

GRASS ROOTS REPORT



OCTOBER 2011

The Official Newsletter of the ND Township Officers Association

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45th Annual Meeting: December 5-6, 2011 in Minot

by Ken Yantes, Executive Secretary,
NDTOA

The 2011 annual membership meeting of the ND Township Officers Association has been scheduled for December 5 and 6 at the Grand International located at 1505 North Broadway in Minot.

A block of rooms has been set aside at a special rate for ND Township Officers if you **make your reservations before November 21**. When you call in for reservations be sure to mention that you are a member of the NDTOA. The phone numbers to call are **(701) 852-3161 or 1-800-735-4493**.

All township officers including supervisors, clerks, treasurers, assessors and any other appointed or elected township officers are welcome at this meeting.

Our by-laws say that only two votes per **dues paid** county association may be used in the voting process, but you may enter into the discussion of any and all items of business when recognized by the chair.

This year's registration fee is \$40 at the door. Pre-registration is \$35 and which includes a noon lunch and an evening banquet on Monday, December 5.

Morning and afternoon coffee breaks will be supplied by the ND Insurance Reserve Fund.

Your annual meeting expenses are an allowable expense for your township to reimburse you for.

The Annual Meeting is set to begin on the morning of December 5 with 7:30 a.m. registration.

Minnesota Township President Loren Ingebretsen will speak on the shared concerns of both ND and Minnesota township governments.

Fertile Township Officer and Mountrail County Commissioner **Greg Boschee** will explain the changes in the road conditions in the 17 western oil producing counties and lead us in an informational discussion of what is needed for future infrastructure stabilization in the oil patch.

Cory Fong, North Dakota Tax Commissioner, will speak on the 2011 Legislative session law changes that affect the property assessment records. Questions and comments from the floor will be welcomed after opening comments from Commissioner Fong.

Greg Wilz, Director of ND Homeland Security and ND Emergency Services, will speak on the right way to fill out FEMA forms and hold a question and answer period.

Tom Moe, NDTOA's legal adviser, will present forums on dealing with angry/difficult people and do we have to fix this road?

ND Secretary of State **Al Jaeger** will give a brief report at our Grassroots Government Leadership Awards Luncheon. NDTOA Director Al Bekkerus will recognize this year's award winner.

The business meeting will start on the afternoon of December 5 and will include reports from all standing committees, a Grassroots Policy Development session and the election of directors for Districts 1, 3,4, and 5 for a full afternoon program.

Anyone interested in serving on the NDTOA Board of Directors should contact Nominating Committee members: District 2 Director Ralph Olson or District 6 Director Steve Ginsbach.

The evening banquet will begin at 6:30 p.m. and will feature the presentation of the Legislator of the Year Award and entertainment.

A **special workshop on North Dakota's Open Meeting and Open Records Laws** is scheduled for 9:00 a.m. on Tuesday, December 6.

Mary Kelsch from the ND Attorney General's office will instruct us on what we need to know about these laws. This workshop will conclude before noon.

Go to page 9 for meeting agenda.

NDTOA Officers

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THOMAS R. MOE

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39 1st Ave. NW, Mayville, ND 58257

President's Comments



Hello Township Officers! I hope you have had a very good summer and all your projects have been completed successfully.

One correction from my report in the last issue: I inadvertently failed to list our Vice President, Roger Olafson among the attendees of the Multi-State Conference in Huron, SD in July.

Roger very aptly represented North Dakota at the conference and I certainly apologize for that omission.

On the topic of District Directors, we are still hoping to fill the District 4 office soon and now Floyd Miller the District 1 Director has indicated that he will not run for re-election. We need directors from the West.

We need someone that has experience with the challenges of energy development and the problems that it poses for townships. If you are from the western counties please consider giving the association the benefit of your experience.

Please discuss this with others in your county and put forth a name so we can insure that you are represented by NDTOA.

We met with Township officers from some of the area that would be affected by the Fargo Diversion/Dam and we were astounded by the effect this project would have upstream from Fargo. The plan includes a dam that would cover 54,000 acres.

It would cover the communities of Oxbow and Hickson with 8 to 12 feet of water, areas that have never stood in water in the greatest of recent floods.

These communities and neighboring farms would be sacrificed so that lower lying land may be developed within the city.

