



Grass Roots Report

October 2008

The Official Newsletter of the ND Township Officers Association ◦ NATaT Member

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42nd Annual Meeting December 1-2 in Bismarck

by Ken Yantes, Executive Secretary, NDTOA

Due to renovation of the Jamestown meeting place, we have had to **change** our annual meeting site to **BISMARCK's Doublewood Inn** located at **1400 Interchange Avenue**. A block of rooms has been set aside at a special rate for North Dakota Township Officers (\$55 per night for single and \$60 per night for double) if you **make your reservations before November 15**. The phone number to call is 258-7000 or 1-800 554-7077.

The registration fee has been set for \$25 for pre-registration before November 15th or \$30 at the door.

The Annual Meeting is set to begin at 9:00 am on Monday December 1st. A special Zoning Workshop is scheduled for the morning of Tuesday, December 2nd.

December 1st is also the first day of the three-day Pre-Session scheduled for all legislators. According to Legislative Council, they don't have any scheduled activities after 5:00 p.m. on December 1st. Being in Bismarck at this time will allow our members the opportunity to contact their legislators.

This year's annual meeting will feature a presentation of the *New Ag Land Assessment Guide* by North Dakota Tax Commissioner Cory Fong. Vicky Steiner, Executive Director of the Oil and Gas Producing Counties, will address issues on road funding proposals for this legislative session.

Mark Verke, Risk Management Specialist for the North Dakota Insurance Reserve Fund, will talk on risk reduction for townships.

Steve Spilde, CEO of the North Dakota Insurance Reserve Fund, will speak on the conferment checks and the stability of the NDIRF.

The business meeting of the NDTOA will start on the afternoon of December 1. Reports from all standing committees, a policy development session and election of directors will occur for a full afternoon program.

There will be an evening banquet which will feature the *Legislator of The Year Award* and local entertainment.

Tuesday morning's program will consist of township zoning problems discussed by those involved and affected by being zoned and by not being zoned. Beau Bateman, Brenna Township Chairman, will give a township prospective on extra-territorial zoning.

Ryan Scott, Rye Township resident, will tell us of his views on property values and quality of life issues involved in a 4 mile extraterritorial zoning action.

Doug Goulding, Attorney for the Grand Forks Citizens Coalition, will tell us what is going on with the lawsuit and the reasons for it.

Jonathon Garaas, Attorney for Stanley Township and others, will present an extensive program on how and why to zone and will review an existing successful comprehensive zoning plan for townships.

The meeting should conclude before noon.

See Zoning Workshop Agenda on page 3

Agenda on December 1

7:30-8:30 a.m. Registration

8:30-9:00 a.m. Welcome by President Kerry Schorsch; Flag presentation by Minnesota Township Officers President, Loren Ingebretsen

9:00-9:30 a.m.

ND Tax Commissioner Cory Fong
The New Ag Land Assessment Guide

9:30-10:30 a.m. Vicky Steiner, CEO, Oil and Gas Producing Counties, 2009 Legislative Proposals for Road Funding.

10:30-11:30 a.m. Mark Verke, Risk Management Expert NDIRF

11:30 a.m. - Noon

Steve Spilde CEO NDIRF

12:00 Noon-1:00 p.m. Lunch

Grassroots Leadership Award Presentation by Ralph Olson

1:00-5:30 p.m. Business Meeting

Call to Order: President Kerry Schorsch
Reading of the Minutes: Executive Secretary Ken Yantes
Financial Report: Association Treasurer Barb Knutson
President's Annual Report
Executive Secretary's Annual Report
Committee Reports:

Audit Committee: Larry Syverson
Budget Committee: Kerry Schorsch

Attorney's Report: Tom Moe

NATaT Director's Report:
Ken Yantes

Workshop 2008 Report: Tom Moe

ACIR Report: Ken Yantes

Newsletter Changes: Ken Yantes

Nominating Committee: Floyd Miller

Township Meeting Procedures and Proper Forms: Floyd Miller

Old Business/New Business

Resolutions - Joanne Abel, VP

Election of Directors: District 2, 4, 6

Other

5:30 p.m. Adjournment

6:30 p.m. Annual Banquet

Legislator of the Year Award and Entertainment

Agenda on December 2

8 a.m.-Noon Zoning Workshop

NDTOA Officers

KERRY SCHORSCH, *President*
6358 111th Ave. SW
New England, ND 58647
(701) 579-4703
kerry@ndtoa.com

