

# GRASS ROOTS REPORT



FALL 2020

The Official Newsletter of the ND Township Officers Association

## WHAT'S INSIDE

President's Comments .....	Page 2
Country Lawyer .....	Pages 3-4
Congratulations Mark Verke .....	Page 4
Transportation Connection .....	Page 5
Kenneth Yantes .....	page 6
Railroad Crossing Letter .....	Page 6
Treasurers Report .....	Page 7
NDDOT Local Government Virtual Summit .....	Page 7

## 2020 ANNUAL MEETING to be held ONLINE ONLY

By Larry Syverson

In the interest of safety the NDTOA Board of Directors has decided to hold a short online business meeting this year rather than the usual convention. The business meeting will be held December 7<sup>th</sup> 2020 beginning at 1:00 PM CST, using the Zoom Internet platform.

The agenda will include the financials and the election of three district directors. Most other reports and actions will be tabled until the 2021 Annual Meeting.

The meeting is open to any member township at no cost, however pre-registration is required. To register, please contact Larry Syverson ([larry.ndtoa@gmail.com](mailto:larry.ndtoa@gmail.com)).

Your name, phone number, email address, as well as your township and county names are needed; the access codes will be sent out before the meeting to those pre-registered.

**The deadline for pre registrations is December 5<sup>th</sup> at 5:00 PM CST.**

After the business is completed NDTOA Attorney Thomas Moe will give a presentation and will be available for some questions and answers.

We are also lining up a few more presenters to add to the short online program, please check the website for further developments.

### **Elections for Three District Directors to be held During Online Business Meeting**

Director positions for Districts 2, 4 and 6 are up for election this year (see district map in this issue). The incumbents are eligible for reelection. Currently, District 2 is represented by Richard Lynne, District 4 by Leon Monke, and District 6 by Tim Geinert.

The nominations committee has listed the incumbents for reelection; should anyone else wish to be on the ballot their **name must be submitted to:**

Larry Syverson  
([larry.ndtoa@gmail.com](mailto:larry.ndtoa@gmail.com))  
by **November 20, 2020.** To be

eligible for election a candidate must be an elected officer of a member township within the given district.

**District 2** consists of the following counties: Benson, Eddy, Foster, McHenry, Pierce, Ramsey, Rolette, Towner and Wells.

**District 4** consists of the following counties: Adams, Bowman, Billings, Dunn, Golden Valley, Grant, Hettinger, Mercer, Morton, Oliver, Sioux, Slope and Stark .

**District 6** consists of the following counties: Barnes, Cass, Dickey, LaMoure, Ransom, Richland and Sargent.

**Meeting registrations and nominations may also be sent by mail to: NDTOA; 465 150<sup>th</sup> Ave NE; Mayville, ND 58257 but must be received by the deadlines listed.**



**WORKING FOR YOU!**

## NDTOA Officers

### **LEE BRANDVOLD, President**

20100 317th Ave. SW, Ryder ND 58779  
(701) 758-2456  
ljbranch@restel.com

### **TODD WEBER, Vice President**

14996 40th St. SE, Wheatland ND 58079  
(701) 347-4123/(218) 790-3123  
TWFarms@live.com

### **LARRY SYVERSON**

#### **Executive Secretary**

**Director of Governmental Relations**  
465 150th Ave. NE, Mayville ND 58257  
(701) 430-1735  
larry.ndtoa@gmail.com

### **BARB KNUTSON, Treasurer**

2600 236th St. NE, McKenzie ND 58572  
(701) 673-3198/(701) 391-6767  
barbk@ndtoa.com

### **ROGER OLAFSON, Past President**

12945 84th St. NE, Edinburg ND 58227  
(701) 993-8765  
rlolaf@polarcomm.com

### **THOMAS WHEELER, District 1 Director**

6561 115th Ave NW, Ray ND 58849  
(701) 641-1073  
wheelert@nccray.com

### **RICHARD LYNNE, District 2 Director**

4951 28th St. NE, Maddock ND 58348  
(701) 438-2747/(701) 202-6067  
rrlynn@gondtc.com

