

GRASS ROOTS REPORT



WINTER 2020

The Official Newsletter of the ND Township Officers Association

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FUTURE FUNDING DEPENDS ON SURVEY!

By Larry Syverson

In October the Upper Great Plains Transportation Institute at NDSU mailed out a road needs survey, one to a supervisor in each township. This got a very poor response so now UGPTI has done a second mailing, this time to the clerks of the townships that did not respond to the first.

It is very important that good data can be compiled from this survey as it will be used in making a new funding formula for the "Prairie Dog" funding. The first payment is fixed at nearly \$10,000 that non-oil townships will receive early in 21, but after that the law will require some justification for the payments, some kind of a cost per mile times the number of miles actually maintained.

It is also very important for the townships in the oil producing counties to complete the survey, we know your road cost are very high, get them in so they can be included in the formula for your area. So we can prove to the legislators that oil producing townships really need that money.

If your township did file the survey you do not have to do it again, we are just trying one last time to get as many as possible to respond.

IT IS SO IMPORTANT!

Please fill out and mail your survey, they need to be in by the end of January. If you don't have a copy there is one included on **pages 7 & 8** of this newsletter or it is available as a **fillable PDF** on **NDTOA.com**.

NDTOA WORKSHOPS COMING UP!

In just a couple of weeks the 2020 workshops will start. *See the schedule on page 3.*

Of course our main purpose is to distribute the new township officers handbook. Now we realize that some of you prefer to just use the online version of the handbook, but the workshops are still a good chance for you to bring your questions to the people that can answer them, and the workshops are no charge.

So come any way, you don't have to take a printed handbook if you just use the online version.

GREAT NEWS!

The online edition of the township officer's handbook will also be updated soon and many of the forms will soon be made available as "fillable PDF."

**MARK YOUR CALENDARS: NDTOA Convention and Annual Meeting
DECEMBER 7 & 8, 2020 at the Bismarck Ramada.**

NDTOA gratefully acknowledges the very generous support of our 53rd Annual NDTOA Convention from:



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President's Comments

Greetings Everyone,

As I think back on 2019 one word comes to my mind...WOW! For many townships, 2019 was a roller coaster ride. Large amounts of snow and frigid temperatures started the year. Rain, cold temps and snow storms finished the year. Snow removal alone can drain the funds of a township.

Now we add high water, washed out culverts, soft roads and the possibility of spring flooding,

which will start more road problems. I know there are township officers that are under a considerable amount of stress this year in their farms, ranches or businesses; however, they still take time out of their busy schedule to check the roads to make sure they are safe for public travels. To this I would like to say THANK YOU!

Too many times all you hear is negative criticism. But for those of you that are dealing with difficult road conditions, keep up the good work.

In December, the 53rd Annual meeting of the NDTOA was held at the Ramada Inn in Bismarck. Several good speakers were on hand to relay information on to township officers. The attendance again was smaller than it should be.

In the future, I hope to see a larger number of officers attend. Remember, this is your meeting! Your involvement helps make the association stronger so we can recognize the needs of all townships across the entire state.

One item in particular that was

discussed at the annual meeting was the "Township Needs Study Survey" that each township should have received. It is a survey that is being conducted by the Upper Great Plains Transportation



Institute to find out the cost of gravel for township roads. By filling out the report, it will help legislators

understand the actual amounts townships are spending on gravel.

You can go to the NDTOA website "Hot Topic" button and fill out your survey or mail back the form in the Grassroots report.

The 2020 workshop tour will be held in February. The dates and locations are listed on page 3. Bring your green binders, as you will receive a new updated insert. I am looking forward to seeing everyone there.

I would like to thank Mr. Roger Olafson, for his time and dedication to our association. Roger served as President for the past 6 years. He will remain on the Board of Directors as our immediate past President.

As your newly elected NDTOA President, I am looking forward to the opportunity to serve you and work towards goals that are in the best interest of North Dakota township officers.

Warm regards,
Lee Brandvold

"By filling out the Township Needs Study Survey, it will help legislators understand the actual amounts townships are spending on gravel."

See pages 6 & 7 in this issue.

Past President's Comments

Hello Everyone,

As you see elsewhere in this issue, a new NDTOA President was elected at the 2019 annual meeting last December. For those that were unable to attend, I would like to share the message I gave at the close of the business meeting.