JOANNE ABEL, *Vice President*
2964 20th Ave NE, Arvilla, ND 58214
(218) 779-3062
joanne4mom@aol.com

KENNETH YANTES
*Executive Secretary/Director of
Governmental Relations & NATaT Director*
P.O. Box 104, Brocket, ND 58321-0104
(701) 655-3513 Fax (701) 655-3513
(Please call before sending fax.)
ndtoa@polarcomm.com
ken@ndtoa.com

BARB KNUTSON, *Treasurer*
2600 236th St. NE, McKenzie, ND 58572
(701) 673-3198
knutsons@bektel.com

CHUCK THACKER, *Past President*
10269 140th Ave. NE, Neche, ND 58265
(701) 265-8981 Cell: (701) 265-2831
cthacker@polarcomm.com

FLOYD MILLER, *District 1 Director*
14954 57th St. NW, Williston, ND 58801
(701) 875-4280
pbfmiller@hotmail.com

RALPH OLSON, *District 2 Director*
5054 47th St. NE, Maddock, ND 58348
(701) 438-2344

LARRY SYVERSON, *District 3 Director*
465 150th Ave. NE, Mayville, ND 58257
(701) 786-2697
las@polarcomm.com

KERRY SCHORSCH, *District 4 Director*
6358 111th Ave. SW
New England, ND 58647
(701) 579-4703
kerry@ndtoa.com

BARB KNUTSON, *District 5 Director*
2600 236th St. NE, McKenzie, ND 58572
(701) 673-3198
knutsons@bektel.com

STEVE GINSBACH, *District 6 Director*
16290 91st St. SE, Hankinson, ND 58041
(701) 242-7291
sginsbach@yahoo.com

STEVE GINSBACH
Alternate NATaT Director
16290 91st St. SE, Hankinson, ND 58041
(701) 242-7291
sginsbach@yahoo.com

Legal Counsel

TOM R. MOE, *Attorney-at-Law*
39 1st Ave. NW, Mayville, ND 58257



President's Message

Kerry Schorsch

Hello Officers,

Fall is a busy time of year for townships as residents are mowing road

ditches in preparation for what winter might bring. One way to save on township budgets is to make sure that ditches are mowed in the fall, minimizing the need for snow removal.

Due to circumstances that have arisen

the last month, your state board of directors has decided to move the North Dakota Township Officers annual meeting and convention to a different time and place than the Jamestown location that was announced in the last newsletter.

This year's convention will be held in Bismarck. We are looking forward to an informative and productive meeting and I hope to see you there!

NEW! Resolutions from the Floor

In accordance with a motion passed by the State Board of Directors on September 27, 2008:

Resolutions from the floor, that have not been handled by the Resolutions Committee, must be in written form and have a minimum of 100 copies to distribute to the membership present at the annual meeting.

This is a change from the past policy which called for a motion to suspend the rules, which required a 2/3 positive vote by the members present, in order to introduce a new resolution from the floor.

This change makes it all the more important for the grassroots members of NDTOA to send your resolutions to the Resolutions Committee **in advance** of the Annual Meeting on Dec. 1, 2008.

Send to:

Joanne Abel, Committee Chairperson
2964 20th Ave. NE
Arvilla, ND 58214-2101

Or Committee Members:

Steve Ginsbach, 16290 91st St SE,
Hankinson, ND 58041-9476

Larry Syverson, 465 150th Ave. NE,
Mayville, ND 58257-9011

Secretary's Corner

Ken Yantes, Executive Secretary

The 39th Annual Meeting of the NDTOA in 2005 was a history maker. A resolution was passed that increased the membership dues by \$50 per member township and directed the State Board of Directors to use the increase to fund a full time Executive Secretary.

A committee was appointed on January 7, 2006 to establish a job description for the position of Executive Secretary/Director of Governmental Affairs.

The committee's work was unanimously approved by the Board of Directors on April 22, 2006.

In a separate motion made by Kerry Schorsch and seconded by Don Malcomb,

the position of Executive Secretary was offered to and accepted by Ken Yantes. The contract for employment was signed in May of 2006 and has been renewed annually.

In order for this position to continue, the 2009 budget with funding providing for this position must be passed at this upcoming 2008 annual meeting.

There is a need for this position and the services that it provides for the members of the NDTOA. I have enjoyed working on your behalf and ask for your support to continue as your Executive Secretary.