### **AL BEKKERUS, District 3 Director**

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

### **LEON MONKE, District 4 Director**

5645 B 106th Ave. SW, Regent ND 58650  
(701) 563-4498

### **GERALD (Jerry) MILLER, Dist. 5 Director**

6455 Tj Lane, Bismarck ND 58503  
(701) 381-0113  
geraldmiller2013@yahoo.com

### **TIM GEINERT, District 6 Director**

509 2nd St., Nortonville ND 58454  
(701) 685-2493 (701) 320-6120 cell  
geinert@drtel.net

Legal Counsel

### **THOMAS R. MOE**

Attorney-at-Law

39 1st Ave. NW, Mayville ND 58257

# President's Comments



Greetings Township Officers,

Usually this is a very exciting and busy time of year for the NDTOA state board, especially the convention committee.

When we look at the calendar and see that December is soon approaching that usually means all preparations for the annual NDTOA meeting are underway. Meeting rooms are booked, and speakers have been contacted and instructed which day and time they will be speaking.

Of course, last but not least by any means, meals, doughnuts and coffee are ordered to keep everyone at the convention happy and full.

Well...I hate to be the bearer of bad news, but we have run into a huge problem called THE CORONA VIRUS! The same problem we had in March is still with us today, and once again causing us to go outside our comfort zone to get our business done.

With that being said, I need to inform you that the decision was made to hold a complete virtual annual convention.

The business meeting will be held on December 7th at 1:00 pm CST. Registration will be required. Postcards will be mailed out as a reminder but will be sent to the clerks only.

Clerks: PLEASE REMIND YOUR TOWNSHIP OFFICERS TO PRE-REGISTER FOR THE ANNUAL MEETING TO RECEIVE THE INTERNET ZOOM LINK.

After the business meeting we will have a couple of guest speakers with time allowed for questions.

Election of Directors for Districts 2, 4 & 6 will be held. The nominating

committee has been notified that the current directors: District 2—Richard Lynne from Maddock, District 4—Leon Monke from Regent, and District 6—Tim Geinert from Nortonville are all seeking re-election.

Due to the meeting process that we will be using, we cannot accept nominations from the floor. If there are individuals that wish to run for these positions, their names will need to be submitted to Larry Syverson no later than November 20, 2020.

On to other business, I have recently been questioned about our legal advisor, Tom Moe. It appears as if some misunderstand his position for NDTOA.

For several years, Tom has worked with and educated township officers. However, this has led some to believe that because they pay for their annual dues, Tom is automatically their legal advisor.

Tom's position is legal advisor for the board of directors of the state association. If you have a legal issue, your first contact should be your district director.

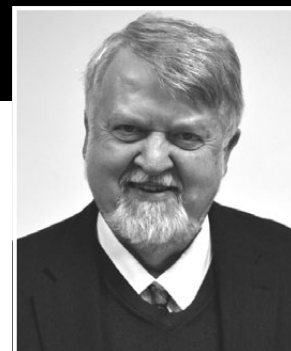
After you discuss the issue with them, and if you need further advice, please allow your director to contact Tom. Generally your director will be able to refer you to a section in your green township officer's handbook that will give you the answers you are looking for.

Hope you are able to attend our annual meeting via Zoom.

Stay Safe—Stay Healthy,  
*President Lee Brandvold*

# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings!

What a difference a year makes! Most had almost perfect harvest conditions, and our roads didn't take the water-soaked beatings prevalent last year. Seems like most of the road ditches I've seen got mowed as well, so hopefully snow removal will be easier as well. Maybe we won't get much snow this year? One can always hope!

With the onset of Winter and end of the harvest, township officers probably will still have time to get a road and sign survey in before it's too late. One advantage of the lateness of the year for doing the survey is that it should be easier to check for sign reflectivity at nighttime, given the fact that we get nightfall sooner. Make sure you document your survey visit and make plans for changes, especially with signs.

Our annual NDTOA convention will again be in December, but due to the pandemic, it will be a very unfamiliar format—with virtual attendance, rather than in person.

Now I know many are not very computer savvy, but this may be a good time to give it a try. If you think you may have troubles, go and find a grandkid or the neighbor kid to come and help you.