The effect on the roads and infrastructure will be devastating and the tax base of the townships will be decimated.

We will continue to monitor this development and welcome any input from the townships affected.

These items, and of course others, will be part of your association annual meeting in Minot. Please be sure your county sends representation.

Got a problem? Bring it to the meeting. Know how to do it better? Bring it to the meeting. Think we are doing a great job? You can bring that to the meeting, too!

This can be a very busy time out on the township roads with harvest going all hours of the day and night, school and after school activity traffic, add hunters and many other reasons people drive.

This is also a very busy time for contractors working to complete road projects before winter sets in. We have to be sure to keep the driving public safe when they are near those work areas.

The township may be held liable should a contractor fail to provide warnings of road work and someone is injured.

So you must insist that your contractors post suitable warnings for the work they are doing.

Keep it safe out there!

Thank you for being township officers and thank you for being Grassroots government!

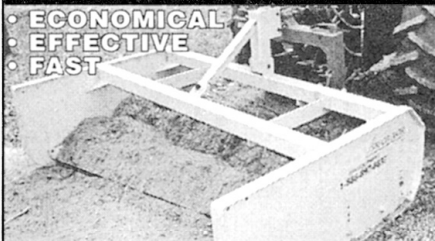
Are your newly elected township officers receiving this newsletter?

Please let us know when to add and/or delete a name from our mailing list.

Send your information to:

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2600 236th St. NE
McKenzie, ND 58572
710-673-3198
barbk@ndtoa.com

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Executive Secretary's Corner by Ken Yantes

ACIR: First Meeting for this Period

Executive Secretary Ken Yantes attended the first meeting of the Advisory Commission on Intergovernmental Relations for this interim period on 9-7-11 in the Rough Rider Room of the State Capitol.

The ACIR is chaired by Representative Lawrence Klemin of Bismarck.

The normal preliminary rules of operation and procedures were handled and Legislative Council reviewed the background memorandum regarding the Commission's study of motor vehicle permit fees and penalties.

The commission decided that they would study the following areas this interim period:

- Study the motor vehicle fines, fees, and penalties. Seek clarification of the implementation of

the 2011 passed Senate Bill 2044.

- Secure information on the effectiveness of disaster plans in ND.
- Investigate the reason that ND is rated last in firefighter training.
- Study the possibility of combining the bidding statutes of NDCC into a concentrated area of the code.
- Study Quiet Rail Laws and no whistle zone requirements.
- Study state snow and flood recovery programs including requirements to qualify for recovery efforts; new rules needed to cover costs incurred by political subdivisions.
- Check into the taxation of crew camps.

If you have any other items to add

to this list submit them to me in any fashion that you choose—phone, fax or write. See page 2 for information.

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The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings to all! The Fall harvest season is off and running and I hope everyone is having a safe time of it.

Hopefully, the weather will continue to cooperate and everyone can finish fall work in order to allow township officers to get their annual fall road and sign surveys accomplished before freeze-up. Yes, even though we have enjoyed a tremendous September and October, the white stuff can't be too far behind!

The annual NDTOA convention is soon upon us, and I know there should be an informative program for everyone in attendance.

I've spoken with several of you over the summer and you all promised me you would come to Minot for the convention this year! I intend to hold you to your promise!

One of the items we'll be discussing will be a By-Law change which is outlined elsewhere in this issue. It deals with the timing of the payment of the annual dues to the State Association, and now action is required to amend our governing documents accordingly.

Remember, any officer can and should attend the state convention, as there is no longer any requirement for a certain number of delegates.

Nor is it necessary that you have to be "selected" to attend--you can just show up. (Although pre-registration is helpful if you don't want to get just a peanut butter sandwich for lunch!)

In addition, your township should help defray your expenses for meals, lodging and fees, as the convention is official township business and should qualify for reimbursement.

I've had several calls over the summer and the problems and questions received from the township officers all across the State have been wide and varied.

I have also had some contacts with township residents, who are usually angry with their officers over some personal issue.

I always tell them that they must contact their township supervisors and work it out with them, and, that they must be sure to attend their annual township meeting.

Most questions can be resolved by the officers checking with our handbook, and it sure helps if you have the book handy when making your call. The Century Code is also available on the North Dakota township web site: www.ndtoa.com

Speaking of the township officer's handbook, a new version is in the offing. Let me, Ken Yantes, President Larry, or your District Director know if there is anything you would like to see added to the handbook, such as additional sections of the Century Code, or any forms or publications which could be helpful.