I would like to thank the members of NDTOA that supported me (put up with me?) during my four plus years as Vice President, and then six years as President. Also, many thanks to all the board members I worked with over the years. It was my pleasure to work with so many good member township officers and board members which made my job easy.

I was proud to serve with the management teams that put together a run of ten consecutive years of operating in the black along with many other successes, legislatively and otherwise, that have kept NDTOA strong and an organization well respected by outsiders all across the state. It took much effort by many to accomplish all of this. Of course, Larry Syverson's frugality in running our legislative session presence and his expertise in dealing with lawmakers is a huge factor in our successes.

An action that I initiated when I became President contributed somewhat to the financial condition but was also somewhat disappointing. I called it my pet project, whereby I began a campaign to get counties with unorganized townships to pay membership dues to NDTOA for their unorganized townships. Prior to this effort there were five counties already doing this. The successful part is that the effort added ten more counties supporting our organization, bringing in approximately an extra \$35,000 over the past five years. The disappointing part is that I didn't get more counties to come on board. Let's keep working on that as everything gets more expensive each year and any benefits procured by NDTOA efforts are distributed to counties for their unorganized townships in the same manner and ratio as it is to organized townships.

The Immediate Past President is a member of the Board of Directors with similar duties and powers as assigned to district directors and other officers. With that in mind, I plan on hanging around for a while and helping if and where I can, including continuing to answer your questions or passing them on to a more knowledgeable source of information.

Annual meeting of the township date (third Tuesday in March) is fast approaching. Be sure you are familiar with requirements and procedures. We here of many meetings that are not done correctly which could mean action taken may be contested and cause the need of a special meeting later to take corrective action.

One last time, let's do our job diligently and keep our form of Grassroots Government alive and well
Roger Olafson
Immediate Past President

2020 WORKSHOP SCHEDULE

NDTOA will again be presenting regional workshops to deliver the new 2020 Edition of the Township Officers Handbook. There will be no charge for this workshop. All township officers are urged to attend, county officials are also welcome.

NDTOA 2020 WORKSHOP ITINERARY:

FEBRUARY 10

Newburg – Senior Citizens Hall 1-3 PM

Minot – North Central Research Center
5400 Hwy 83 S 7-9 PM

FEBRUARY 11

Stanley – Fairgrounds - Community Hall 1-3 PM

Williston – Airport Ramada Inn, 5813 Jefferson Ln
7-9 PM

FEBRUARY 12

Wildrose – Fire Hall 12 Noon- 3 PM
(Noon lunch provided by local sponsors)

FEBRUARY 13

Bowman – Bowman Lodge & Con., 207 US-12
1-3 PM (MST)

Regent – The Enchanted Castle 7-9 PM (MST)

FEBRUARY 14

Steele – Steele Comm. Ctr., 108 W Bdwy 1-3 PM

FEBRUARY 24

Larimore – American Legion Club 1-3 PM

FEBRUARY 25

Park River – City Hall 1-3 PM

Langdon – Courthouse - meeting room 7-9 PM

FEBRUARY 26

Devils Lake – Courthouse basement mtg. room
1-3 PM

Jamestown – Quality Inn, 507 25th St SW
7-9 PM

FEBRUARY 27

Lisbon – Veterans Home, 1600 Veterans Dr.
1-3 PM

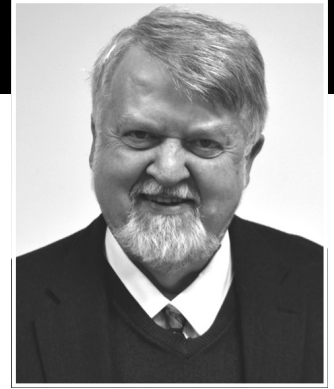
Casselton – City Hall Auditorium: 7-9 PM

FEBRUARY 28

Fessenden – Fairgrounds – Festival Hall
9:30 – 11:30 AM

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings!

They say Winter is the mysterious season—I just think it’s cold and dreary. But, baseball’s Spring Training is only about a month away, so there is warmth at the end of the tunnel!

Due to some unexpected medical issues plus some hospital procedures, I had to miss our December state convention—the first I’ve missed in over 30 years. I really wanted to be there to meet and greet every one and field all your questions.

I understand it was a productive session, even though the weather wasn’t very cooperative. I must take this opportunity, however, to recognize our outgoing state President, Roger Olafson. I have appreciated his wisdom and good counsel, and he has truly been an outstanding ambassador for NDTOA.

