

**TOWN OF SAMPSON
SPECIAL MEETING
08 November 2021**

A continuation of the adjourned Public Hearing from November 1, 2021 concerning the abandonment of a portion of 146th street lying north and east of 145th street was called to order by Chairperson Jerabek on Monday, November 8th at 5:30 P.M. at the Sampson Town Hall located at 10770 270th Ave. Meeting notices were posted in the Bloomer Advance, the town hall and the town website. Supervisors King and Butterfield, Attorney Summerfield and Clerk/Treasurer Butterfield were present. Six guests were also present. The pledge of allegiance was recited.

A motion was then made by Supervisor King to go into Closed Session, Supervisor Butterfield seconded the Motion and all present voted Aye. Motion carried. The board then left the room at 5:34 p.m. Those present at the closed session were Town Attorney Rich Summerfield, Clerk/Treasurer Darla Butterfield, First Supervisor King, Second Supervisor Carol Butterfield, and Chairperson Jerabek. The Closed Session was for the purpose allowed by Wis. Stat. § 19.85(1)(g) for conferring with legal counsel who is rendering oral or written advice to the governmental body concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved.

The board then returned to the meeting room at 5:42 p.m. A motion was made by Supervisor King to go into Open Session, Supervisor Butterfield seconded the Motion and all present voted Aye. Motion carried.

The board then discussed the petition for abandonment of a portion of 146th Street lying north and east of 145th street that had been brought by the Kracum Trust taking into consideration all of the public testimony that had been heard at the public hearing on November 1st.

Supervisor King was concerned about the cost of bringing the road up to current acceptable standards and the liability that might be incurred if it was not. She also noted that little, if any, evidence had been presented at the public hearing that confirmed that a public access was present at the location where the road ended.

Supervisor Butterfield concurred with Supervisor King and saw no reason to continue this road as a town road.

Chairperson Jerabek noted that indeed, scant evidence had been presented that supported there being a public access point to Herde Lake at that location, rather quite the opposite as presented by the extensive documentation presented by Attorney Mirr in support of the abandonment. Jerabek stated that the fact that some individuals had accessed the lake by unknowingly trespassing across private land did not prove that a public access existed. He further stated that the DNR was actually in conflict with itself in that a conservation trust had been granted by the DNR to the Kracum Trust for the area in question which in part prohibited the establishment of any public access within 100 feet of the shoreline of Herde Lake in that area. Now some fifteen plus years later the DNR was trying to say that there was public access across this area which would violate the conservation trust agreement. Lastly he stated that the town had already passed a resolution last year that agreed with a modern survey that showed the road in question stopped some 76 feet short of the water's edge.

Further, the town was in no financial position to make the necessary investments in the road in question to bring it up to state standards and that it at present was only serving one landowner from the time it left 145th street until its terminus some one half mile further in. That landowner (the Kracum Trust) had asked for the abandonment.

A motion was made by Supervisor King to approve vacation and discontinuance of that portion of 146th Street lying north and east of 145th street. Supervisor Butterfield seconded the Motion and all present voted Aye by roll call vote. Motion carried unanimously.

Chairperson Jerabek then directed Clerk/Treasurer Butterfield to work with Town Attorney Summerfield to properly post and record the results of the vote and turn over the abandoned road to the Kracum Trust.

There being no further business a Motion was made by Supervisor King to adjourn the meeting; Supervisor Butterfield seconded the Motion and all present voted Aye. Motion carried. Meeting adjourned at 6:00 P.M.

Darla Butterfield
Clerk/Treasurer