

GRASS ROOTS REPORT



SUMMER 2017

The Official Newsletter of the ND Township Officers Association

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New Laws of the 2017 Legislative Session

by Larry Syverson, Exe. Secretary

The 65th legislative session gave us some 60 bills to watch as they made the way through the process; of course they were of varying importance to townships and rural North Dakota. Some to support, some to oppose and others to keep an eye on for possible changes and some that needed changes.

The following are bills that did pass and have an effect on many townships.

SB2205: TOWNSHIP ELECTION WORKER COMPENSATION. Election workers for the day of the annual or special meetings of the township may now be paid up to \$60 per day like the other Township officers. This bill was the result of a NDTOA resolution.

SB2278: RESPONSIBILITY FOR COSTS OF HIGHWAY OBSTRUCTION; allows that the district (township) may seek recovery of costs if the road overseer has to have an obstruction removed from a roadway, if the person responsible is an adjacent land owner the cost may be applied to taxes.

Before this change the law just required the road overseer to remove obstructions immediately with no mention about the cost. Now if you know who caused the mess you can charge them the cost

of removal. This bill came from one of the NDTOA resolutions.

SB 2286: CONSOLIDATED PIPELINE SITING; law applies to oil and gas pipelines state-wide not just in oil counties. It eliminates the conditional use hearings by the local boards but requires the Public Service Commission to ensure that pipeline companies comply with local requirements. The PSC shall conduct hearings in each county but may consolidate them if permissible.

What does this mean to your township? If your township does its own zoning make sure your zoning ordinance is up-to-date and is on file at your county auditor's office.

If your township is under county zoning make sure that is up-to-date and that it addresses things like pipeline facilities; set-backs and exclusion areas are very important. Zoning has to be in place before someone starts construction.

The new law makes local regulations more important in the PSC pipeline siting process. It also calls for a legislative study of the consolidated siting process to see how well this works.

HB1320: TRUCK PERMIT, COMPLIANCE AND ROAD ENFORCEMENT; Requires each township in a county that participates in a uniform truck permitting system for authorization

of oversized or overweight vehicle movements shall participate in the same system. Only fees as established under the uniform system may be charged. Fee changes will be established at public meetings.

A city, county, or township may issue a penalty to a person that violates a posted road restriction. If a permit is denied, a hauler may get authorization to move an overweight or oversized load for an additional fee.

The Western Dakota Energy Association operates an automated-online permitting system in the oil, gas and coal producing counties and is preparing to offer this service outside of that area.

Once implemented it will help to add funds for road repairs anywhere the heavy haulers are routed. Watch for further information about this system in future issues.

HB1322: TOWNSHIP BONDING AUTHORITY FOR SPECIAL IMPROVEMENTS. A township may bond for debt in a special assessment district, such as a paving district in a subdivision, village or around a lake.

See Page 7 for HB2013



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President's Comments



Hello everyone,

Once again there is no shortage of weather issues to start the conversation! The eastern part of the state has had areas being on the dry side, areas that have had too much moisture, and a few instances of severe weather causing much damage to crops, buildings, and trees. The western part is in severe drought and has also seen the occasional case of severe weather.

Our Executive Secretary, Larry Syverson, didn't have any break after the legislative session ended. As chair of the committee to plan the Multi-State Township Officers Conference hosted by NDTOA this year, and getting his crop planted, he has been busy.

This year is North Dakota's turn to host this annual conference which rotates between Minnesota, Wisconsin, South Dakota, and North Dakota. The conference was held in Grand Forks on July 16-18. Larry will have a report elsewhere in this issue.

I know many township officers were disappointed with Governor Burgum's line item veto of a special payment to townships.

This was a last minute item put together by a few legislators (Larry may have a comment in his report) that looked good on the surface for some of us.

This funding would have come from the state disaster relief fund and the Governor felt it was not wise to pull money from this fund without showing a dire need for the extra funds.

It may be the middle of summer but it is not too early to be thinking of the NDTOA annual meeting in December.

I am especially referring to the Grassroots Government Leadership Award given each year at this convention.

If you know of someone deserving of this award, be sure to watch for info in the Grassroots Report newsletter on how to get their name forwarded for consideration.

Now is probably as good a time as any to do your sign inspections before the busy harvest and fall season activities begin. You know how it goes, freeze-up and snowfall usually get here before we are ready.