ACIR Approves Extraterritorial Zoning Bill

The interim political subdivisions committee called the Advisory Commission on Governmental Relations, began its work on 7-24-07 and held seven meetings which culminated on 9-15-08. The main duty of the committee was to study North Dakota's city Extraterritorial Zoning Laws.

Representative Lee Kaldor, Chairman, held six meetings at the Capitol in Bismarck and to gather input from Eastern North Dakota, he lead his committee members to Fargo for a hearing there.

The meetings were attended by a full house of township officers, township residents, county commissioners, city officials, city residents and legislators.

Many hours of testimony were given on both sides of the issue.

The township testimony indicated that the four mile extraterritorial zoning was too large and it took away a residents right to vote for the governing body that was to decide how the resident's land was to be used.

"I must be a second class citizen," said one township resident. "I can pay taxes, but I can't vote for those who are deciding what happens to my property."

We struggled through six more meetings and by August 11, 2008 we had seven bill proposals on the same subject to deal with. Some of the bill proposals called for:

- Giving the County Commissioners the authority to decide zoning outside the city limits
- Repealing of the four mile extension and leaving the two mile in place
- To take away all city extraterritorial zoning authority
- Have the Office of Administrative Hearings decide all zoning problems
- Allowing city expansion according to growth patterns
- Allowing cities to control all zoning in

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the first 2 miles out from the city limits and joint jurisdiction in the next 2 miles . . . and more.

At the conclusion of the August 11th meeting, all bill proposals were *killed* and the legislative attorney was told to take the best out of each bill and put them into one last bill draft for consideration at our last meeting on 9-15-08. This was done and after *five more hours* of testimony and committee member debate, *this bill was killed.*

A new bill surfaced and was amended which allows joint jurisdiction in any area outside of the city limits upon the agreement of the governing bodies of the city and the area to be extraterritorially zoned.

Should there be a dispute between the

governing bodies, the dispute is to be solved by an Administrative Law Judge in accordance with the criteria set forth in the bill proposal. The last proposal met with unanimous support from all committee members in an affirmative vote.

I would like to thank board members Larry Syverson, Barb Knutson and my wife, Darleen, for being part of "the green township officers badge gang" attending most every meeting.

A special thanks goes to all the township members that provided input. I was very proud of the membership support of this policy and look forward to seeing you again as this bill works its way through the legislative process.

Township Zoning Workshop Agenda

Annual Meeting, December 2nd

8:00-8:15 a.m.Beau Bateman, Brenna Township Chairman
A Township Prospective on ET

8:15-8:30 a.m.Ryan Scott, Rye Township Resident
The Effects on Property Values and Quality of Life Issues Involved in a 4-mile Extraterritorial Zone

8:30-9:00 a.m. Doug Goulding,, Attorney for the Grand Forks Citizens Coalition: **What's Going on with the Lawsuit and the Reasons for it**

9:00 a.m.-Noon..... Jonathon Garaas, Attorney for Stanley Township
Workshop on How and Why Townships Should Zone

NATaT Annual Legislative Conference By Ken Yantes, NATaT Director

I attended the annual meeting of our national organization in Washington, DC at the direction of your state board of directors on September 29 through October 2, 2008.

The name of the Annual Meeting was changed two years ago to NATaT's Legislative Conference as the national organization had decided that they must put most of their effort in being an implementation tool for their member states on federal issues in Washington, DC.

We heard from representatives from the McCain and Obama campaign who answered questions in a town hall meeting atmosphere.

Wendell Cox, a principal at the Wendell Cox Consultancy, an international public policy firm specializing in urban policy, transportation and demographics, spoke to us on towns and townships being under siege.

He brought forward facts and figures that showed the efficiency of township government across this nation when compared to the larger governmental entities. He was opposed to consolidation of local governments and urged us to surface our efficiency to defeat the consolidation efforts.

A panel of federal transportation experts from the Federal Highway Administration, the Senate and the House of Representatives told us of the need to be vocal as the next highway bill passes through Congress. We were urged to lobby our congressional persons to

support funding for transportation infrastructure needs or the dollars will go elsewhere.

Representatives of the T. Boone Pickens Plan presented a very good case for us to join with the Pickens Plan, but we did not. Wind energy is a good thing but we didn't know enough about his plan to give him blank support.

