

# GRASS ROOTS REPORT



WINTER 2015

*The Official Newsletter of the ND Township Officers Association*

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## NDTOA Holds 48th Annual Convention

*By Ken Yantes, Executive Secretary*

NDTOA held its 48<sup>th</sup> Annual Meeting on December 1<sup>st</sup> and 2<sup>nd</sup> at the Bismarck Ramada Inn. The meeting was called to order by President Roger Olafson, the morning session was filled by several speakers.

Francis Schwindt spoke on his research into dust control on gravel roads in Western North Dakota. He pointed out that chlorides, enzymes and many other chemicals had been used to reduce dust on gravel roads in that area.

Some of the products that had been experimented with ranged in price from native clay to some \$40,000 per mile which seemed too costly for most governmental entities.

He then listed and explained 12 different chemicals that had been experimented with in the last few years; none stood out as being very successful.

Kathy Neset from Neset Consulting of Tioga, ND gave an interesting talk on oil exploration and extraction in the state. She explained the process of fracking and how in North Dakota the operation is so deep and with the safeguards taken to protect the aquifers there should be no risk of contamination from the wells.

Denise Brown from the NDLTAP explained the staff personnel from the four state area and the programs

offered to local transportation people. She described the many new learning level hook ups through the management Center.

Dale Heglund brought us up to date on the Upper Great Plains Transportation Institute's Study of Local Road Conditions. This study will be used in the next Legislative session as a reference for the needed dollars to fix local roads and bridges in our state.

Steve Spilde, CEO of the North Dakota Insurance Reserve Fund, explained the liability coverages offered to township officials through the fund. He explained the legal defense coverage for township officials as they serve on the township boards.

Steve informed us of the losses incurred by the fund during the last seven years. We have done pretty well.

Governor Jack Dalrymple addressed us on property tax reform, the work of his Property Tax Task Force and the proposed changes to township levies. The Governor thanked Larry Syverson for his attendance at all committee meetings.

Al Jaeger, North Dakota Secretary of State discussed the need for township officials to be more observant of the Century Codes pertaining to voting in the township. He then passed out to all township

officers present copies of the ND Century code that pertained to voting in the township.

The business meeting began after lunch and President Roger Olafson gave a report to the membership on all the organizational activities since the last annual meeting.

Executive Secretary, Ken Yantes addressed the assembly, reminiscing on his history of service to NDTOA and all the state level positions he has held on behalf of the membership of the association.

Ken said that he is retiring after more than 30 years of service to the state board in various capacities. The loss of his helpmate Darleen, who passed away in November of 2013, has affected him greatly and played a major role in his decision.

Ken then recommended that the board of directors replace him with longtime board member and governmental relations assistant Larry Syverson.

The reports of standing committees were given followed by actions on resolutions, bylaw changes and elections of directors.

Four resolutions were passed: NDTOA proposes a change to Section 57-15-19.2 (NDCC) regarding Special road funds: Change the special road fund from a

*Cont'd on page 3*

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## President's Comments



Hello everyone!

I hope you're all off to a good start in 2015. Also hoping the weather for the first half of January isn't an indicator of what we'll see the rest of the year.

Another annual convention of NDTOA is in the books. If you were not in attendance you missed a good array of speakers and topics on the agenda.

Those not in attendance also missed an opportunity to congratulate and thank Ken Yantes for his many years of service to and for township officers all across the state as he announced his decision to step down from the executive secretary position he has held for many years.

Ever the promoter of Grassroots Government, Ken offered to keep helping us in any way he could—all we need to do is ask!

Larry Syverson has assumed Ken's position as Executive Secretary/Director of Governmental Relations so it is still in good hands. And of course Larry is back "wintering" in Bismarck for the legislative session once again and will be calling on directors and township officers when extra help is needed.

He is studying bills introduced to see if they have any impact on townships and preparing to support or fight them as needed.

One bill we have been very concerned with for a long time and has been introduced is SB2054. This is the assessor qualification bill that will place some onerous requirements to be an assessor.

Be prepared to contact your House of Representatives member as the Senate will probably be through voting on the bill by the time you read this.

Our list of counties that have begun paying dues for their unorganized townships is growing and we are very thankful to them for recognizing the value of our work and supporting our efforts.

Counties on this list as of early January include Benson, Bottineau, Bowman, Burleigh, Dunn, McKenzie and Williams. If your county has unorganized townships and is not on this list, work on your county commissioners to join this effort.

There are several counties with two to six unorganized townships, so it shouldn't be difficult to bring them on board.