Remember to check the NDLTAP website, www.ndltap.org occasionally as they are continuously adding new items to their resource library and also have a schedule of training sessions offered for many different areas of interest.

Let's do our jobs diligently and keep our form of Grassroots Government alive and well!

VISIT OUR WEBSITE

www.ndtoa.com



**VISIT OUR
FACEBOOK PAGE**

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings:

It's almost at Summer's end, and I'm wondering where time has gone. There's already 'back to school' sales in the stores, and the baseball teams are either 'buyers' or 'sellers', depending on whether they think they will qualify for the fast approaching post-season or not.

Seems like the kids just got out of school for the summer, but then I guess nothing makes time pass faster than vacations and short term loans.

We had a great meeting that NDTOA hosted in Grand Forks with the township folks from Minnesota, South Dakota, and Wisconsin who were here for the annual Multi-State Towns & Townships conference.

We gave our guests some pretty nice weather, and provided some neat tours of the Center for Innovation and the EERC facility, both on the UND campus.

Our guests were especially interested in learning more of North Dakota's oil activity, and the impact on our roads, plus the Wisconsin delegates reminded us that their state is where much of the fracking sand comes from.

Of special note was the information given by some of the builders of drones, and their ideas of the myriad uses that can be provided by these machines—including road and sign inspections—something that I had not thought of.

I also was able to compare notes with my attorney counterparts from the other States, and I always come away impressed with their breadth

of knowledge and commitment to our rural way of living.

I see several township roads are getting new coats of gravel this summer, and supervisors are reminded to check with gravel haulers about the contractor's responsibility for proper temporary signing if there is equipment left out overnight, or if the finish grading can't be accomplished until the next day or two.

There's lots of new drain tile going in as well, and I note that the 2017 legislature enacted some new rules regarding tile drainage, including diminishing some of the County Water Boards' authority—something which I believe puts more of a burden on townships to monitor for and be vigilant about unauthorized use of road ditches for tile drainage outlets.

Even though an operator may not necessarily require a Water Board permit for the project, permission always must be sought from the road authority—either township, county, or State, if the water from the tile operation ends up in the road ditch.

Most road ditches are not meant for water movement, and definitely are not meant for water to remain in the ditch permanently, which can cause eventual road bed failure.

Seems like several townships have enough trouble with Mother Nature causing high water sloughs backing up against roads with nowhere to go, without having to deal with more water arriving from the tiling projects that are being contemplated.

Be thinking about getting a road and sign inspection done before fall's work begins, and make sure to document your trip. We learned at the Grand Forks meeting about some neat 'apps' that you computer/smart phone users may be interested in—check the North Dakota Local Technical Assistance Program (NDLTAP) website for some of their ideas. And, if you use a drone for your inspections, I would love to hear about it!

Have a safe harvest and see you down the road soon. It's not too early to begin thinking about NDTOA's state convention in December! Following are a few questions received in the office lately. TRM

QUESTION: We've got some residents in a subdivision that are inquiring about getting their road paved; and the process to get a special assessment district started. What's the process?

ANSWER: See Section 58-18 of the Century Code in the township officers' handbook. There are seven paragraphs which are fairly self-explanatory. It speaks of 'freeholders' which means landowners, who may or may not necessarily live in the sub-division.

The election for the special assessment is one of the few times in our Law that a non-resident (a freeholder) can vote. And of course, a special assessment district means that only the subdivision owners will be the ones to be taxed for the project.

Continued on page 4

QUESTION: We have a small unincorporated village in our township which provides most of the complaints to us officers regarding noise, dogs, and failure to mow lawns. What powers do we have to control some of this stuff?

ANSWER: Sounds like the village residents want the ‘city-life’ while living in the country and all without having to pay for it! Some education here probably needs to be done—i.e. the difference between cities and townships under our law.

Some of these problems could be addressed with pertinent zoning ordinances—but then you supervisors will have to be the enforcers. In addition, listed under the powers of electors in Section 58-03-07(5) is language which allows the electors to “make all rules and regulations for the impounding of animals”—so such an ordinance could also be adopted at an official meeting—either the annual meeting or a special meeting called for that purpose.

I would suggest initially, however, a village-wide information-only meeting, and see if you can get the County sheriff and a Commissioner to attend as well. (Make sure you give notice of your meeting, so you don’t run afoul of the open meetings laws, even though you probably won’t be taking any official actions at the session).