I very cautiously entered the policy development discussions. I was concerned that my one vote wouldn't be enough to carry North Dakota's resolution through to become a policy plank this year.

Township Officers from the following states were in attendance: Connecticut, Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, South Dakota, Texas and North Dakota. I was the only one from North Dakota and to compare with a few other states, there were 79 from Illinois, 65 from Ohio and 42 from Minnesota.

It seemed as though I would be out numbered when it came to a vote on policies so I joined with the South Dakota delegation and we still only numbered two votes.

Even so, **our message was heard and supported** by members of our national association. Even though the congressional bickering, fighting and general disagreement on most everything had resulted in failing to pass our bills on exempting local officials from the payroll taxes (SB2154 and HR6603), the national

association placed them as the number one priority issue for 2009.

On October 1 delegates from all the member states called on their congressional delegates to support the payroll tax exempting bill and as a result over 50 more congresspersons decided they would sign their support to our bills.

Gail Brock, the South Dakota Executive Director, and I together paid a personal visit to each of our Senators and Representatives from North and South Dakota.

These down to earth Congressional representatives pledged to reintroduce our bills and to work to get them passed early in the 2009 Session of the 111th Congress.

I took the microphone during the debriefing session which concluded the National Legislative Conference and thanked all of the delegates that worked so hard for our policy.

My service to the ND Township Officers Association began over 30 years ago and through those years I have learned that there is a lot of wisdom in the grassroots township officers of our state. I now ask of you to advise me on what more I can do to make your national association serve you better.

Your input through the grassroots policy development process at our annual meeting in the Doublewood Inn on December 1st in Bismarck is necessary and appreciated.

Treasurer's Report

Barb Knutson

Happy Fall!

Just a couple of things that need to be addressed from my corner. First, those counties or townships that have not paid their dues, please get them to me by the 25th of October so we can get them in this fiscal year.

Secondly, those that have not paid their dues for the year will not be eligible to vote at the convention in December.

We are having a convention that will be of value to all those attending. Don't give up your right to weigh in on

important issues.

Be sure to take note of the change in convention place and other important information in other parts of this newsletter. Get your reservations into the Doublewood Inn by November 15th to insure having a room.

Hope to see you all there. Keep up the good work!



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Townships have been busy this summer by my unscientific survey of the calls that have been coming in. It seems like more and more people are requesting more services from townships, yet there is never enough money to go around.

I do think townships need to do a better job of educating residents about township budgets and that a landowner's individual tax payment doesn't all go to the township coffers, but rather only a very small portion -often less than 5%.

Make up a sample tax statement for an average quarter of land in your township, or on a farmstead, and break down how the money is allocated; e.g. so much to the county, the school, the fire district, and then finally, show the small dollar amount that goes to the township.

Lots of folks just don't look at their tax statement to see how it breaks down, and when they finally realize how little their township gets, they can get rather sheepish after remembering the hard time they've been giving the township officials.

I note our State's Attorney General has issued several opinions lately about open meeting and records violations by various public bodies, including townships.

Here's what usually happens: A landowner with a gripe wants to meet with the supervisors about a road, or a bridge, or a culvert, or any number of things that landowners/residents complain about.

To get the person off the township's back, the supervisors finally succumb and get together with the person to try to iron out the problem, and "**bang**" the township has a notice problem and an open meetings problem because of the failure to provide proper notice of the get-together, because under the law, the session is deemed a meeting.

Everything was done in good faith, of course, but if the "griper" doesn't get satisfaction from the meeting then he's usually the person that raises the complaint with the local states attorney, who usually sends it on to Bismarck.

This is why I encourage township supervisors to begin scheduling regular monthly meetings. Pick one day a month when to meet, notify the County Auditor and the local press annually about your schedule for the upcoming year, and your notice requirements are then probably sufficiently met.

Then when the "griper" wants to meet with you, you already have a meeting previously scheduled and he can show up then if he wants to press his complaint. (And, anyone else for that matter who may have an interest in the situation).

Obviously, if there is nothing on the agenda for the monthly meeting, then you wouldn't necessarily have to hold it. You may want to give this idea a try -especially in the summer months when road issues seem to be more prevalent.

Here's a few sample questions which have come in to the office lately. ^{TRM}

Q. We have a farm operator who is new to our township and he wants us to gravel a section line field road. The township where he lives did it for him there, and he claims that it's state law that we are required to do this. Is he right?