Luckily by virtue of being the immediate past president, he will still be a member of the Board of Directors, and I’m sure we will still rely on him for the definitive answers about Roberts Rules—Roger is hands down our rules guru!

Secondly, congratulations to Lee Brandvold for his election as our new State President. Lee brings a wealth of township experience to the table, and I have admired his forthright, common sense approach to problem solving. And, because so many of us are shall we say “showing our age”, Lee adds some needed youthful exuberance and efficiency to NDTOA! I know we all look forward to working with Lee during his tenure.

Even though I was absent from the State convention, I had to chuckle, however, as I received about a half dozen phone calls from township officers during the days when the convention was on—although I couldn’t chastise them too much for not being in Bismarck, because I wasn’t there, either!

Interestingly, the same thing happens during our workshop tours when I sometimes field calls from officers who live right down the road from where the workshop session is being held—that can be quite frustrating!

Speaking of workshops, our biennial tour starts in February, and the schedule is printed elsewhere in this issue. Please consider attending one of the sessions, whether it is the one closest to your home, or at any one of those locations listed.

We always have informative, educational, and timely topics, and most of your questions can be answered on the spot. Attendance, is of course, official township business, so any expenses incurred should be reimbursed by your township.

When one thinks about it, most township residents, plus your absentee landowners, probably would expect their township officers to attend training sessions on a regular basis, and no doubt would be surprised if their elected officers fail to attend!

I know the weather this Fall provided lots of headaches for those trying to finish harvest and other end of season chores, so a lot of the regular end-of-year township duties

got delayed or uncompleted as well—including sign inventories and surveys, road gravelling, and road ditch cleanup. And, I imagine many of our roads never did get a chance to dry up, so we will be dealing with frozen mud and ruts for quite awhile. Hopefully, townships will get a chance in Spring to tackle those problem areas as soon as possible.

I hope to see many of you at the workshops. Here’s a few questions I have received in the office lately.
TRM

Question: Our neighboring township has talked to us about going together and purchasing a truck snowplow. First, is that legal for us to share, and second, the dealer says he would like to see us have a ‘joint powers’ agreement for his file—what is that?

Answer: Yes, townships can go together and purchase equipment such as you describe. I know of several townships that have jointly bought or leased snowplows, road graders, mowing equipment, or park equipment, etc.

A joint powers agreement contains the contractual language between the sharing townships—e.g. how the payments will be made and by which township (which is probably what the dealer is most interested about).

cont’d on next page

The Country Lawyer cont'd

Additional items should include: how insurance, maintenance, fuel, oil, and repairs will be handled; will the operator be an employee, or a contractor; which roads in which township will have priority; who will decide when to call the operator to begin work; etc.

Make sure such a shared agreement is approved by the annual meetings in all townships involved, and approval for funding is also approved by all of the respective township meetings.

P.S. To reduce the amount of complaints that one township appears to get “better work” than the other(s), in the interest of uniformity, I would also require the operator to attend one of the many road training sessions put on by the folks at LTAP. (*see their article printed elsewhere in this issue.*)

Question: We have a landowner that threatens to sue us over any complaint he may have. Lately he claims he can keep his fence inside the right-of-way, and we have no authority to remove it, and if we do, we will see him in Court. Any ideas?

Answer: I’ve learned a couple things about those that threaten lawsuits—rarely do they follow through (because it will cause them to spend some money!); and, deep down they know that they are wrong and the township is correct. They just figure that if they “bully” you enough times, that you will give in.

Unfortunately, I know some of my fellow lawyers that fall into that category as well. In the situation you mention, the law is quite clear that there can be no obstacles in the ROW — fences included.

(Townships can give temporary permission, but obviously your township has not done this). Make an Order in writing to remove the fence within a reasonable amount of time, and if there is non-compliance, have it taken down—and at the landowner’s expense. If the “bully” persists and sues you, no judge would rule against you because both the facts and the law are on your side.

Question: One of our supervisors is designated as the road overseer, as the NDTOA handbook outlines. When the road overseer meets with just one of the other supervisors: is that a quorum for an official meeting?

Answer: I’ve had to change my answer on this one. In a recent Attorney General’s opinion, the rule now is that if a “committee” of government officials—even though not a quorum—meets separate from the main body then that is nevertheless a meeting and requires notice and record keeping.

