

REGULAR TOWN BOARD MEETING FOR THE TOWN OF EUREKA, August 10th, 2017

The regular Town Board Meeting of the Town of Eureka was called to order by Chairman Gene Krull at 7 p.m. on August 10th, 2017 at the Eureka Town Hall.

Proper notice was given as the agenda was posted at the Eureka Town Hall and on the Towns' Website August 4th, 2017. Notice was also published in the Tri County Advertiser.

Present by roll call were Chairman Gene Krull, Supervisors, Janet Krueger, Randy Clark, Donn Anderson and Bill Maassen. Also present were David Anderson, Eureka Town Clerk, Shaila Johnson, Eureka Town Treasurer and Kirk Lehman, Town Crewman absent. Guests present were Richard Nelson, Ron Edlund, Paul Schneider, Carleen Matosky, Jason Odegard and Marvin Caspersen.

**Maassen/Clark motion** to approve the agenda, **motion carried.**

**Krueger/Maassen motion** to approve the minutes of Special Board Meeting on July 12 and Regular Board Meeting on July 13th, 2017 meeting, **motion carried.**

**Clark/Anderson motion** to approve vouchers 17-281 thru 17-343 the amount of \$149,286.34 **Motion carried** on a unanimous roll call vote of 5-0.

**Clerks Reports** and summaries were reviewed by the board.

**Treasurers Report** was given by Clerk David Anderson in the absence of Shaila Johnson, Town Treasurer. Cash balance on hand July 31th, 2017 was \$ 110,373.39 in the general fund, \$108.96 in the Tax Account (general fund money) and \$46,371.20 in the Investment Account.

**Road Maintenance and Highway Report** were given by Gene Krull, Town Chairman. The highway crew is doing the second pass on the mowing of the ditches. They are about 65% done. They have put up several new address signs and doing asphalt patching as needed.

**Chairman's Report** was given by Town Chairman Gene Krull. The end wall for the salt shed has been manufactured and will be installed in the near future. Chairman Krull has been in contact with Dane Christenson the Non Metallic supervisor for Polk County in regards to the water problem at the Woltz gravel pit. An amendment to the reclamation plan has been drawn up and needs to be signed by Mr. Woltz. Once signed this should finalize the reclamation of the pit. A land use permit was issued to Terry Olson. Discussion on the purchase of the new truck was discussed and the payments will be taken into consideration at budget time.

**Supervisor's Comments**, Supervisor Maassen spoke on the Centurylink/Lakeland telephone systems within the town. Lakeland services a portion of the township already and could be possibly expanding into the town in the future.

**Planning Commission Report**, Supervisor Krueger reported Planning Commission met on August 3rd to work on the action plan. They are about a third through the plan. A future meeting is planned for October 7th, 2017.

**Citizen Comment**, Richard Nelson asked Chairman Krull and Crewman Lehmann to check on the culvert under the cul-de-sac on his road.

**Maassen/Anderson motion** to approve amendment to Ordinance 05-02, **motion carried** by unanimous roll call vote 5-0.

# ***Town of Eureka***

## **Town Plan Commission**

### **Ordinance 05-02**

The Town Board of the Town of Eureka, Polk County, Wisconsin, does ordain as follows:

#### **Section 1: Title**

This ordinance is entitled the “Town of Eureka Plan Commission Ordinance”.

#### **Section 2: Purpose**

The purpose of this ordinance is to establish a Town of Eureka Plan Commission and set forth its organization, powers and duties, to further the health, safety, welfare and wise use of resources for the benefit of current and future residents of the Town and affected neighboring jurisdictions, through planning with significant citizen involvement.

