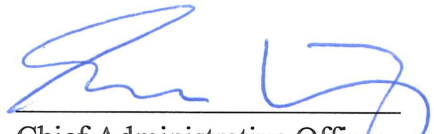
Res#318-24 C. Wiebe – M. Beasant
Abandoned WHEREAS Building By-law 870-24 which takes effect January 1, 2025, deems
Permits an application for a permit to have been abandoned six months after the date of filing, unless it has been processed by the Town and the required payment has been made;
AND WHEREAS Building By-law 870-24 requires the payment of an Administrative Fee by the applicant for permits that have been deemed abandoned;
AND WHEREAS a permit application for 22 Van Riesen Drive was applied for on April 18, 2024, and has not been paid for as of December 17, 2024, exceeding a six-month timeframe;
THEREFORE BE IT RESOLVED that building permit applications with a filing date prior to July 1, 2024 will be considered abandoned effective January 1, 2025, with the requirement for an Administrative Fee to be waived for this abandonment.
AND BE IT FURTHER RESOLVED that building permit applications with filing dates between July 1, 2024, and December 31, 2024, will be considered to have been abandoned six months after the filing date for each permit, with the requirement for an Administrative Fee to be waived for the abandonment of these permits, should that occur.
“Carried”

Res#319-24 N. Dueck – C. Wiebe
Scope BE IT RESOLVED that Council approves a scope change to the 2021 PR 311 & Mulberry Ave. Intersection Detailed Design contract with Morrison Hershfield for \$24,960.00, plus applicable taxes, for the detailed design of a new culvert crossing of PR 311 east of Wallace Road and a new ditch east of Wallace Road flowing north from PR311 towards Stott Road.
“Carried”

Res#320-24 M. Beasant – N. Dueck
Adjourn BE IT RESOLVED that the meeting be adjourned. (8:53 p.m.)
“Carried”



Mayor



Chief Administrative Officer

Minutes of a combined Public Hearing held on December 17, 2024, at 7:02 p.m. regarding Conditional Use C22-24, an application to allow on DESC SE36-7-3E, civically known as 1789 Main Street, an eating and drinking establishment (McDonald's restaurant) with a drive-through and advertising signage, and Variance application V19-24 for the following:

- To vary the permitted number of identification signs from 1 to 5,
- To vary the permitted location of an identification sign from being located either on the fascia or roof of the building, or a free-standing structure to allow identification signs in all three locations,
- To vary the permitted size of identification signage from the maximum of 100 square feet to an aggregate of no more than 150 square feet,
- To vary the size of directional signage from the permitted 5 square feet to no more than 10 square feet, and
- To allow for a free-standing 2-lane sign with swing arms directing traffic through the drive-through;

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 and Meghan Beasant in attendance.

CAO Eric King advised that this was an application from Arcadis Professional Services Inc. on behalf of McDonald's for a Conditional Use to allow for an eating and drinking establishment (McDonald's restaurant) with a drive-through, and advertising signage in a commercial zone and Variance for the following:

- To vary the permitted number of identification signs from 1 to 5,
- To vary the permitted location of an identification sign from being located either on the fascia or roof of the building, or a free-standing structure to allow for identification signs in all three locations,
- To vary the permitted size of identification signage from the maximum of 100 square feet to an aggregate of no more than 150 square feet,
- To vary the size of directional signage from the permitted 5 square feet to no more than 10 square feet, and
- To allow for a free-standing 2-lane sign with swing arms directing traffic through the drive-through.