Check to see if there are absentee owners of properties in the village as well, and make sure they get contacted about the problem areas, too.

QUESTION: The clerk’s and treasurer’s position was combined at the March annual meeting. Nothing was said about combining these offices in the published newspaper notice

for the annual meeting. Wasn’t that required?

ANSWER: Interestingly, I don’t find such a requirement in the statutes. I note that authorization for combining the offices appears in Section 58-05-02: “the same person may hold the offices of township clerk and treasurer if a majority of the electors present vote in favor of the merging of such offices at the annual township meeting.”

No mention of a specific notice about this is stated in this section, and the general notice for the annual meeting which is governed by 58-04-01 makes no mention of it either.

Generally, annual meeting agendas can be fairly broad and newspaper notice requirements are also generally non-specific as well—thus the need for electors to attend as the list of non-published items that could come up at the meeting can be quite lengthy. (Special township meetings, and excess levy elections, must however, generate very specific listings in the accompanying newspaper notice.)

QUESTION: We have a landowner that mows his ditches on time, but he drives around small volunteer trees in the ditch in order to keep them growing. Can we force him to take the trees out?

ANSWER: Yes; and if you don’t get at the problem soon, the trees will be too big to be mowed down and will become a hazard in your right of way. And, if you wait so long that the trees have to be taken out by other means, I suspect the landowner will claim that the township in effect allowed him to keep the trees alive, so he shouldn’t have to pay later for their removal (on his taxes).

QUESTION: We have absentee landowners griping at us and threaten to call a meeting of the township—can they do that?

ANSWER: Yes. See section 58-04-02 where the supervisors, the clerk... “...or twenty percent of the freeholders of the township, shall file in the office of the township clerk a written statement that a special meeting is necessary....”.

My guess is that in order to avoid further complaints, invite the complaining parties to at least a properly noticed meeting of the three supervisors and clerk, and see if the issues can be resolved.

Otherwise, the absentees may exercise their rights under the above section and your township may end up on the 6 o’clock news!



Grassroots Government Leadership Award

To recognize the leadership, creativity, and dedication of township officers, 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. The award will be presented to an elected township officer, currently in office.

Write or call Tom for a nomination form to complete and mail. It’s that easy! Nominations may be submitted by member townships and counties of the NDTOA. **Nomination deadline is November 12, 2017.** If additional nomination forms are needed, contact: **Tom Wheeler** 6561 115th Ave NW Ray, ND 58849 wheelert@nccray.com or call (701) 641-1073.

ND Truck Weight Calculator App by Leanna Emmer, NDLTAP Truck Weight Expert



Vehicles traveling on North Dakota’s roadway system are required to comply with size and weight limits established by law. The laws apply to all roads in North Dakota – county, township, state and interstate.

Size and weight laws are created in the interest of safety and protecting the motoring public and roadway infrastructure.

The motor carrier industry is faced with the challenge of understanding vehicle weight laws in order to be in compliance.

Law enforcement officials and other government officials who interact with the trucking industry on a daily basis state that the majority of motor carriers want to comply with weight limits set by law.

The complexity and unfamiliarity with laws is probably the biggest culprit that prevents a motor carrier from taking the time to figure out the legal axle weights and gross vehicle weight for a truck or truck-tractor semitrailer combination.

In an effort to simplify the challenge of determining how much weight a vehicle can legally carry, a team with UPGTI and NDLTAP designed and developed an on-line app, the ND Truck Weight Calculator (TWC).

The TWC is an app that enables a user to easily determine legal weight on a vehicle. It easily shows the user that by adding more axles or increasing the distance between axles, the user may increase weight allowed on a vehicle.

The app also generates a printable report showing the legal gross vehicle weight and axle weights on a vehicle or vehicle combination. The user is required to enter in five variables using on-line Truck Weight Calculator. The five variables are as follows:

- Total number of axles (axle count)
- Number of tires per axle,
- Tire width (from tire sidewall reading)
- Distance – linear measurement from axle center to consecutive axle center

Steering axle rating (interstate only)

The TWC is an awesome tool that benefits the motor carrier industry which includes the agricultural and oil industry, government entities and law enforcement. It is a tool that simplifies the process of determining how much a vehicle can legally weigh based on the variables shown above.