#### **Section 3: Authority; Establishment**

The Town Board of the Town of Eureka has been authorized by the Town meeting under sec. 60.11(2)(c), WI. Stats., to exercise village powers and the Town has a population of less than 2,500, according to the most recent federal census. The Town Board hereby exercises village powers under sec. 60.22(3) WI. Stats., and establishes a five member Plan Commission under secs. 60.62(4), 61.35 and 62.23 WI. Stats. The Plan Commission shall be considered the “Town Planning Agency” under secs. 236.02(13) and 236.45 WI Stats., which authorize, but do not require, Town adoption of a subdivision or other land division ordinance.

#### **Section 4: Membership**

The Plan Commission consists of no more than two member(s) of the Town Board, who may be the Town Board Chairperson, and up to four citizen members, who are not otherwise Town officials not to exceed five members total with precedence to four citizen members, and who shall be persons of recognized experience and qualifications. Two alternate members may be added to insure majority attendance at meetings. ***Attendance of alternate members will be requested by the Plan Commission Chairperson in order to obtain a quorum of the commission. If an alternate member's presence is not required they may still attend meetings as member of the community.***

#### **Section 5: Appointments**

The Town Board Chairperson shall appoint the members of the Plan Commission and designate a Plan Commission Chairperson to fill any expiring term. The Town Board Chairperson may appoint himself or herself or another Town Board member to the Plan Commission and may designate himself or herself, the other Town Board member, or a citizen member as Chairperson of the Plan Commission. (All appointments are subject to the advisory approval of the Town Board.) In a year in which any Town Board member is elected at the spring election, any appointment or designation by the Town Board Chairperson shall be made after the election and qualification of the Town Board members elected. Any citizen appointed to the Plan Commission shall take and file the oath of office within five days of notice of appointment, as provided under secs. 19.01 and 60.31 WI. Stats.

#### **Section 6: Terms of Office**

The term of office for the Plan Commission Chairperson and each Commission member shall be for a period of three years, ending on April 30, or until a successor is appointed and qualified, except: The citizen members initially appointed to the Plan Commission shall be appointed for staggered terms. The Plan Commission member who is a Town Board member or Town Board Chairperson, including a person designated the Plan Commission Chairperson, shall serve for a period of two years, as allowed under sec. 66.0501(2) WI. Stats., concurrent with his or her term on the Town Board, except an initial appointment mad after April 30 shall be for a term that expires two years from the previous April 30.

#### **Section 7: Vacancies**

A person who is appointed to fill a vacancy on the Plan Commission shall serve for the remainder of the term.

#### **Section 8: Compensation; Expenses**

The Town Board of the Town of Eureka hereby sets a per diem allowance of \$25.00 per meeting for citizen and Town Board members of the Plan Commission, as allowed under sec. 66.0501(2), WI. Stats. **Alternate members will receive a per diem when requested to attend meetings in order to obtain a quorum of the commission.** In addition, the Town Board may reimburse reasonable costs and expenses, as allowed under sec. 60.321, WI. Stats.

#### **Section 9: Experts**

The Plan Commission may, under sec. 62.23(1), WI. Stats., recommend to the Town Board employment of experts, and may review and recommend to the approval authority proposed payments under any contract with an expert.

#### **Section 10: Rules & Records**

The Plan Commission may, under sec. 62.23(1), WI. Stats., may adopt rules for the transaction of its business, subject to Town ordinances, and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record under secs. 19.21 – 19.39, WI.Stats.

### **Section 11: Chairperson & Officers**

1. Chairperson. The Plan Commission Chairperson shall be appointed. The Chairperson shall:
  - a. Provide leadership to the commission;
  - b. Set commission meeting and hearing dates;
  - c. Provide notices of commission meetings and hearings and set their agenda, personally or by his or her designee;
  - d. Preside at commission meetings and hearings;
  - e. Insure that the laws are followed.
2. Vice Chairperson. The Plan Commission may elect, by open vote or secret ballot under sec. 19.88(1), WI. Stats., a Vice Chairperson to act in place of the Chairperson when the Chairperson is absent or incapacitated for any cause.
3. Secretary. The Plan Commission shall elect one of its members to serve as Secretary.