A. No. His home township apparently recognized a need, and had the funds, to grant his request. No provision in state law requires a township to build up a section line. You can choose to do so, however, depending on your township's needs and patron's authorizations at the annual meeting.

Q. We have a lot of oil activity in our township and one of the oil companies has volunteered to build up a section line road, but they don't want to listen to our recommendations about road width, etc. Don't they have to listen to us?

A. Yes they do, because even though they are spending their money, they must be educated (by you) that they will be building a road that the public will be able to use. The township has the responsibility to make sure the road is built according to a set of specifications that will be safe for future users. You don't want to look a "gift horse in the mouth," but it's important that you don't end up with a road that will be hazardous. Many of the oil operators are from out of state, and they probably are thinking of the way things are done in Texas, or Oklahoma, or wherever they are from, and are not knowledgeable about North Dakota townships and the authority of township officers.

A. We had a supervisor pass away and I

understand the supervisors can appoint a new person to fill the vacancy. How long does the new person serve?

A. The new supervisor serves until the next annual meeting (March) or until a Special meeting of the township if one is called. Remember to keep the three year rotations intact-e.g. if the deceased supervisor had two years left in her term, then the new supervisor would stand for election next March for the remaining two years of the deceased supervisor's term.

Q. We have a farmstead owner that wants us to build an approach. Are we required to do so?

A. We have about 1,300 townships in North Dakota, and there are about 1,300 different driveway/approach policies in our townships. Every township has its own rules about approaches. There is no requirement under State law to fund or build an approach for a landowner, but access to a public road cannot be unreasonably denied. In other words, if the landowner is willing to put and pay for an approach at point "X" and the location will not violate a zoning restriction or is not unsafe in any way, then the township can't prohibit its construction. The township can and should impose specifications regarding the approach's height, width, culverting, etc., regardless of who pays for the work. Some townships have policies where maybe one approach per half mile is paid for by township funds; others pay for any and all approaches; still others pay for none. Bring this up at the next annual meeting and develop your township's policy on this topic and remember put the rules in writing!

Q. We had a township resident who checked our Oaths of Office on file with the Clerk. Do they have to be notarized?

A. There's always a "griper" in every township! Yes, the oaths are to be notarized. There's a copy of the oath form in the back of your green handbook. The lack of a notary is probably not critical as long as there is no allegation of forgery, but sure is something to remember for next year.

Grassroots Government Leadership Award

To recognize the leadership, creativity, and dedication of township officials, the NDTOA has established a leadership award to pay tribute every year to an individual whose community service exhibits the highest standard of dedication, ability and service.

ELIGIBILITY

The award will be presented to an individual, locally elected official, currently in office. It will recognize him or her for their outstanding contributions on a sustained basis or from a single performance.

Nominees should have responsibility for accomplishing or causing to be accomplished significant programs or projects within their area of responsibility, to the ultimate benefit of the general public.

Examples of such professional accom-

plishments include local government cost-cutting, coordination of a major local volunteer effort, and promoting townships at the national level, establishing new local services or programs, and success in securing public or private funding for local projects.

SELECTING CRITERIA

Nomination should include specific reference to the following features of the nominee's accomplishments as applicable:

- Complexity of the problem(s) addressed.
- Measurable improvements resulting from nominee's accomplishments.
- Use of original, innovative or creative approaches and solutions in difficult situations.
- Long-term or lasting benefit of the nominee's accomplishments.

NOMINATING PROCEDURE

Nominations may be submitted by member townships and counties of the NDTOA. Nomination deadline is November 15, 2008. If additional nomination forms are needed, contact:

Kenneth Yantes

PO Box 104, Brocket ND 58321-0104

(701) 655-3513

ken@ndtoa.com

2007 RECIPIENT

Ralph Menke, Felson Township in Pembina County, was given the Grassroots Government Leadership Award for 38 years of dedicated service to his township as supervisor.

A nomination form is below for your convenience. Just complete and mail. It's that easy!

North Dakota Township Officers Grassroots Government Leadership Award

NOMINATION FORM

Name, title, local government, address and phone number of NOMINEE:

Your name, address and phone number _____

Please provide name, address, day phone, title and affiliation of two objective references who can evaluate the nominee's accomplishments:

1) _____

2) _____

Please attach a brief biography of the nominee summarizing positions held, civic and professional affiliations, and other relevant personal data. (Not to exceed two typewritten, double-spaced pages.) Also attach a summary of the major accomplishments for which the local official is being nominated, keeping in mind the examples and criteria listed above. (Not to exceed four type-written, double-spaced pages.)