Background: The proposal for 1789 Main Street is to construct a McDonald's restaurant accommodating 46 seats and having a drive-through. This location is zoned Commercial Corridor, and this zone is intended to serve commercial facilities located outside of a downtown area that require a larger site for high traffic or vehicle-related services and uses requiring direct access to a major arterial street or highway. McDonald's has been willing to connect directly with residents who voiced their concerns so far, and contact information from these residents has been shared with them. The advertising signage includes the free-standing sign, the McCafe sign on the rooftop, the digital pre-sell boards, and the digital menu boards. The Variance for signage is to increase the number of permitted signs for identification and directional purposes, including a free-standing 2-lane sign with swing arms directing traffic through the drive-through, allowing for multiple locations of signs (rooftop/fascia/free-standing), and increase the permitted square footage of signs. Staff have rounded up the requested square footage of the identification signage to 150 square feet to allow for minor adjustments without requiring McDonald's to apply for another variance (*actual amount +/- 125 square feet of identification signage*). Staff would support a one-way egress only for the approach onto PR311, heading westbound. The applicant will need approval from Manitoba Transportation and Infrastructure for the continued use of the approach onto PR311. A Development Agreement, if made a condition of approval, would require specifics on the site plan, connections to Town sewer and water, drainage plan, Development Fees and security deposit, requirement for a fire hydrant or contribution in lieu of lighting plan, and any other significant details regarding development.

Ms. Vanessa Geissler of 207 Ritchot Drive, reiterated her concerns about the impact on property values, citing research that commercial establishments near residential areas may result in decreased property values depending on the specific circumstances, and that real estate data also aligns with those numbers. She pointed out that a 3-5% decrease in property values would represent a significant loss for families such as hers. Ms. Geissler noted that their property is on elevated ground, if careful attention is not given to the mitigation efforts, they will have glaring views of the development, and any buffer plan cannot fully eliminate the noise, odours, and disruption that this development will cause. She added that they understand that the property is commercially zoned, and that with that comes the responsibility to act fairly and minimize harm, protect quality of life and balance this fairly. Ms. Geissler highlighted how changing from a current “quiet” business on 1789 Main Street to a 24-hour McDonald’s with a drive-through will affect their quality of life. She questioned Council as to what assurances about things like lights, noise, pollution and property value they would want if they were in a similar situation. Ms. Geissler advised that they had a face-to-face meeting with McDonald’s representatives, where they did respond to some of their concerns, but appeared to be glossing over the property value matter. She added that with respect to the variations, that Council should consider the conditions and expectations for the development, and pointed out the responsibility to protect the direct neighbours from harm.

Council questioned which residence they lived at and if she had direct suggestions to deal with her concerns.

Ms. Geissler noted they lived at 207 Ritchot, the second one from the highway, and suggested a concrete fence higher than 6 feet, as their houses were higher.

Council confirmed that increasing the height of the fence may be a possibility and asked whether there was anything else that she recommended.

Ms. Geissler mentioned a concern about drainage, the noise, what can be done to help with the lights (as far away as possible), and that the proposed trees be mature from the start.

Council commented that there was a history about the drainage in the area, that the elevations are lower, and asked that staff make note of this in case there are problems with drainage. Mayor Dyck advised that if a Development Agreement is required, it would address drainage. Council also stated that some of the concerns have been addressed, questioned if they were planning to use coniferous trees and the hours of operation.

Ms. Geissler expressed her concern with the proposed double wooden fence, as wood dries and warps, which would allow light through, and said McDonald’s was planning to use some coniferous trees.

Mayor Dyck questioned Ms. Geissler on the property value concern, asking for clarification on the urban setting she had mentioned.

Mr. Stephan Geissler of 207 Ritchot Drive clarified that their research on property values involved urban studies (academic journals), which indicated that residential properties bordering a business such as McDonald’s showed a decline of 3-12%, which would leave the Geisslers to bear the brunt of this in addition to the change from small businesses operating quietly there, to a business with crazy lights, exhaust and pollution. The Geisslers are concerned about the property values of their home, having invested \$80,000 into their home in the last 7 years since living there, and losing additional value is gut-wrenching.

Mayor Dyck questioned whether the study had graphs/data and whether a specific/local realtor was involved.