Don't forget it is that time of year again for townships to send 1099s, W-2s, and Form 941/944 as needed.


Also coming up soon is the deadline for filing the Transportation Funding Report. With all these fun things to do it's no wonder people are running over each other trying to get our jobs!

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



**STATE SURPLUS PROPERTY**  
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North Dakota townships and government entities are eligible to purchase from Surplus Property. Contact us at 701.328.9665 to learn about Surplus Property and to begin shopping from our available property.



[www.nd.gov/surplus](http://www.nd.gov/surplus)

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\$30,000 maximum to a \$100,000 maximum.

- Be it Resolved that NDTOA opposes the new rules proposed in the Federal Clean Water Act as proposed by the Environmental Protection Agency (EPA) & the US Corps of Engineers.

- Be it Resolved that NDTOA supports a bill to establish a State emergency fund for those townships that have experienced road damage or water issues affecting them because of several years of high precipitation.

This has caused negative balances in township treasuries. Disbursement of this fund would be on a percentage basis between both this State fund and the township general fund.

- Be it Resolved that NDTOA supports a bill to allow township to establish a designated snow removal fund.

Two Amendments to the Constitution and Bylaws were approved and now read:

#### ARTICLE IV OF THE CONSTITUTION

The membership of the Board of directors shall consist of those members as outlined in the By-Laws of the Association. There shall be elected from the membership of the association during annual meetings held in odd numbered years a president and vice-president who shall hold office for a term of two years, not to exceed two consecutive terms.

At the time of the election, the president and vice president must be currently holding an elected township office.

The Board of Directors shall meet annually in December and at other special meetings as called by the president or any five members of the Board of Directors.

#### ARTICLE VI OF THE BY-LAWS

The membership of the Board of Directors shall consist of the President, Vice President, immediate Past President, and six (6) members, each representing a separate district, but elected by the entire association. Directors must be elected township officers and members of the association as defined in Article III of the Constitution.

District boundaries shall be determined from time to time by the association. The members elected to the Board of Directors shall serve for a term of two years, said terms staggered so that the odd-numbered district directors are elected in odd-numbered years, and the even numbered district directors are elected in even numbered years.

Three District Directors were re-elected: District 2: Mark Shipley, Devils Lake (Poplar Grove Twp. Ramsey County); District 4: Leon Monke, Regent (Rifle Twp. Hettinger County); District 6: Steven Ginsbach, Hankinson (Brightwood Twp. Richland County).

NDDOT Director, Grant Levi was the main speaker of the Monday night Banquet; he described the successful use of the funding that came out of the last legislative session.

Mark Shipley presented the Grassroots Leadership Award to Ken Yantes, Executive Secretary from Ramsey County for the years of service to his township, county, and state association.

President Olafson then made three award presentations. Past President Larry Syverson received a plaque for the four years that he had served as State President of the NDTOA.

Ken Yantes was recognized for his many years of service to NDTOA in various roles and received a Distinguished Service Plaque.

This marked the retirement of the first full time Executive Secretary of the NDTOA.

Representative Michael Brandenburg was given the NDTOA Legislator of the Year Award. Representative Brandenburg is from Edgeley and serves on the House Appropriations Committee where he has worked extensively to secure funding for townships. He is also a township supervisor serving Nora Township in LaMoure County.

The meeting wrapped up with three more presentations on Tuesday morning. Ulteig Corporation gave a presentation on the services they could provide to even small government subdivisions as a retained engineering service.

Ryan Skor from the State Treasurer's office went over the requirements for township road list reporting and the flow of money from the state to the townships.

Terry Traynor, from the North Dakota Association of Counties, gave us a run down on the transportation funding proposals for the coming legislative session.

Traynor's comments indicated a need for the transportation partners to work together. Each presentation included a question and answer period. President Olafson then adjourned the meeting.

**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:

**BARB KNUTSON, 2600 236<sup>th</sup> St. NE, McKenzie, ND 58572**

**Phone: 701-673-3198**

**Email: barbk@ndtoa.com**

# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! It's January and not too cold—yet! Here's hoping the holiday season passed for all without any complications. Seems like the holidays are all about shopping and paying—with much more emphasis on the paying part! But, being with family and friends makes it all worth it. And the food isn't all bad either!

We had a good annual convention for NDTOA and it was fun to interact with several of you. The retirement of the association's long-time secretary, Ken Yantes, came as somewhat of a surprise, but I guess we all knew that Ken would want to devote more time to fishing at some point in time!

Countless hours of work have been spent for and on behalf of NDTOA by Ken over the years. I personally have valued greatly his advice and counsel to me—our professional relationship goes back almost 30 years.