Thus, a road overseer (who is not acting in her capacity as supervisor while being the overseer) meets with another supervisor—that is a “committee” as outlined above. We’ll discuss this item plus open meetings/records more in depth at the workshops.

Question: Can an absentee landowner participate in our annual meeting? I imagine he wants to complain about the conditions of the roads adjacent to his land.

Answer: Any member of the public can attend a township meeting. An absentee landowner, while not a resident, surely can attend, and if allowed to by the chair, could and should make requests/complaints/

wishes known. The absentee cannot vote, however, as only residents are allowed that right.

Question: One of our supervisors passed away late last Fall. Rather than appoint someone, the office remained vacant, but we found a resident who is willing to serve and we will elect her at the upcoming March annual meeting. Does she get a 3 year term?

Answer: It depends on how much time was left on the deceased officer’s term. She should be elected for the remainder of the deceased’s term—that way the normal rotation of having only one supervisor elected each year for a 3 year term doesn’t get messed up.

This year will be a little different however: (Assume the deceased person had two more years to go on his term). Thus, for this meeting only, you will elect two supervisors in March—one for 2 years, and the other supervisor whose term would normally be up at this annual meeting for 3 years. The normal rotation will then resume in the following years.



WORKING FOR YOU!

Check out the
**HOT TOPIC
BUTTON**
on our website:
www.ndtoa.com

DENISE BROWN RECEIVES THE NDTOA PRESIDENT'S AWARD

"For exhibiting the highest standards of dedication, ability and service as an Honorary Township Officer while serving North Dakota Township Government for many years", Denise Brown, Training Coordinator for the ND Local Technical Assistance Program, was given the North Dakota Township Officers Association President's Award.

Denise has been a frequent presenter and exhibitor at NDTOA conventions.

Denise also takes part in the NDTOA workshops; she does presentations for county association meetings; she organizes and takes part in NDLTAP training sessions for township and county personnel.

For her dedicated work providing training opportunities for township officers across the state and all the



Pictured here with Denise are Lt. Governor Brent Sanford on the left and NDTOA President Roger Olafson on the right.

miles she traveled to deliver that training, she received the award which recognizes the important

contributions of someone other than an elected township officer.



Lee Brandvold (left) was elected President, succeeding Roger Olafson (on right), who has served three terms as President. Roger will continue serving the association as the Immediate Past President.

Todd Weber from Wheatland in Cass County was elected to replace Lee Brandvold as Vice President.

Thomas Wheeler was re-elected as District 1 Director and Al

A NEW PRESIDENT

Shown here Lee is presenting a plaque to Roger Olafson recognizing his years of service to NDTOA.

Bekkerus was re-elected in District 3. Gerald Miller was elected to replace Barb Knutson as District 5 Director.

This will allow Barb to focus more on her duties as NDTOA Treasurer and the mailing list upkeep. Gerald Miller is from Gibbs Township in Burleigh County.

Officers and Directors are elected for two year terms, the President and Vice President may serve a maximum of three consecutive terms.

Please complete both sides, tear out and mail to the address below.

NDSU UPPER GREAT PLAINS TRANSPORATION INSTITUTE

2019 TOWNSHIP ROAD NEEDS STUDY SURVEY

Please return this survey to UGPTI, PO Box 6050, NDSU Dept. 2880, Fargo ND 58108 by January 31, 2020.
Please direct any questions to Alan Dybing at 701.231.5988 or alan.dybing@ndsu.edu

Township: _____ County: _____

Contact: _____
Name Phone Email

Preparer: _____ Date Prepared _____

Gravel Costs

Please report costs for gravel for township roads in either of the tables below. If information on cost breakouts is available, please use Table 1. If breakouts are not known, enter the information in Table 2.

1. Cost Breakouts (If known)		
Average Gravel/Scoria Cost (crushing & royalties)		<input type="checkbox"/> Per cu. Yard <input type="checkbox"/> Per Ton
Trucking Cost from Gravel Origin		<input type="checkbox"/> Per Loaded Mile <input type="checkbox"/> Per cu. Yard
Placement Costs		Per Mile
Blading Cost		Annual Cost Per Mile
Dust Suppressant Costs (if applicable)		Per Mile

2. Total Cost (If cost breakouts are known)		
Total Cost	\$	<input type="checkbox"/> Per cu. Yard <input type="checkbox"/> Per Ton <input type="checkbox"/> Annual Cost Per Mile

Average Gravel/Scoria Overlay Thickness _____
 Cu. Yard/Mile
 Inches
 Tons/Mile

Road Maintenance Practices

Who performs road maintenance in your township?