It is a tool that local government entities and law enforcement can share and promote with their local

motor carriers traveling on the local road systems. It is through education that we are best able to promote compliance with weight laws.

NDLTAP has developed a web based **Truck Weight Education Resources page** to help - <http://www.ndltap.org/resources/truckweight.php>. The NDLTAP team also has a one-hour power-point presentation on ND legal vehicle weights and provides a demonstration on the ease of using the ND Truck Weight Calculator App at <http://dotsc.ugpti.ndsu.nodak.edu/TWC/>. The NDLTAP team wants to be your resource of choice. [ndltap.org \(701\) 220-4595 or leanna.emmer@ndsu.edu](mailto:leanna.emmer@ndsu.edu)

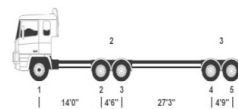
ND Truck Weight Calculation Results

7/28/2016

Given Information for Weight Calculator		Truck Info	
Highway Type	State Highway	Unit Name	Township
Restriction Type	By Legal Weight	Serial No. (VIN)	4432223443
Axle Count	5	Year/Make	2016 Freightliner
		Customer or Company Name	ND Township

Axle Details - Weights	
Legal GVW - State:	79,500 lbs.
The maximum legal gross vehicle weight for this vehicle/vehicle combination.	
Weight (per bridge length chart):	79,500 lbs.

Truck image with the Axle Group Number above axle group and Axle Number below each axle. Distances (the linear measurement from axle center to consecutive axle center) are shown below the axle numbers of the truck image. A black-centered wheel denotes two tires per axle and a white-centered wheel denotes four tires per axle.



Axle Group Weights		
Axle Group Number	Axle Number(s) in Group	Legal Axle Group Weight
1	1	12,100
2	2 - 3	34,000
3	4 - 5	34,000

NDTOA Hosts 4-State Conference in Grand Forks

by Larry Syverson, Exe. Secretary

Members of township and towns associations from Minnesota, South Dakota, Wisconsin and North Dakota attended the Multi-State Conference in Grand Forks, July 16-18.

It began Sunday afternoon with a guided bus tour of the Grand Forks "Greenway"; Kim Greendahl, Greenway Specialist for Grand Forks Parks, described for passengers the changes that had taken place in the floodway since the devastation of 1997.

This was followed by a picnic in Lincoln Drive Park which was a residential area before the flood. The pizza picnic was sponsored by the Greater Grand Forks Convention and Visitors Bureau.

Monday morning speakers started with Kari Cutting, Vice-President of the North Dakota Petroleum Council talking about the "Bakken Today", changes in the oil industry and its developments in ND.

Next Geoff Simon led a three person team from the Western Dakota Energy Association (formerly the Oil and Gas Counties); Geoff described the new laws that affect townships in ND.

Janet Sanford went through the history of the uniform load permitting system which is operated by WDEA and Brent Bogar described how WDEA is preparing to make the automated-online load permitting and routing system available state-wide.

Alan Dybing and Brad Wentz with the Upper Great Plains Transportation Institute went over the road needs survey for county and township roads in ND which was done by UGPTI and the inventory

management system to keep track of road conditions.

In the afternoon the group toured two sites on the UND campus. First was the Center for Innovation which has provided a starting point for many new enterprises since it was founded in 1984.

It provides assistance to innovators, entrepreneurs, and researchers to launch new ventures, commercialize new technologies, and secure access to capital from private and public sources. Currently the focus of this crop of enterprises is the use of drones.

The second tour was the Energy and Environmental Research Center (EERC) where the group was shown the test furnace that is used to test various combustion methods and additives in the search for cleaner coal power.

They were also shown the scanning electron microscope lab where the structure of oil bearing rocks is studied. A lot of work is being done here to find better more effective ways to harvest the oil from the shale. Current methods are only getting about 6% of the oil that is trapped in the rock.

The Monday night dinner speaker was Cal Klewin with the Theodore Roosevelt Expressway. He described the effort to develop and improve US Highway 85 as the Northern third of the Ports-to Plains Alliance freight and trade corridor running between the Gulf of Mexico in Texas and into Canada.

Tuesday morning Sanford Case, with AE2S Engineering, spoke about the Red River Water Supply Project, part of the Garrison Diversion. He said that in the 1930's the Red River had zero flow for several years and

he stated how devastating such a drought would be now; several cities depend on the Red for their water.