We'll be printing an entire new handbook this time, so watch for its distribution—by workshop time next winter.

Have a safe fall season. Following are some questions I've received in the office lately, plus a review of some prior discussions. See you in Minot! TRM

Q: The phone company is not mowing their phone connection box. It's off the right of way. Can we mow it for them and charge against their taxes?

A. Probably not, because you can only deal with mowing issues (or lack of it) within the right of way. Maybe if you had a zoning ordinance that deals with mowing spaces which are not on the right of way you could do something, but that would have to be very specific and enforced township-wide.

Your best bet is to find someone to "volunteer" to do the mowing. A letter to the phone company documenting the problem wouldn't hurt either.

And, speaking of mowing, by the time you read this it will probably be too late to charge the mowing of ditch rights-of-way against a landowner's taxes, but that wouldn't prevent the mowing if the township can withstand the expense itself.

Q. We have discussed merging with the township next door. Is merging a good idea and is the process difficult?

A. If you have few residents left and the other township is in the same boat, it's probably a good idea, because that's better than turning everything over to the county.

At least you would retain some semblance of local control that way. Up to five townships can merge, and it requires a hearing and an affirmative vote in each township affected.

The procedure is outlined in our handbook under Section 58-05.1 Multi-township officers. You should study this section, have a few joint discussions with the neighboring

Cont'd on next page

The Country Lawyer continued

township this winter, and roll out the plan with the required voting at the annual meeting next March.

Q: We have a road that is not on a section line because it winds around a river bank. We don't have an easement for the road but it's been there for as long as anyone can remember. Now the river bank has caved in and we can't get any emergency funding because we don't have an easement. Any ideas?

A: I'm assuming the adjacent landowner is not cooperative, either, because otherwise you could get him to grant the township an easement now after all these years. Make sure it's in writing and gets filed at the courthouse.

In the alternative, you could get an "easement by prescription" because it's obvious that the road has been there for long enough of a time to meet the statutory limit for such an easement.

You have to take the adjacent landowner to court, however, for this

type of easement and prove up your case--i.e. the township/public needs this road and it has been there for more than twenty years.

Q: Is there a minimum culvert size required for township roads?

A: Not necessarily. If the culvert is used to carry water for a drain--either man-made or naturally occurring--the county water board should make a recommendation about sizing, and once that recommendation is made, a township would be hard pressed not to follow it.

I always say it's the township's road, but it's the water board's water, and they are the proper agency to determine where the water is going to end up. If the culvert is an equalizer type--where the road simply divides the water, then the water board probably won't make a recommendation, and the township is free to use its own judgment.

It is probably a good idea, though, to make sure the pipe is always placed

at the bottom of the ditch, rather than part way up the side slope.

Q: One of our supervisors died and the remaining two can't agree on who they should appoint. One wants to name his nephew, and the other supervisor wants to appoint a neighbor who is a troublemaker. What should we do?

A: Call a special meeting of the township and have a special election to fill out the deceased's unexpired term. See Chapter 58-04 in our handbook about the procedure for special meetings.

You should probably make some calls to some of your residents to make sure you have a few more voters than just these two.



Advice from the Vice by Roger Olafson, Vice President

At our recent board meeting it was brought up that there are a large number of townships that have either not filed their Transportation Funding Report or have filed an erroneous report.

Like it or not this is one of the strings attached to receiving these funds. We are in the information age and indications are that more reports

to fill out will be another fact of life.

There was an attempt during the past legislative session to add even more reporting requirements but this was thwarted with the help of efforts by the NDTOA legislative team in Bismarck during the session.

Information and instructions for the Transportation Funding Report can

be found on the tax department website at www.nd.gov/tax

Click on Transportation funding for the info and forms. Failure to comply with the rules of the game is just one more argument for those that would like to eliminate local government and handle it from the state level.

High Water and Township Road Closing *Submitted by NDRIF*

High water creates numerous road problems, as recent heavy rains in North Dakota have shown once again. A major problem for the NDIRF's township members is what to do with roads that are periodically covered with water. The questions that need to be answered are:

- **When should a road be closed?**
- **Where should signs be located?**
- **How long should signs remain in place?**

Roads should be closed when it has been determined they are no longer safe for use. This condition can be created by excessive water covering a road, washouts on the side of a road, damage caused to bridges or culverts, or any other reason that makes a road unsafe for travel.