Mr. Geissler advised that he thought there were charts and graphs, that they had discussed this with a realtor close to their family, and that those numbers probably align given their location to McDonald's. He also commented that this development would come at a cost to the 3 residences (that are adjacent to this lot) versus a big corporation, that McDonald's is not taking their concerns as seriously as they had hoped, and that they want Council to help work through assurances to protect their home.

Mayor Dyck added that the reason he was asking for hard data was that he works as a property appraiser and that, as a firm, they have been asked to go to hearings such as this when there are multi-families involved, and there are concerns with property values going down and that in the studies that they have done, they have not seen that the property values go down.

Ms. Karla Boyechk, 13 Denby Cove, advised that she was not directly affected, she shared the same concerns about exhaust and traffic as she has family and friends who live in the area. She cited the concerns regarding the traffic and idling vehicles in the drive-through, how those exhaust fumes affect those with asthma, and the effect on children with autism, as they are more sensitive to these types of substances, causing more harm and stress on the body. Ms. Boyechk noted that McDonald's response to the exhaust concern was that it was at a level comparable to a highway, which she said wasn't reasonable considering the drive-through was right behind residences. Ms. Boyechk referenced her own experience working at a McDonald's restaurant on Pembina Hwy (Winnipeg) and the negative effects (busy parking lot, loud and obnoxious behaviour indoors, loitering and rudeness) of when the local high school teenagers would attend the restaurant during noon and after school, and mentioned that this should be considered since this location is directly near a high school. She commented on the fencing from the Winnipeg location, how the fencing breaks down over time resulting in light penetration, that a concrete fence would also help deter someone from scaling the fence and be more resistant to winter conditions. She mentioned that a McDonald's close to a residential property does reduce property values as per the study already referenced, and McDonald's response to this concern was that they felt this wouldn't be a problem. She commented that homeowners buy their house as an investment, and a multi-billion dollar corporation has the financial means to reimburse the loss to the 3 affected residences. With respect to landscaping, she mentioned a concern that McDonald's may choose to use deciduous trees due to the cost involved.

Mr. Brian Chornoboy of 219 Ritchot Drive noted that he didn't know where the building was going to be located and had concerns about kids walking uptown, the egress going onto the highway (heading both directions) and a drive-through so close to the railway tracks.

Mr. King noted that it was a west turn egress, and the Manitoba Infrastructure wouldn't approve a turn heading east.

Mayor Dyck asked whether in Mr. Chornoboy's work as a realtor, whether he had seen the effect on property values and he couldn't comment and said that there were more variables involved.

Mr. King read letters from Stephan and Vanessa Geissler of 207 Ritchot Drive, and Dave and Jenn Neufeld of 195 Ritchot Drive into the record. The Geisslers cited concerns with the loss of rural character, light pollution and visual impact, garbage and pest control, neighbourhood relations and accountability, limited community engagement, construction timeline and impact, and clear mitigation plans and contact information. The Neufelds cited concerns of noise pollution, light pollution, traffic & safety, environmental impact, property value, privacy, buffer zone, lighting restrictions, restricted operating hours and traffic management.

Mr. Tony Withall, Senior Planner at Arcadis overseeing the Canadian McDonald's projects, responded to the concerns as follows:

- Fence – they are proposing a 6-foot overlapping board-on-board wood fence, which won't have a gap even if the boards shrink, and although fences break down, McDonald's maintains their sites and pending what the Town wants, the details could change, and they are willing to accept that;
- Landscape material – at the narrowest, the landscaped area is 15 feet wide, which gets wider heading north, to about 22 feet, and they are proposing a solid landscape buffer with coniferous and some deciduous trees, which will overlap and break up the appearance. At the northwest corner of the site, where the drive-through turns and headlights would shine west, there is a cluster of coniferous trees to block the lights, and pending approval today, the plans will be finalized with the Town;
- Drainage – there is an easement that needs to be protected, with a suggestion (from the Town) for a concrete swale to manage the water flow better. The detailed drainage plan for this site has not been done yet, but it will be sorted through and the easement and drainage will remain;
- Light standards and light pollution – McDonald's light standards include full cut-off shields so there is no light onto adjacent properties, and the Development Permit application will show that light levels will be at 0 at the property line;
- Menu boards and noises – volumes automatically adjust to the background noise, so at nighttime, the volume automatically turns down and is quieter than in the day;
- Noise for loading – trucks will come in 2 times a week, these deliveries can be scheduled, and they are usually off-peak (mid morning/afternoon) or whatever the schedule allows for, and there is flexibility for this as well;
- Trees – while they can't install fully grown 25-year-old trees, they can install larger than the normal trees;
- Outdoor seating – they are not applying for this;
- Garbage – McDonald's uses an inground system where there is a silo inground, which cools the garbage, is completely enclosed, animals can't get into it, and the location for those bins is basically in the middle of the site, away from residential development; and
- Grading and landscaping – they haven't done the detailed servicing plan yet, and the preliminary landscaping plan is to illustrate what they can and will do here, and there is an opportunity to modify this through the Development Permit application.

Mr. Matthew Dunn, a member of the McDonald's Development Team, confirmed that he and the construction manager were on a video call with Stefan and Vanessa (Geissler), and had emailed the others as well. Mr. Dunn thought they had tried to meet them wherever they could, whether regarding fencing, lighting, or adding more or the right kinds of trees to appease them. With respect to the comments about "what would you do if McDonald's was moving in (behind you)?" - he felt that he would have had similar questions and would have been more comfortable after hearing the answers that McDonald's was providing, and doesn't think it will affect real estate values. He offered to provide both his and the construction person's personal phone number if they ever have a problem, so they can contact them directly. Mr. Dunn mentioned that they want to be a community leader, maintaining their property, protecting their investment and the brand, and making sure customers and homeowners are satisfied.

Council questioned the hours of operation.

Mr. Dunn noted that the 24-hour service wasn't 100 percent decided on yet, and they wanted the ability to do and this, and (this decision) is based on what the market bears, and the hours would be reduced based on sales coming in.

Council mentioned a concern that being open 24-hours was not in keeping with the vibe of the Town, which is still sleepy at night, and starting off with this would be a little intense. Councillor Beasant mentioned she was not in favor of the location and didn't understand why the location of the restaurant couldn't be closer to the road instead of up against the houses, and expressed

appreciation for how the garbage would be managed. She commented that it was unclear how the matter of pedestrian safety could be mitigated, however, there was appreciation for how the garbage would be managed.

Deputy Mayor Chris Wiebe expressed concern with the egress heading west only, citing the challenge with training the public that Arena Road is a one-way, and how would the public be controlled so that they won't turn east out of the egress. He commented that the property used to be owned by a welding shop, and the neighbours don't remember how they would weld all night, with farm equipment coming there, and banging going on, showing that the lot has had noise in the past. Deputy Mayor Wiebe commented that he would like more mitigation done with fencing, stating that a wood fence due to the deterioration over time, is not substantial enough for a business like this and feels that it should be an 8-foot concrete fence.

Councillor Nathan Dueck thanked everyone for their presentations and mentioned that a lot of the concerns have been addressed, and that with respect to environmental clean-up and impact, there have been a few restaurants here (in Town), who would have a staff member do some exterior clean up, but no matter how many garbage receptacles are installed down a pathway, they don't necessarily get used and the cleanup falls to citizens and staff. He suggested working with other businesses in the area to find a solution. Councillor Dueck also questioned when the property was zoned commercial.

Mr. King responded that it has always been zoned commercial.

Councillor Dueck commented that residents are used to something not being there and that it is the government's responsibility to encourage economic growth and not govern hours of operation, rather, it's about working together to allow businesses to do their job.

Council questioned whether the sign facing west over the takeout area needed to be lit 24/7, and mentioned that the traffic flow could be managed by curbing.