### **Section 12: Commission Members as Local Public Officials**

All members of the Plan Commission shall faithfully discharge their official duties to the best of their abilities, as provided in the oath of office, sec. 19.01, WI. Stats., in accordance with, but not limited to, the provisions of the Wisconsin Statutes. Commission members shall further perform their duties in a fair and rational manner and avoid arbitrary actions.

### **Section 13: General & Miscellaneous Powers**

The Plan Commission, under sec. 62.23(4), WI. Stats., have the power:

1. To enable it to perform its functions and promote Town planning.
2. To make reports and recommendations relating to the plan and development of the Town to the Town Board, other public bodies, citizens, public utilities and organizations.
3. To recommend to the Town Board programs for public improvements and the financing of such improvements.
4. To request available information required for the Commission to do its work.
5. In the performance of their duties, to enter upon land, make examinations and surveys, and place and maintain necessary monuments and markers thereon. However, entry shall not be made upon private land without the permission of the landowner or tenant. If such permission has been refused, entry shall be made under the authority of an inspection warrant issued under sec. 66.0119, WI. Stats.

### **Section 14: Town Comprehensive Planning, General Authority**

The Plan Commission may make and adopt a comprehensive plan under secs. 62.23 and 66.1001, WI. Stats.

### **Section 15: Effective Date**

Following passage by the Town Board, this ordinance shall take effect the day after the date of posting as provided by sec. 60.80, WI. Stats.

Amended this 10th day of August, 2017.

The LRIP Grant was discussed but no decisions were made since the Polk County Highway Department does not have the application information ready for the grant.

**Maassen/Krueger motion** to incorporate the **Family and Medical Leave** attachment into the Employee Handbook, motion carried on unanimous roll call vote 5-0.

### ***FAMILY AND MEDICAL LEAVE***

Based on the number of employees employed by the Town of Eureka, employees of the Town are not entitled to Family or Medical Leave under the State Family Medical Leave Act or the Federal Family Medical Leave Act. However, employees may request leave for family and medical situations and the Board may, in its sole discretion, approve such leave. The written request will be approved by the Town Chairperson and submitted to the Board of Supervisors for approval. The Board may consider approving the following:

- a. An employee may be approved for unpaid leave of up to six weeks for the birth or adoption of a child during a 12 month period, with the leave to begin within sixteen weeks of the birth or placement of the child.
- b. An employee may be approved for unpaid leave of up to two weeks per 12 month period to care for the employee's child, spouse, or parent with serious health condition. The Town may require certification from a health care provider.
- c. An employee who has a serious health condition, which makes the employee unable to perform his/her duties, may be approved to take an unpaid medical leave of up to two weeks per 12 month period. The Board of Supervisors may require certification from a health care provider.
- d. Health benefits if any will continue during these leaves, but sick leave or vacation credits will not accrue. The employee, at his/her discretion, may substitute any paid leave earned by the employee for the unpaid leave.

### ***LEAVE OF ABSENCE***

Upon advance written request of an employee, leave of absence without pay may be granted by the Board of Supervisors taking into consideration, good conduct, length of service, and the efficiency of the department and the general good of the Town. Such leave of absence shall not exceed a period of 90 calendar days provided that the same may be extended beyond such period if the leave of absence is for continued disability or other good and sufficient reasons, but in no case for military service. No benefits shall accrue during leave of absence without pay. Leave without pay shall require the advance approval of the Town Chairperson and the Board of Supervisors.

The River Road Ramble was discussed as to whether the Town would like to participate this year. The event would be held September 23rd, 2017. **Krueger/Clark motion** to not participate this year, **motion carried**.

Suggested agenda items for the September 14th town meeting

- a. Set date for budget workshop
- b. LRIP Grant
- c. Stipend wording in the Employee Handbook

There being no further business, **Krueger/Clark motion** to adjourn, **motion carried**. Meeting adjourned at 8:06 P.M.

Minutes prepared by David Anderson, Eureka Town Clerk.