I thank him for his service and his friendship, and I wish him well in his well-deserved retirement. I imagine the walleyes in the Devils Lake area are cowering with fright when they heard the news that Ken will have a little more time on his hands!

March is soon upon us, and with it time for annual meeting planning. It's a good idea to review Title 58 of the NDTOA handbook which deals with township meetings and procedure. If a township is contemplating voting on an excess levy, then there are some additional requirements for that process, including extra newspaper notices in addition to the annual meeting notice.

Check with your county auditor for additional information about excess levies and for any other special taxes for that matter.

The ND State Legislature is in full swing and your association is once again also in full swing with monitoring those bills that relate to townships. We'll make the issues known to you, so hopefully township officers can keep abreast of legislative action.

Make a point of meeting with your local legislators at their weekend coffee shop forums and let them know your position on particular bills that affect townships. And, don't be afraid to volunteer to go out to Bismarck and testify should our lobbyist, Larry Syverson, request your presence.

With the increasingly urban makeup of our legislature, it's even more important for us to unify and promote rural interests.

Here's hoping the rest of the winter stays somewhat mild, and that townships' snow removal budgets don't get strapped.

Give you district director a call should you have any questions and good luck with your annual meeting. Following are several questions I've received in the office. TRM

**Question:** We had an oil company that bored a pipe under our township road without our permission. Can we fine them?

**Answer:** A fine could be levied if there is an ordinance on the books that allows not only such a punishment, but also a process for issuing a permit should someone request this type of work.

But, even if there is no such ordinance, you could certainly cause the offender to pay for the damages caused to the road bed. A small claims lawsuit may have to be instituted, and the sheriff's office

may also have to be involved. It really shows the necessity of being extremely vigilant and have several "road buddies" appointed in the township to keep their collective eyes open for unauthorized construction.

**Question:** One of our supervisors has indicated that he intends to retire at the annual meeting. If we can't find anyone to take his place, can the clerk run and be a supervisor, too?

**Answer:** No. The clerk is a separate officer of the township and cannot also be a supervisor at the same time. You will have to seek out someone in the township that will be willing to serve. Maybe it might be easier to elect the existing clerk to the office of supervisor and then seek someone to take the clerk's position?

**Question:** A neighboring township meets every month, but we only meet once a year, in March. Are we supposed to meet every month?

**Answer:** The supervisors in the next township are probably holding supervisor meetings, rather than meetings of the full township as a whole. The electors of townships are required to "...assemble annually on the third Tuesday in March...", but supervisors may meet more often. NDTOA encourages supervisors to meet monthly and take care of business on a more regular basis.

I understand that most of time it is the same few people at both supervisor meetings and at the annual meeting, but remember that the supervisors and the electors are two separate bodies with separate roles in the administration of the township.

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See Title 58-06-01 of the handbook for a list of supervisor duties, and Section 58-03-07 for a list of the Powers of Electors of a township.

**Question:** Our officers collect about \$100 a year for their work. I heard that other townships pay their supervisors more than that. Isn't there a standard rate for officer pay?

**Answer:** The law allows that townships may pay supervisors at any rate, but the maximum is \$60 per day of service, up to a yearly maximum of \$2,000. The rate must be set by the electors at the annual meeting. So, the other township has set a daily rate that is higher than yours, which is their prerogative.

Make sure, however, that you set a daily rate, rather than a yearly rate. If officers keep a record or calendar of their activities, most will be quite surprised by the amount of time spent. We all realize that serving on such a board is not a money maker, but officers should be compensated reasonably at least.

**Question:** Can we designate a road "minimum maintenance" so we don't have to plow snow on it in the winter? It's a pretty good road in the summer and gets quite a bit of use.

**Answer:** A township can use the minimum maintenance designation as long as the road is not a school bus route, mail route, and no one resides along the road.

The quality of the road is not a factor in the designation, and just because it's a minimum maintenance road doesn't mean that full maintenance can't be performed in the summer months. Just make sure to sign it properly.

**Question:** We would like to change fire departments that our township will call on. Can the supervisors do that on their own?

**Answer:** Contracting for fire protection services, or expending township funds to support a fire district must be approved at the township annual meeting rather than at a meeting of the supervisors. (see previous question and answer).

Then, look at the amount of the total tax paid that is credited to the township—it's usually a paltry amount compared to what the county and school gets.

Maybe on a \$1,500 tax bill the township only gets 60 bucks, as an example. That usually gets the residents' attention, in that all of their taxes don't all go to pay for the snowplow!