Mr. Withall confirmed that the signs on the west facade could be removed, and Mr. King noted that Manitoba Infrastructure would determine the future of the egress.

Mayor Dyck weighed in, noting that Manitoba Infrastructure will determine what will or won't happen on the highway as it is outside of the Town's jurisdiction, and if their engineers believe something is viable, they will propose it. He also commented that the traffic volume will fix the one-way traffic on Arena Road and that some of the concerns from residents are being addressed. He concurred that an 8-foot fence is better than a 6-foot fence, that it needs to be dense and longer lasting, and that the buffer can assist in the density for light filtering through.

Councillor Dueck questioned whether the site plan was shared with neighbours and if a copy could be given out to those who hadn't received one. Mr. Dunn confirmed that the site plan was shared with the Geisslers and that it could be shared with others.

Mayor Dyck questioned the light shrouding and Mr. Withall clarified that they can predict where the light fixtures will go on the property, as they can see the light levels across the site.

With respect to the safety of children, Mayor Dyck noted that we are living in the 5th fastest growing municipality in the country and children are going to face busyness in this community wherever they go, and doesn't know how to mitigate where children should/should not walk based on how you want to develop, because no matter where you locate a business like this there will be pedestrian and vehicular traffic. He added that as we grow from 6,500 residents to 10,000, managing the growth of people who want to live here, and those who want to bring their businesses here. He noted we have crosswalks and lights, and Council will do what they can to

protect our children, rather than controlling what businesses can go on Main Street, and Arena Road will be a busy road for crossing. Mayor Dyck questioned whether any testing of air quality has been done regarding the pollution from idling.

Mr. Withall couldn't think of anything like this being done, and the design of the McDonald's drive-through is 3 windows to make it efficient, allowing for parked cars and cars to pass through.

Mayor Dyck questioned whether the residents from the homes close to the Tim Horton's drive-through had ever complained about noise or air pollution. Mr. King confirmed that no complaints had been received by the office.

Mayor Dyck mentioned the high school students would come and want to drop off their garbage and whether receptacles would be put on the corners of their property. Mr. Withall confirmed that there are outdoor receptacles, which will get placed where they are needed, such as the northeast corner of the property.

Mr. Dunn noted that they are not big fans of outdoor seating due to the weather and that they will get a total of 2 deliveries per week. Mayor Dyck mentioned that the noise concern about the beeping was because of young families and waking sleeping babies. He also mentioned that the Town's By-law allows for an 8-foot fence (maximum height) and beyond that would require a Variance and another public hearing. Deputy Mayor Wiebe commented that the north fence wouldn't need to be 8-feet high.

The public hearing was closed at 8:14 p.m.

Minutes of a Public Hearing held on December 17, 2024, at 8:32 p.m. regarding Conditional Use C23-24, an application from Dharminderpal Sandhu Dental Corp. to allow for a dental office/clinic on Lot 2 Plan 59619, civically known as Unit 8B of 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 and Meghan Beasant in attendance.

CAO Eric King advised that this was an application from Sandhu Dental Corp. and the Conditional Use is requested to allow for a dental office/clinic in a Commercial Corridor Zone. Background: The applicant proposes operating a dental clinic in Unit 8B of 40 Drover's Run and anticipates having 3 to 4 employees. The recommendation from Admin is to approve the Conditional Use as proposed.

Dr. Sandhu, the applicant, advised that he has been practicing for 24 years, has patients who come from Niverville and area, operates a modernized office, and wants to offer dentistry to the community.

Council questioned where he was proposing to operate and what his current location was.

Mr. King noted that the proposed location was by the Almond Bar.

Dr. Sandhu advised that he was part of a professional dental practice group and had expertise in extractions and crowns, and by offering these services locally, people won't have to travel to Winnipeg and spend money on procedures.

There was no opposition to the proposal.

The public hearing was closed at 8:38 p.m.