Blading Frequency

- County Maintained
- Township Maintained
- Township Staff

Please report blading and graveling frequency for gravel roads.

Blading Frequency

- 1 per week
- 1 per month
- 2 per month
- Other (*please explain*) _____

Graveling Frequency

- Every year
- Every 2-3 years
- Every 3-4 years
- 5 or more years
- Other (*please explain*) _____

Aside from routine maintenance and improvements, what other challenges are facing roadway maintenance in your county? (flooding, high traffic generators, etc.)

Comments or Suggestions:

NEW DISTRICT 5 DIRECTOR

Hello District Five! As your new District Director, I am eager to meet as many of you as I can. I'll be at the workshops on February 14th in Steele and on February 26th in Jamestown.

I'll do everything I can to support and assist those of you who live in Burleigh, Emmons, Kidder, Logan, McIntosh, McLean, Sheridan, Stutsman and the rest of North Dakota.

I am Gerald (Jerry) Miller—a Retired U.S. Army National Guard Veteran. I'm married with three adult children, two sons and a daughter-in-law. We live in Gibbs Township in Burleigh County.

Before retirement I served for almost 29 years full-time on Active Duty Status for the ND National Guard. I was stationed and supported the Soldiers in the units in Oakes, Wishek, Devils Lake and finally Bismarck.

During most of my military career I was a construction supervisor, building roads and facilities in the states and around the world. I was deployed to Iraq in 2003 and spent just over 12 months in country. Besides Iraq, I've served in Afghanistan, Korea, Panama, Kosovo, and a few other places. My last assignment before I retired, I was the seventh State Command Sergeant Major of the North Dakota National Guard.

I've been a township supervisor for five years and am a director on the Burleigh County Township Officers Association. Being on the outskirts of our State Capital, a part of our township falls within the Bismarck Extra Territorial Area, so we end up dealing a lot with both the county and city on issues.



NEW VICE PRESIDENT

My name is Todd Weber and I'm excited to be serving on the North Dakota Township Officers Association board as Vice President. I grew up on the family farm southwest of Casselton. I've been a Gill Township (Cass County) supervisor for 20+ years and currently serve as chairman.

I grew up in a family that talked about township government quite frequently, as my father, former State Representative Francis E. (Hank) Weber, has been given credit for being instrumental in the formation of the State Township Officers Association in the 1960s.

My wife, Martha, and I have two grown children, Haley and Griffin, and we actively farm near Casselton.

SENATOR GERALD KLEIN NAMED NDTOA LEGISLATOR OF THE YEAR FOR 2019

Gerald (Jerry) Klein was first elected to the ND Senate in 1997 and through the many sessions since he has been a constant supporter of ND Townships. In recognition of his dedication to rural issues Senator Klein was presented the NDTOA Legislator of the Year Award for 2019.

Senator Klein represents District 14, he is the chair of the Senate Industry, Business and Labor Committee, a member of the Senate Agriculture Committee and he is the Assistant Majority Leader of the Senate.

He and his wife Bev live in Fessenden where he owned a grocery store for 35 years; they have four children and 10 grandchildren.



Larry Syverson, Jerry Klein and Roger Olafson

TOWNSHIP OFFICERS OF ROLAND TOWNSHIP GET GRASSROOTS LEADERSHIP AWARD

For the first time the Grassroots Leadership Award has been given to two officers because of their team efforts to secure funding for a paving project at Lake Metigoshe, in Bottineau County.

About 11 miles of road around Lake Metigoshe were originally paved in 1998 and now needed extensive upkeep and repaving at a cost of \$2.6 million. Township Officers, Mike Hall and Vern Jacobson worked to convince Bottineau County to pledge \$500,000 to the project.

At their request, Representative Dick Anderson introduced HB 1322 in the 2017 legislative session which helped clear the way for the township to bond for the project. Between the county grant and the bonding ability they were able to put together a proposal that could get the needed approval of 60% of affected landowners.



Pictured left to right: Lt. Governor Brent Sanford, Mike Hall and NDTOA President Roger Olafson. Not pictured Vern Jacobson.