**Question:** Our water board is not very helpful when it comes to us making culvert decisions in our roads. They always say it's not their responsibility.

**Answer:** They are sort of correct. Culvert decisions under roads are indeed the road authority's sole jurisdiction.

However, I always say it's the township's road, but it's the water board's water. The century code requires notification to a county water board by a township of a culvert installation so the water board can "submit comments". See page 84 of your green handbook, Sec. 24-06-34.

Those comments are not whether a culvert can be installed or not, but helpful comments regarding sizing, location, etc. which the township would not necessarily have to follow.

By working together, the township and water board may be able to avert more water problems downstream—which problems are definitely under the water board's jurisdiction.

**Question:** The railroad wants us to take out a crossing over their line. It's on a section line, but it is just a prairie trail. Do we have to take it out?

**Answer:** The magic words you stated is that it is a "section line." As long as the township wants to keep the section line open, then the railroad has no choice. However, if you do decide to close the road because of its low use, I would suggest a written agreement with the railroad that they will agree to re-open the crossing if needed by the township in the future.

Governor Dalrymple



Rep. Michael Brandenburg



Sec. of State Al Jaeger



# Annual Convention Guest Speakers

# Executive Secretary's Corner and Legislative Report

by Larry Syverson



Hello Township Officers!

I hope this winter is going well for you and your township. Ken has retired as our association executive secretary and I have been given an opportunity to serve you in that position.

I would like to thank Ken for recommending me for this job and the NDTOA Board of Directors for giving me this opportunity.

The beginning of the legislative session is not a real smooth time to make an office switch but we will try to respond to your needs in a timely manner.

**My office number for now is 701-430-1735.** I should note that during the session I am at the Capitol most of the day, almost every day.

## On to the Legislative Report:

As I write this we are in the third week of the session. SB2024 has passed the Senate and is on its way to consideration by the House.

This is the bill to allow a township to get its zoning authority back through an agreement with the county.

The bill to increase the training requirement for assessors, SB2054, has been heard in the Senate Finance and Taxation Committee and now awaits committee action.

I was very glad to see several township assessors and the Ransom County Tax Director came in to help me oppose this bill.

I am continuing to work with the Tax Committee members to come up with a more acceptable solution but it is evident that, at the very least, the tax directors or auditors are going to be given more

authority to review and force re-assessment of any they don't approve.

Two of the resolutions, # 1 and #4, of our 2014 annual meeting are met in SB2195. This bill will increase the amount of money that can be kept in the "special road fund" from \$30,000 to \$100,000.

This is a more realistic amount to have on hand before a road project can be started. The bill also adds snow removal to the list of allowable expenses to come out of this fund.

HCR 3009 is a resolution asking that Congress act to roll back the new rules of the "Clean Water Act" I am supporting that with a statement that we passed such a resolution at our convention.

Resolution #3 was not received very well; it calls for the establishment of a special state road damage emergency fund. The reaction was "You mean in addition to all the other money coming your way?"

Didn't really want to jeopardize the other funding so I didn't get too insistent, but I did hand it to Rep. Brandenburg and he will do what

he can to get it somehow taken care of in an "Ag-Impact Bill" he is proposing.

That leaves the big question... which "one time funding bill" is going to make it?

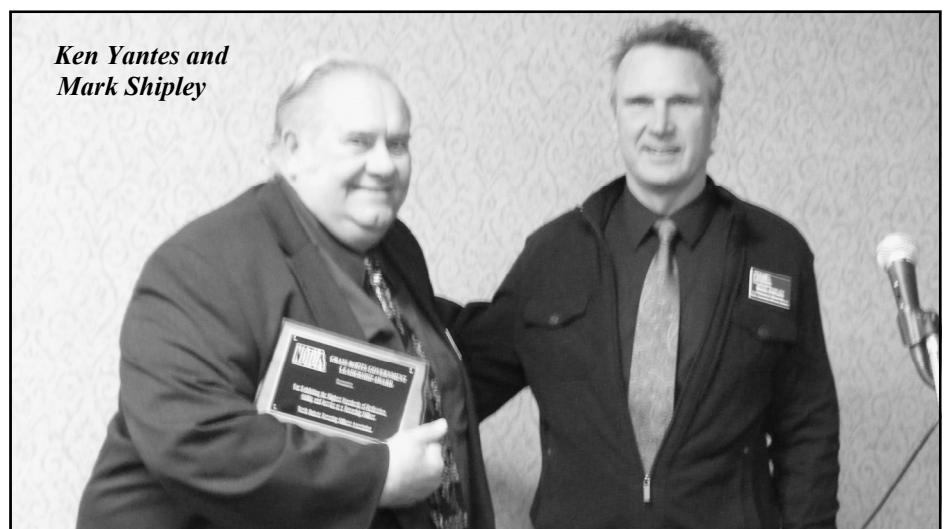
Friday morning, January 16<sup>th</sup>, two bills SB2103 (the surge bill) and SB2126 (Governor's early road funding) were heard in the Senate Appropriations Committee.

