

RES-2017-035

RESOLUTION FOR THE ESTABLISHMENT OF A POLICY FOR THE COMPENSATION OF FENCE VIEWERS IN THE TOWN OF CLEAR LAKE PURSUANT TO MINNESOTA STATUTES § 344.01 *Et. Seq.*

WHEREAS, Minnesota Statutes §344.01 *et. seq.* provides procedures for the establishment, maintenance and determination of disputes regarding partition fences; and

WHEREAS, pursuant to said chapter, the Township Supervisors of the Town of Clear Lake are designated as the *Fence Viewers* for the Town, with all duties, rights, powers and obligations as described under said statutes; and

WHEREAS, Minnesota Statute §344.18 provides that a Town may, by resolution, adopt a policy for the compensation of Fence Viewers while performing their duties under the statute; and

WHEREAS, after due consideration of the burdens and responsibilities of the Town and of the Fence Viewers under said statutes, and the reasonable expenses related thereto, the Clear Lake Township Board of Supervisors have determined to adopt a policy concerning the allocation and payment of such expenses.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Clear Lake, as follows:

1. **Compensation Policy.** Pursuant to Minnesota Statute §344.18, the Fence Viewers of the Town shall be paid for their services by the parties involved in the matter. The party or parties employing the fence viewers shall be required to post a bond or other security acceptable to the Town board for the total estimated costs before the viewing takes place. The total costs shall include the hearing costs and administrative costs, (“administrative costs” as stated herein), together with the cost of professional and other services that may be required, recording costs and other costs and expenses which the town may incur in connection with the viewing.

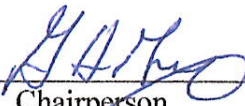
2. **Payment of Administrative Costs and other Expenses.** In every case, the parties shall pay in advance a non-refundable deposit in the amount of \$1,000.00. To cover the administrative costs, which amount may be adjusted from time to time by the Board requires another deposit of \$1500.00. In addition to the non-refundable deposits, the parties shall also be responsible for the actual costs incurred by the fence viewers and the board to conduct their duties under the statute, which additional costs shall include, but not be limited to professional and other services, mileage, publication, recording and other expenses incurred by the town or the fence viewers. These actual expenses shall be estimated in advance and added to the administrative costs to determine the amount of the bond or other security to be posted or paid by the parties in advance. In the event that the actual costs incurred exceed the amount of the bond or other security, the party or parties shall be liable for the additional costs, which shall be paid before the fence viewers’ decision is issued or final board action is taken. The board may also allocate the costs between multiple parties in a manner deemed just and appropriate by the board, in its sole discretion.

RES-2017-035

3. **Severability and Repealer.** All prior resolutions of the Town that are in conflict with this Resolution, are hereby repealed. If any section of this Resolution is held by a court of competent jurisdiction to be unconstitutional or void, the remaining provisions will remain in full force and effect.
4. **Effective Date.** This Resolution is effective upon its adoption by the Town, and as provided by law.
5. **Adopt and Enforce Regulations.** The Town agrees to enact, adopt, and strictly enforce all such resolutions, ordinances, or regulations, as may be or shall be necessary to give full effect to the provisions contained in this Resolution.
6. **Amendments.** Any amendments to this Resolution must be adopted and approved by the Town in writing.
7. **Authorization.** The appropriate officers of the Town are hereby authorized to execute this instrument and to carry the terms of this Resolution into effect.

This Resolution is hereby Adopted by the affirmative vote of all the members of the Clear Lake Town Board of Supervisors this 18th day of April, 2017.

TOWN OF CLEAR LAKE

By:  _____
Chairperson
Board of Supervisors

Attest:

By:  _____
Clerk