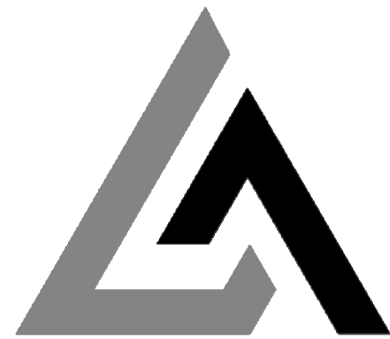


CASH WINNERS AT 53RD CONVENTION!

Julie Brandvold of Cameron Township and Mike Hall of Roland Township hold up their \$100 prizes.

They were drawn from the list of Township Officers from Dues Paid NDTOA Member Townships that pre-registered for the 53rd Convention and were present for the drawing on the last day of the 2019 convention. That pretty much sums up the drawing rules except to add that the Board of Directors and staff are not eligible for the drawing.

The cash drawing incentive will be continued for future conventions; the next will be the 2020 convention which will be held December 7th and 8th at the Bismarck Ramada Inn.



North Dakota
Livestock Alliance

NDTOA gratefully acknowledges the generous support of the North Dakota Livestock Alliance at the Platinum level (\$500) for our 53rd Annual convention; also for participating in the convention by buying booth space for their exhibit.

Treasurer's Report by Barb Knutson



Happy New Year All!

Getting back into the swing of things after holidays is always a struggle. Trying to get the mailing list updated and as I have mentioned before, since all the robo calls, people are not answering their phones unless it is a number they recognize. I do not blame them!

Just a suggestion, maybe you could put my number in your phone as a contact so you would know who is calling. My numbers are both in the listing in this newsletter. I have really appreciated all the help I have received from everyone in the past.

Another thing that would help is

if you have changes, let me know direct. Just drop me an email. However, after the annual meeting, be sure to send a copy to your auditor so they can update their list. Include all officers, names, addresses, phone numbers, cell phone numbers and emails, or as much of that information as is available.

It is important that we keep an up to date list so that we can get the *GrassRoots Report* newsletters to those that are currently on the boards.

One last thing—did you know the *GrassRoots Report* is available on our website at www.ndtoa.com a

week earlier than you get it in the mail? If you prefer to get a digital copy instead of a paper copy, send me your email address requesting this and we will get that done.

Workshops are coming up in February. Check the schedule to see which one best fits you. Updates for handbooks will be available.

Hope to see many of you there!



LT. GOVERNOR SPEAKS AT AWARDS LUNCHEON

Lieutenant Governor Brent Sanford joined us for our awards luncheon and spoke about the challenges local governments are facing with the unfortunate weather we have experienced the last couple of years.

He said from his experience as a council man and mayor of Watford City he can appreciate our being the ones that get the phone calls.

He said the Burgum administra-

tion supports Senator Rich Warner's proposal that part of the Legacy Fund Earnings go to transportation infrastructure.

When question about speeding up the township funding or making more money available to townships he said that would require a special session of the legislature as there is little more spending available. He did say that the current conditions would be a valid reason to consider a special session.

You can hear Lt. Governor Sanford's remarks on NDTOA.COM just go to: convention/ convention 2019. The audio files and slides from all the convention presentations will be available there. We hope! This is an experiment for us.

We will try to make more of these presentations available on the website, *please bear with us* in this endeavor as we learn how to make this work.

TIME TO CONSIDER GRASSROOTS REPORT ONLINE?

You could have notices of meetings and other information as much as two weeks earlier by getting this newsletter online.

Just go to the website NDTOA.com and click on the button "Receive Newsletter Electronically". You will have the news before it can be printed and mailed.



Grass Roots Report

North Dakota Township Officers Association
2600 236th St. NE
McKenzie, ND 58572



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RETURN SERVICE REQUESTED

NOTICE TO COUNTY COMMISSIONERS

If your county includes unorganized townships:
Is your county paying dues for each unorganized township?
The per mile funding each township gets is a result
of NDTOA effort. If your county doesn't pay dues,
someone else is paying your freight!
Your county has benefited from NDTOA for many years.
**Have you calculated the benefit your county
has received from the efforts of NDTOA?**

**CHECK OUT THE NEW FEATURE
ON OUR WEBSITE...**

HOT TOPIC BUTTON

www.ndtoa.com

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www.ndirf.com