It will be interesting to see what comes from that competition. On a side note, if history teaches us anything, we have here a Governor's proposal and a Senate proposal, there has to be a third waiting in the wings—a House proposal.

How this will wash out, or more aptly, pay out is anyone's guess.

Those are the main items for now. I will be at the Capitol pretty much full time until the session ends doing what I can on these and any new bills that might pop up.

Thank you for your interest and thank you for being township officers!



# Winter Preparations *By the CEO, NDIRF*

The winter season of 2014-2015 is no longer just showing signs of approach – it's here. Last winter was not the most severe we've ever had – in fact, far from it – but it started so early and hung on so long that it felt like a record-breaker.

Even our average winter (and average seems to be the consensus overall seasonal forecast for this year) generates severe conditions at times and, therefore, we need to be ready to be about the business of ensuring safety for winter operations.

Accumulations of snow, whether occurring naturally or as the result of snow removal efforts, can obscure driver sight lines, impede traffic and create access problems – not only for motorists but also for public equipment operators.

Winter snow removal operations create a migrating work zone for which the motoring public often has little regard. They are a repeated source of accidents and NDIRF notices an up-tick in related claims

whenever we experience an above-average snowfall season.

There are a number of ways you can enhance the safety of snow removal operations and your citizens' winter driving experience, including the following:

- Rotating strobe lights increase the visibility of snow removal equipment.
- Back-up alarms reduce the possibility of an incident by providing an audible warning.
- "Warning – Stay Back 50 Feet" signs, mounted on the rear of snow removal equipment, can provide an additional defense against claims.
- Equip all snow removal vehicles with adequate outside mirrors to assist drivers in observing the sides and rear of the unit during operations.
- Check all vehicle and equipment heaters, fans and blowers to ensure they properly remove frost and fog on interior glass.
- Winter survival kits should be

assembled and placed in each vehicle and piece of snow removal equipment.

Consider running public service announcements through local media outlets, reminding citizens of the hazards involved in snow removal operations.

Heavy use and/or an abundance of snow, if that occurs this season, may have you scrambling to find additional snow removal equipment. Often, this equipment lacks some or all of the appropriate safety items.

If you haven't already, now is the time to make sure each piece of road working equipment has a strobe or beacon mounted on the top.

Also, rear-mounted SMV and "STAY BACK 50 FEET" signs, visible from a distance of 500 feet, should be installed.

When renting heavy equipment, check that the necessary warning apparatus described above has been installed. Be prepared – and have a **safe** winter.

## Treasurer's Report *by Barb Knutson*

District 5 Director, NDTOA Mail List



Today seems like we may be out of the deep freeze for a day or two anyway. It's been a cold year so far.

Reminders to everyone—W2s and 1099s are due out by the 31st of January. Also 941s or 944s are due the same time.

The other reports to Social Security and North Dakota are due the 2<sup>nd</sup> of March.

I have a favor to ask of whomever is in charge of county associations to get those names to me with position held, township, and an e-mail address if at all possible.

I have been asked for this information from time to time and it would be helpful in getting

everyone if we know who the association officers are.

We would also like to ask that anyone who is willing to share an email address that would be included in the information provided.

Thanks to everyone that is sending information on changes etc. That is very helpful. Keep up the good work!

Please remember that when paying dues to the state, it is written to NDTOA and not to anyone personally.

Also if you pay directly, make sure you send the appropriate amount of dues to your county association

instead of sending the whole amount to NDTOA.

I might add, it would be simpler if you would direct your county auditors to withhold state dues from your funds and they would pay the bill instead of each township having to remember to do this.

There is a form to get this done on the [www.ndtoa.com](http://www.ndtoa.com) website. Just a thought.

Legislature is in full swing again and Larry Syverson is doing a good job of covering it every day. Weekly reports will be available on the webpage.

Thanks for all the work you do. Let us know if we can be of service to you. Happy New Year!



# Grass Roots Report

North Dakota Township Officers Association  
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## **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?***




**NORTH DAKOTA  
INSURANCE  
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