

TOWN OF NIVERVILLE

Minutes of the regular meeting of the Niverville Town Council held on September 1, 2020 at 9:00 a.m. at the Niverville Centennial Arena (South End). In attendance were Mayor Myron Dyck, Deputy Mayor John Funk, Councillors Kevin Stott, Chris Wiebe and Nathan Dueck.

- Res#241-20 K. Stott – C. Wiebe
Agenda BE IT RESOLVED that the agenda be approved subject to the following additions:
New Business: 10 a. Award Sewer Line Cleaning Contract
10 b. Award CRRC Rough Grade Contract
10 c. Supplementary Taxes dated August 28, 2020
“Carried”
- Res#242-20 J. Funk – N. Dueck
Minutes BE IT RESOLVED that the minutes of the regular Council meeting held on August 18, 2020 be approved as presented.
“Carried”
- Res#243-20 N. Dueck – K. Stott
Table BE IT RESOLVED that the Council meeting agenda be tabled and that Council
Agenda sit in accordance with *The Planning Act* to hold a combined Public Hearing for Subdivision Files #4340-20-8306 and #4340-20-8307 and Variation V15-20.
“Carried”
- Res#244-20 C. Wiebe – J. Funk
Resume BE IT RESOLVED that the Public Hearing for Subdivision Files #4340-20-8306 and #4340-20-8307 and Variation V15-20 be closed and Council resume its former order of business. (9:26 a.m.)
“Carried”
- Res#245-20 J. Funk – C. Wiebe
Subdivision WHEREAS Section 125(2) of *The Planning Act* requires Council to hold a Public Hearing if a proposed subdivision will result in the creation of a new public road; AND WHEREAS the plan of subdivision for Pt. Lot 11 Block 1, Pt. Lot 19 Block 2, Pt. Block 3 Plan 66425, SE 1/4 25-7-3 EPM being Community Planning file number 4340-20-8306 will create 79 lots for single-unit and two-unit residential development as well as new public roads being Murcar Street, Kingshead Road and an extension of Aberdeen Drive to Crown Valley Road to service the proposed lots and to complete the connection onto Crown Valley Road; AND WHEREAS the plan of subdivision for Pt. Lot 11 Block 1 Plan 66425, SE 1/4 25-7-3 EPM being Community Planning file number 4340-20-8307 will create 46 lots for single-unit and multi-unit residential development as well as new public roads being Gullane Street and Kingshead Road to service the proposed lots; AND WHEREAS the (combined) Public Hearing for the proposed plans of subdivision was duly advertised; AND WHEREAS no opposition was received to the proposals; THEREFORE BE IT RESOLVED that Community Planning subdivision file number 4340-20-8306 for Pt. Lot 11 Block 1, Pt. Lot 19 Block 2, Pt. Block 3 Plan 66425, SE 1/4 25-7-3 EPM and Community Planning subdivision file number 4340-20-8307 Pt. Lot 11 Block 1 Plan 66425, SE 1/4 25-7-3 EPM for registered owner Sunset Estates Ltd., be approved subject to the Developer entering into a Development Agreement with the Town;
“Carried”

Res#246-20 J. Funk – C. Wiebe

V15-20 WHEREAS a Public Hearing was held for Variation Application V15-20, an application from Sunset Estates for Pt. Lot 11 Block 1, Pt. Lot 19 Block 2, Pt. Block 3 Plan 66425 in SE 1/4 25-7-3 EPM for Subdivision File No. 4340-20-8306 and Pt. Lot 11 Block 1 Plan 66425 SE 1/4 25-7-3 EPM, Subdivision File No. 4340-20-8307 to vary the following:

- 1) minimum site width from 40 feet to no less than 32 feet for Lots 11-18 Block 3 under Subdivision File No. 4340-20-8306,
- 2) minimum side yard setbacks from 5 feet and 15 feet (if no attached garage) or 5 feet (attached garage) to 4 feet for Block 1 (29 lots), Block 2 (16 lots), Block 3 (18 lots) and Block 4 (16 lots) under Subdivision File No. 4340-20-8306,
- 3) minimum site width from 40 feet to no less than 30 feet for proposed Lots 1-30 Block 1 and vary site area to no less than 3,918 square feet for proposed Lots 1-9, 11-16, 23-30 Block 1 under Subdivision File No. 4340-20-8307, and
- 4) minimum side yard setbacks from 5 feet and 15 feet (if no attached garage) or 5 feet (attached garage) to 4 feet (attached or no attached garage) for Block 1 (30 lots) and Block 2 (13 lots) under Subdivision File No. 4340-20-8307.