Conditions should be monitored very closely so that a road can be closed when necessary and before conditions cause an accident.

Roads should be closed at the intersection (township road, driveway, field access approach, etc.) closest to the area of damage or water covering the road.

This gives local citizens the use of as much of the road as possible and allows for an alternate route to be taken to get around the closed section.

Proper traffic signs and barricades are the most important part of closing a road. All signing and barricades should be in compliance with the *Manual on Uniform Traffic Control Devices (MUTCD)*.

Place **“ROAD CLOSED AHEAD”** signs at the intersection of the closed road and a main intersecting roadway (highway, county road, etc.). This sign can also indicate the number of miles ahead

where the road is closed.

Install a series of **“DETOUR”** signs to designate the recommended alternate route to bypass the closed road. At the intersection nearest the closed area, barricades should be installed all the way across the road to prohibit any traffic from driving around the barricades.

A **“ROAD CLOSED”** sign must also be used with these barricades.

All temporary signing should be removed once a road is opened.

Remember that at no time are **“ROAD CLOSED”** signs to be used if a road is not completely closed.

We have seen these signs permanently installed, on the side of a

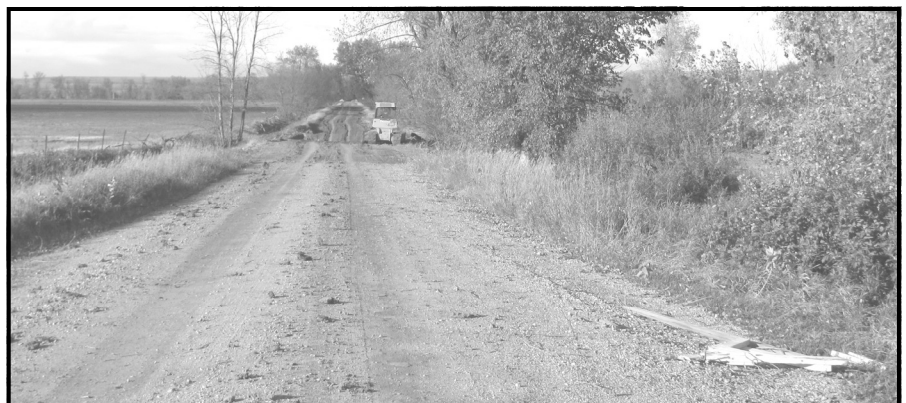
road, in areas where the road was not closed.

Such continuous signing may create an increased liability exposure should an injury occur.

Individuals learn the road is open, ignore the signing, and proceed as if nothing is wrong. This situation can cause serious accidents.

Help protect your families, friends and neighbors by using proper signs, barricades and other traffic control devices on all of your roads.

Please contact Mark Verke or Doug Griffin at the North Dakota Insurance Reserve Fund at 1-800-421-1988 if you have questions.



These photos are examples of townships dealing with theft of proper signage and sometimes no funds are available to purchase them. In the top picture, this township had no choice but to place an alternate barrier at the opposite end.

Many townships are dealing with people who refuse to take alternate routes while roads are being repaired. Note where the road closed sign was placed.

Treasurer's Report

by Barb Knutson, Dist. 5 Director and Treasurer



Time once again for a newsletter report. I am happy to say that I have received good response from some of you on my "begging" campaign from the last newsletter. Thanks!

There are some reminders that were sent to those of you that have not paid dues. Look for those in the mail.

As our fiscal year comes to a close the 31st of October, it would be nice if those dues were in by that time so they would be credited in the correct year.

Remember, the dues are \$125 per township to the state. Only those paid townships will be eligible to vote on anything that comes up at the State Convention in Minot in December.

This is your association and we

would like for everyone to be eligible to vote! If anyone has questions on dues, be sure to give us a call.

I would like to remind you also, that it is apparent that some of the townships are not sending changes of officers and addresses for officers to the auditors. It is very important that you do this.

That is where we find out to whom we should send GrassRoots newsletters. I have gotten lists from auditors saying they have not had an update since 2008 or 2009 from some townships.

Think how many newsletters would be sent to the wrong officers, if only one township per county did not send in the changes! And there is more than that in some counties.