He described the project that is being started to pipe Missouri River water east to hedge against such a threat. He also pointed out that the state has lost out in competition for developing industries because of the lack of water resources.

Leanna Emmer, Truck Size and Weight Expert with the North Dakota Local Technical Assistance Program, illustrated the online app for determining the legal load for any truck axle configuration (ND Truck Weight Calculator). She also spoke about the various training programs NDLTAP has for ND Township Officers.

Dave Sanko, Executive Director of the Pennsylvania State Association of Township Supervisors and President of the National Association of Towns and Townships (NATaT) talked about the similarity of townships and township issues whether they are Midwest or eastern, large or small. He also said we would be stronger if we worked together.

The conference ended with each state reporting on their activities and legislative issues.

Thank you to the Grand Forks Convention & Visitors Center for sponsoring the Multi-State Conference Reception Picnic!

Thank you to RDO and HUB International Limited for their conference sponsorship!

Treasurer's Report by Barb Knutson

I am working on getting the mailing list updated and want to thank those of you that have shared your info with counties and want to thank the auditors that have passed that along to us. Big help!

I would also like to thank the counties that have paid dues for the unorganized townships in their counties. We work on behalf of them as well as the organized. Thanks again!

Dues have come in from townships and counties mostly in a

timely fashion, however, there are still a few I have not heard from.

Reminder: Due the first of May and delinquent the first of October.

I would like feedback on the townships that are using the accounting system that we refer to as ATR. What you like about it or questions on any aspect would be good.

Starting to plan the program for annual meeting in Bismarck set for December 4 & 5, 2017. We are always looking for candidates for Grassroots Leadership Award. I

know there are a lot of deserving township officers that would qualify and just have never been nominated. We would like to encourage you to nominate a township officer that has served for many years and has gone beyond the call of duty. I know these people exist because I talk to them regularly. Just get a nomination and maybe your nominee will get that well deserved award.

Looking forward to seeing you in December.

\$10,000 Per Township? Almost, But Not Quite

SB2013 BOARD OF UNIVERSITY AND SCHOOL LANDS BUDGET

This budget is the one that has historically provided the energy impact grants to local governments. There was an amendment to this bill in the House Appropriations Committee to provide a \$10,000 grant to each township outside of the oil producing counties.

However it was to come from the funding that townships in the oil producing townships receive from the oil tax distribution formula, it would cost those townships sixteen million of the twenty four million the formula would provide.

NDOA opposed this amendment that would take money from one group of townships to give it to the others; although the dollars are large they are badly needed and are still probably insufficient to deal with the oil impacts.

The Senate proposed a change in the conference committee, instead of taking the funds from the oil producing townships it would come from the percentage the state takes from the formula. It would come

from the Strategic Investment and Improvements Fund (SIIF) and the disaster fund.

Now while the official forecast which was put out much earlier indicated little additional money coming into the formula the actual numbers were not so bleak. The forecast was that oil production would continue at 900,000 barrels a day for the rest of the 2015-17 biennium (ending June 30, 2017) and then for the next biennium it would be 950,000 barrels a day.

By the time this amendment was proposed by the Senate the production was already at one million-thirty barrels a day; that added production meant that the funds would quickly be replaced in the formula. This amendment proved to be very popular and the bill easily made final passage in both chambers. However Governor Burgum vetoed this section of SB2013 largely because it came about in a conference committee with seemingly little opportunity for public comment.

Actually there had been public

comments, legislators had been getting calls and emails from rural residents since the start of the session wondering why their townships didn't have money to open the snow choked roads. Perhaps the rural residents didn't call the Governor's office about the situation this time like they had for Governors Hoeven and Dalrymple in past winters of note.

Township boards had warned their residents that they had spent all they had on the snow and didn't have funds to do any more. At that time it did not seem that the state had any funds to help the townships, any bill introduced at that time would have gotten a sorry but no vote.

There is a lot of support in the legislature to override the governor's veto but they are so short on time for a special session they have to save the three days they have left in case of a state funding issue or there is a major change in federal programs. But our friends in the legislature have not given this up yet!



Grass Roots Report

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Check out our website: www.ndtoa.com

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?**

WON'T YOU PLEASE PAY THE DUES?



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