The award will be presented at the County Association Annual Meeting and the NDTOA Annual Meeting in December.

District 1 Report

Floyd Miller _____



Hello from out west on Hwy 2! Our annual state convention that we hold every year is not just for township officers that are selected at each annual county meeting. We hope that every county sends at least one county representative to our state convention, but even better, send two people because every county that is paid up on their yearly dues gets two votes at the state convention.

The state convention is also for all township officers in the state if their township has paid their annual dues. There are new township clerks, treasurers, and supervisors that have recently been elected to their township boards and have questions on how to do their job properly.

We encourage them to attend the state convention this year in Bismark and get

their questions answered. The supervisors can decide how many should attend from their township, (two can learn a lot), and how much to reimburse them.

The township can pay any or all of the convention expenses, including hotel rooms, meals, registration, and either reimburse gas receipts, or the state rate for mileage.

I have been chosen as Parliamentarian for the NDTOA. We are going to have a part of our agenda for the convention to include a part on the proper way to run your annual meeting. Plan on being there if you would like to learn more on that.

I am also serving on the nominating committee this year. District Directors up for election this year are Districts 2, 4, and 6. Kerry Schorsch is the district director from District 4, and he is not

going to run for that position. He is currently the President of the NDTOA.

If there is anyone from District 4 who is interested in the position, please contact myself or any other nominating committee member. See map below for counties in this district.

If we do not get any names before the convention, then that district will have to come up with one or more names when the convention has the district caucuses.

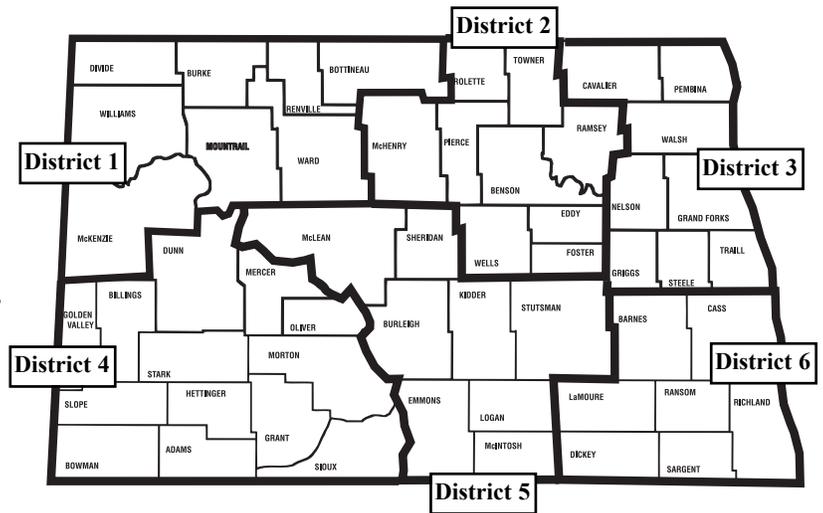
Well, pheasant season starts in the morning, so I have to sign off for now. Hope to see you at the convention! pbf

Districts Up for Election

District 2: Ralph Olson, Director, Maddock, ND
Counties included are Rolette, Towner, Benson, Ramsey, Pierce, Eddy, Foster, McHenry and Wells.

District 4: One new Director must be elected.
Counties included are Golden Valley, Billings, Slope, Bowman, Adams, Hettinger, Stark, Dunn, Morton, Sioux, Oliver, and Mercer.

District 6: Steve Ginsbach, Director, Hankinson, ND
Counties included are Barnes, Cass, Ransom, LaMoure, Dickey, Richland, and Sargent.



NDTOA 2008 Annual Meeting Registration Form

December 1-2, 2008 Doublewood Inn, Bismarck, ND

Name(s) _____ Officer Position(s) _____

City, State Zip _____

Township _____ County _____

Total No. Attending ____ @ \$25 per person (\$30 at the door)
\$10 spouse attending the Monday night banquet

Total Amount Enclosed \$ _____

Please complete and send this registration form, along with your check payable to NDTOA
by November 15, 2008 to Barb Knutson, 2600 236th St NE, McKenzie, ND 58572.

NOTE: Townships may pay from their general fund for officer's registration fees and expenses.



Grass Roots Report

North Dakota Township Officers Association
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