The auditors are working with us, and would like very much to get these changes after the annual meetings in March, so they can compile their list.

They can only be as effective in helping us as you allow them to be. If you know of someone that is not receiving the newsletter and should be, give me a call or e-mail the information. Your help with these issues will be much appreciated.

Check out information on the convention in December and make your reservations early as the rooms are at a premium in oil country. Hope to see you all there.

Any questions, please feel free to call. Thanks!

Proposed By-Law Change for 2011

The NDTOA Board of Directors unanimously recommends the following by-law change to article VIII. Sentence 2 should read: All dues shall be paid by May 1 and if unpaid shall become delinquent on October 1.

Add the following sentence: A township shall be ineligible to vote at the Annual Meeting of the Association if dues are not paid by October 31 or may be allowed to vote at the discretion of the Association President.

The new article VIII with this year's proposed changes and the 2010 dues increase should read as follows:

The annual fee for membership in the association shall be \$125.00 per year per township in counties with a county organization and \$130.00 per year per township in counties without a county organization.

All dues shall be paid by May 1 and if unpaid shall become delinquent on October 1. A township shall be ineligible to vote at the Annual Meeting of the Association if dues are not paid by October 31 or may be allowed to vote at the discretion of the Association President.

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NDTOA Directors Up for Election/President, VP Also Held

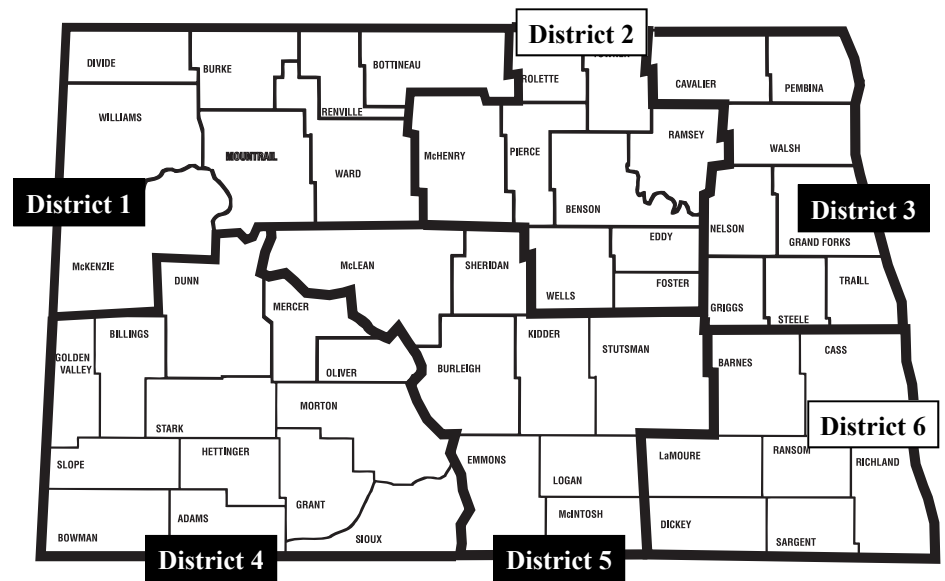
NDTOA Directors up for Election
District Directorships to be filled this annual meeting are as follows:

District 1 consists of the following counties: Divide, Burke, Renville, Bottineau, Ward, Mountrail, Williams and McKenzie.
This directorship has been held by Floyd Miller, Williston.

District 3 consists of the following counties: Cavalier, Pembina, Walsh, Nelson, Grand Forks, Griggs, Steele and Traill.
This directorship has been held by Al Bekkerus, Grand Forks.

District 4 consists of the following counties: Golden Valley, Billings, Dunn, Mercer, Oliver, Morton, Grant, Sioux, Adams, Hettinger, Bowman, Slope and Stark.
This directorship has been open and unfilled.

District 5 consists of the following



counties: McLean, Sheridan, Burleigh, Kidder, Stutsman, Emmons, Logan and McIntosh.
This directorship has been held by Barb Knutson, McKenzie.

President and Vice President Elections to be Held

President Larry Syverson has served

two years as State President of NDTOA and if re-elected may serve two more years.

Roger Olafson has served two years as Vice President of NDTOA and if re-elected may serve two more years.