AND WHEREAS the application was duly advertised and there were no concerns brought forward;

THEREFORE BE IT RESOLVED that Council approves the following items under Variation Application V15-20 from Sunset Estates for Pt. Lot 11 Block 1, Pt. Lot 19 Block 2, Pt. Block 3 Plan 66425 in SE 1/4 25-7-3 EPM for Subdivision File No. 4340-20-8306 and Pt. Lot 11 Block 1 Plan 66425 SE 1/4 25-7-3 EPM, Subdivision File No. 4340-20-8307:

- 1) To vary the minimum site width from 40 feet to no less than 32 feet for Lots 11-18 Block 3 under Subdivision File No. 4340-20-8306,
- 2) To vary minimum side yard setbacks from 5 feet and 15 feet (if no attached garage) or 5 feet (attached garage) to 4 feet (attached or no detached garage) for Block 2 Lots 1 to 16, Block 3 Lots 11-18 and Block 4 Lots 1 to 16 under Subdivision File No. 4340-20-8306,
- 3) To vary the minimum site width from 40 feet to no less than 30 feet for proposed Lots 1-30 Block 1 and vary site area to no less than 3,918 square feet for proposed Lots 1-9, 11-16, 23-30 Block 1 under Subdivision File No. 4340-20-8307, and
- 4) Vary the minimum side yard setbacks from 5 feet and 15 feet (if no attached garage) or 5 feet (attached garage) to 4 feet (attached or no attached garage) for Block 1 Lots 1 to 30 and Block 2 Lots 1 to 13 under Subdivision File No. 4340-20-8307,

subject to the following condition:

- 1) That the Variation for the minimum side yard setbacks will be considered to be “acted upon” for an individual lot if a building permit is issued for a dwelling unit by September 1, 2024, and following that date any lot where a building permit for a dwelling unit has not been issued, the Variation for minimum side yard setbacks will be expired and cease to have any effect.

“Carried”

Res#247-20 C. Wiebe – J. Funk
Table BE IT RESOLVED that the Council meeting agenda be tabled and that Council
Agenda sit in accordance with *The Planning Act* to hold a Public Hearing for Variation
application V16-20.

“Carried”

Res#248-20 C. Wiebe – J. Funk
Resume BE IT RESOLVED that the Public Hearing for Variation application V16-20 be
closed and Council resume its former order of business. (9:50 a.m.)

“Carried”

Res#249-20 J. Funk – C. Wiebe
V16-20 WHEREAS a Public Hearing was held for Variation Application V16-20, an
application from 7262214 MB. Inc. (o/a Southern Comfort Mechanical) to vary
the east side yard setback from 10 feet to 5 feet to accommodate an addition to the
existing primary building on Lot 9 Block 2 Plan 23182, civically known as 369
Bronstone Drive, Niverville,;
AND WHEREAS the application was duly advertised and there were no concerns
brought forward;
THEREFORE BE IT RESOLVED that Variation Application V16-20 from
7262214 MB. Inc. (o/a Southern Comfort Mechanical) to vary the east side yard
setback from 10 feet to 5 feet to accommodate an addition to the existing primary
building on Lot 9 Block 2 Plan 23182, civically known as 369 Bronstone Drive,
Niverville be approved as presented.

“Carried”

Res#250-20 J. Funk – N. Dueck
HR1-18 BE IT RESOLVED that Council approves an amendment to Operations On-Call
Policy HR1-18, copy of which is attached hereto as Schedule “A”.

“Carried”

Mayor Myron Dyck acknowledged a letter received from Leslie Gaudry, an area resident who is calling for the community to not discriminate against others, but rather support others during times of duress. Mayor Dyck expressed his appreciation to Leslie and those like her who are supporting one another and showing compassion during these days when COVID and racism are spurring some to discriminate and be disrespectful of others. Mayor Dyck put out a challenge to residents to show compassion and care for one another, to be respectful of others when dealing on social media, treating others the way you want to be treated.

Res#251-20 C. Wiebe – K. Stott
Accounts BE IT RESOLVED that cheque nos. 39136 to 39188 totalling \$1,167,893.35 be
hereby approved for payment.

“Carried”

Res#252-20 N. Dueck – C. Wiebe
July F.S. BE IT RESOLVED that the July 31, 2020 Financial Statement be approved as
presented.

“Carried”

Res#253-20 K. Stott – C. Wiebe
2nd Reading BE IT RESOLVED that Lot Grading and Drainage Bylaw 823-20, a bylaw to govern certain aspects of lot grading and drainage on public or private property, be given second reading.

“Carried”

Res#254-20 C. Wiebe – J. Funk
3rd Reading BE IT RESOLVED that Lot Grading and Drainage Bylaw 823-20, a bylaw to govern certain aspects of lot grading and drainage on public or private property, be given third reading and passed.

“Carried”

In Favour: M. Dyck, J. Funk, K. Stott, C. Wiebe, N. Dueck

Res#254-20 J. Funk – C. Wiebe
BL Update BE IT RESOLVED that Schedule “A” of Bylaw 778-17, Bylaw Enforcement, be updated by replacing Bylaw 628-05 Lot Grading and Drainage with Bylaw 823-20 Lot Grading and Drainage.