District 1 Report by Floyd Miller

Ten Years But Not Running

Ten years ago in 2001 at the annual State Township Association meeting held in Minot, I was asked if I would run for the district director representative for my district.

Donny Malcomb was the director, but was running for the office of President of the association.

I had been attending the State NDTOA annual meeting every year since the Williams County Township Association sent me to the annual state meeting in Jamestown in 1997.

I accepted the nomination and won the election and have never looked

back. I would encourage anyone in my district interested to consider running to contact one of the nominating committee members: Ralph Olson (District 2) and Steve Ginsbach (District 6). See page 2 for contact information.

It is a very educational experience and learning job. I asked questions about townships and learned something every time I found the answers. I have met a lot of new people and made many friends.

I believe in township government and the right, if I am a township officer in my township, to deal with any problems or concerns of my

township road which is located one-quarter mile from my home.

I also believe in the township way of voting on my own land tax levy for my township.

If anyone interested in this position has questions, please feel free to contact me by phone or e-mail.

See you in December at Minot!



45th NDTOA Annual Meeting Agenda

AGENDA FOR DECEMBER 5, 2011

7:30 AM - 8:30 AM **Registration**
 NDTOA Treasurer Barb Knutson
 8:30AM - 9:00 AM **Welcome**
Larry Syverson, NDTOA
 Introduction of guests and board members
Loren Ingebretsen, MN State President
 Pledge to the Flag and Comments on shared concerns
 of our states
 9:00 AM **Greg Boschee**, Township officer and
 Mountrail Co. Commissioner
 Update on Road Conditions in Western ND
 9:30 AM **Greg Wilz**, Director of ND Homeland
 Security
 Proper Form Procedures used by Townships
 10:30 AM **Cory Fong**, ND Tax Commissioner
 Usage of New Assessment cards by Township Assessors
 11:30 AM **Tom Moe**
 Dealing with Angry/Difficult People
 Do we have to fix this road?

 12:00 Noon **Lunch**
Al Jaeger, ND Secretary of State
Al Bekkerus, Grassroots Government Leadership Award

 1:00 PM to 5:30 PM **Business Meeting**
 Conducted by President Syverson
 Rules of Operation/Roll of Townships—
 Executive Secretary Ken Yantes

Reading of Minutes—Ken Yantes
 Treasurers Report—Barb Knutson
 President's Annual Report – Larry Syverson
 Executive Secretary's Annual Report/ACIR—
 Ken Yantes
 Legal Counsel and Workshop Committee—Tom Moe
 Audit Committee—Larry Syverson
 Budget Committee – Larry Syverson

Old Business

New Business

Act on the budget and by-law proposal
 Resolutions Session—Don Malcomb, Chairman
 Elections - District 1, 3, 4, and 5
 President and Vice President

Other Business

5:30 PM Adjournment

6:30 PM Banquet

Legislator of the Year Award
 Entertainment

AGENDA FOR DECEMBER 6, 2011

9:00 AM to 12 Noon
 Open meetings open records workshop by
 ND Attorney General Specialist, Mary Kelsch

NDTOA 2011 Annual Meeting Registration Form

December 5 and 6, 2011

Grand International, Minot, ND

Name(s) _____

Officer Position(s) _____

City, State Zip _____

Township _____

County _____

Total No. Attending ____ @ \$35 per person (\$40 at the door)
 ____ @ \$10 spouse attending the Monday Night Banquet
 ____ @ \$ 7 spouse attending the Monday Luncheon

Total Amount Enclosed
 \$ _____

Please complete and send this registration form, along with your check payable to NDTOA by **November 18, 2011**
 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.

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 accomplishments 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 5, 2011.** If additional nomination forms are needed, contact:

Al Bekkerus
1890 12th Ave. NE
Grand Forks, ND 58201
(701) 741-2120

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.

Resolutions

Written resolutions should be sent to committee members **no later than Friday, November 25, 2011:**

Al Bekkerus
1890 12th Ave. NE
Grand Forks, ND 58201

Steve Ginsbach
16290 91st St. SE
Hankinson, ND 58041

Don Malcomb, Chairman
4000 338th St SW
Berthold, ND 58718-9154
dmalcomb@srt.com

Or to the NDTOA office: Ken Yantes, PO Box 104, Brocket ND 58321-0104.

They will be presented at the Resolutions Committee meeting on Sunday evening, December 4, 2011.