“Carried”

Res#255-20 C. Wiebe – J. Funk
Sewer Clean BE IT RESOLVED that following the Town’s due tendering process, that the Contract contract for the Town’s Sewer Line Cleaning be awarded to Roto-Rooter of Winnipeg Manitoba, who submitted the lowest bid of \$3.21 per meter (total contract cost \$32,900.00 plus applicable taxes).

“Carried”

Res#256-20 K. Stott – C. Wiebe
CRRC BE IT RESOLVED that following the Town’s due tendering process, that the Rough Grade contract for the Rough Grading for the area surrounding the Niverville Contract Community Resource & Recreation Centre be awarded to Elite Excavating Inc. of Oak Bluff Manitoba, who submitted the lowest bid of \$83,325.00 plus GST.

Res#257-20 N. Dueck – K. Stott
Added Taxes BE IT RESOLVED that in accordance with Section 326 of *The Municipal Act*, that supplementary taxes as provided by the Manitoba Assessment Services dated August 28, 2020 are hereby added to the Tax Roll.

“Carried”

Res#258-20 N. Dueck – C. Wiebe
Adjourn BE IT RESOLVED that the meeting be adjourned. (10:05 a.m.)

“Carried”

Mayor

Chief Administrative Officer

Schedule "A"



TOWN OF NIVERVILLE-HUMAN RESOURCES

POLICY NO. HR1-18:	<u>Operations On-Call Policy</u>	
EFFECTIVE DATE:	<u>September 18, 2018</u>	RESOLUTION# <u>302-18</u>
REVISION DATE:	<u>September 1, 2020</u>	RESOLUTION# <u>250-20</u>

Background: The Town has historically had their Operations Manager on-call from Monday to Friday to deal with Town emergencies during the work week. In addition, on the weekend there would have been one Operations and one Utility staff on-call to address weekend emergencies for the Town and its residents.

Compensation and fairness for staff and their families has become a concern and the Town requires a new policy to meet the needs of the residents while correcting the imbalance in the work-life relationship for staff.

Policy:

Scheduling: In November of every year, the Operations Manager with the approval of the Chief Administrative Officer (CAO), will publish an on-call schedule for the following calendar year.

If an on-call staff member would like to make a change to the schedule, they must make arrangements for a shift exchange with another approved on-call staff member a minimum of four (4) weeks in advance and must concurrently submit the request in writing to the Operations Manager. The Operations Manager will review the request and in conjunction with the CAO, either approve or deny the schedule change.

Rotation: Each approved on-call staff member will be responsible to be on-call for one week out of every four weeks. *Note: The schedule is subject to change pending fluctuations to the number of approved on-call staff.* A week(shift) is defined as starting at 16:00 Tuesday evening and ending at 07:00 the following Tuesday morning.

Response Time: The on-call employee must respond to any phone call or voicemails within twenty (20) minutes of receipt. All calls received must be logged and include details regarding the response that was required. When an on-site response is required, the on-call staff member must be on-site within sixty (60) minutes of the original call / voicemail. During the week that a staff member is on-call, they must be prepared to respond at any time and cannot be under the influence of alcohol or any legal or illegal narcotics. Should an on-call staff member take sick during their scheduled shift or be unable to respond due to a personal emergency, they must immediately contact the Operations Manager to make arrangements for a substitute.

Failure to respond within the specified timeframes to phone calls/voicemails, on-site requirements or contacting the Operations Manager when unable to respond due to sickness or personal emergency, will be addressed under the following guidelines:

1st Instance: meeting with Operations Manager and CAO

2nd Instance: written warning in permanent employment record and dock in pay by one-week of on-call premium

3rd Instance: removal from approved on-call staff list, deduction of one-week on-call premium and placed on probation for six (6) months with no opportunity for pay increase or promotion during this period

Compensation:

Each on-call week (shift) will consist of 123 hours. Compensation for 2018 and 2019 will be set at \$2.00 per hour or \$246.00 per week on-call. Compensation for subsequent years will be addressed in the Town's remuneration bylaw. When a statutory holiday falls during an on-call week, the staff member will be entitled to an \$18.00 premium. On-call staff will not be paid for any hours where they are unable to respond, whether due to sickness, a personal emergency or a personal commitment.

Any responses within a twenty-four (24) hour period (defined as midnight to midnight) that require less than sixty (60) minutes cumulatively to respond, are considered to be reimbursed for within the on-call compensation pay structure.

Any responses that require on-site work more than sixty (60) minutes in a twenty-four (24) hour period (defined as midnight to midnight) would fall in line with overtime* or time-in-lieu compensation rules as approved by Operations Manager and CAO. *The Operations Manager has the right to adjust the day time working hours to accommodate hours worked during the on-call response thereby not incurring any overtime.

Approved Staff:

All on-call staff must be capable of addressing routine utility and operation challenges and must be approved by the CAO.