ND Legislature to Hold Special Session

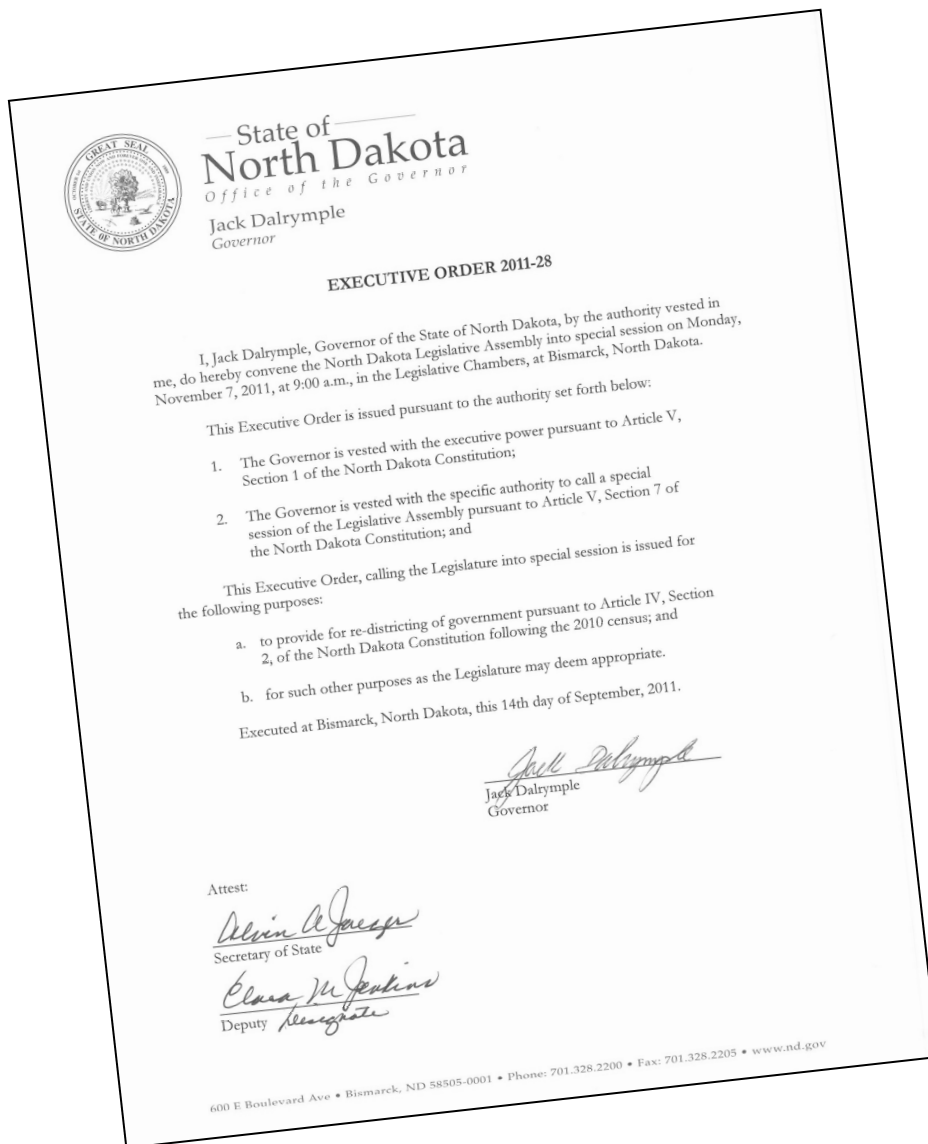
By Ken Yantes

Governor Dalrymple has called for a special session of the ND Legislature to be held starting on November 7 and is expected to last five days.

The topics expected to be covered will include redistricting, turning the fighting Sioux nickname and logo decision back over to the State Board of Higher Education, State Health Insurance Exchange, flood disaster relief and infrastructure funding.

One of the concerns that NDTOA hopes to see addressed is realistic infrastructure funding for township losses. The last several state disaster funding programs for snow removal and flooding damages have not adequately addressed township recovery losses.

The NDTOA will have an organized legislative effort in Bismarck for the special session. President Syverson and Executive Secretary Yantes will be headquartering out of the Doublewood Inn in Bismarck.





Grass Roots Report

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