It could turn out to be a double edge advantage—you will be able to participate, and a young person may get interested in local government as well! We'll have a shortened agenda as explained elsewhere in this issue, but we still will have some educational items, and I will host a question and answer period as always. Hope to "see" you there!

I've had several calls pertaining to farmer operators who are cleaning out road ditches. Most do a good job, but there are always instances where the ditch cleaner leaves a mess. Severe drop offs, damage to back slopes and in slopes, plus destruction of signs seems to be the common complaints.

Township officers should be vigilant and always try to meet with the operator prior to ditch work being done. If prior permission was not obtained, require the offender to fix or repair the damage. A threat of a letter to the landlord (if the renter did the work) sometimes is most helpful! The township has the obligation to pursue the repair of the damage, and can hire the work done and seek reimbursement, from either the landowner, the operator, or both.

Here's hoping for an uneventful winter, although the legislators will be in Bismarck, so who knows what January will bring! Following are some questions I've received. TRM

**Question:** Our Township has a road on a "quarter" line. Does that road have the same 66 foot right of way as a regular section line? We are afraid that when the land changes hands, the new owner will question the width of the road that we maintain.

**Answer:** 66 feet is the standard width on all section lines in this state. A road on any other location, such as a quarter line, does not have any such standards, however. It all depends on what the arrangement was with the original landowner.

If you are lucky, there was a

written easement given at that time. Otherwise, it was probably

built on a handshake and no records survive. You could probably obtain a 66-foot easement by prescription—because the road has been there so long—but you would have to get a court judge to grant it.

And you are right that a new owner could prove to be difficult, so you should obtain a written easement now from the present cooperative landowner. Similarly, this is a good practice to obtain written easements for any road that is not on a section line.

**Question:** Is it legal to put up a fence across a section line that also has a cattle guard? The cattle guard is not in the best of shape.

**Answer:** Probably. The fence must have a gate that is unlocked and capable of easy opening and should be wide enough for vehicular travel. The landowner should also agree in writing that the fence may have to be removed in the future if requested by the supervisors at that time.

**Question:** Our local bank got bought out by an out of town institution and we would like to use another local bank. We visited with that bank and they said we needed a "Resolution of Approval"—any idea what that is and how do we go about getting one?

**Answer:** My guess is that the bank will have its own blank forms which

## The Country Lawyer cont'd

you can use. If not, ask your county auditor to see a copy of the county's resolution which it put on file with their bank.

Generally, a document such as this shows that the owner of the funds (the township) has authorized the township officers to use this particular bank, and it will list the officers and will state who has the authority to withdraw funds.

It will need to be adopted at either the annual township meeting in March, or at a special meeting of the township. This requirement for documentation is a regular part of banking regulations—gone are the days that one could just walk into a bank and open an account!

**Question:** Our clerk retired last year, and we elected a new person. We would like to make a gift to our former clerk at the next annual meeting in appreciation of all her years of dedicated service. Can we use township funds for that gift?

**Answer:** Probably not. Public funds paid to an individual has to be for goods and services, payable upon presentation of a voucher for such goods and services. You probably have already paid the yearly salary for the retired clerk in the prior years, so the township does not "owe" her any more compensation. You could maybe ask for approval from the electors for such a gift at the annual meeting, but that action would be questionable at best. See generally, section 58-03-01(4) in your handbook relating to Powers of Township: "(4) To make such orders for the disposition, regulation, or use of its corporate property as may be deemed conducive to the interests of its inhabitants."

I'm not sure if that section of the

law could be construed to allow the making of a gift. A better way to get a well-deserved gift to her would be to solicit donations from your residents, and the township could then present that privately funded gift to her at the annual meeting.

**Question:** We always audit the treasurer's books each year prior to the annual meeting. We have a resident who is a CPA and we would like to have him do the auditing. Some of the FEMA requirements are getting more involved and their documents aren't the easiest to understand. Can our resident be on the board of auditors?

**Answer:** See section 58-11-01 in your handbook: "The board of township supervisors shall constitute a board of auditors for the purpose of auditing all accounts payable by the township." So unless he is also a supervisor, your CPA cannot be a member of the board of auditors, but you certainly could ask for his assistance, and could compensate him for a pre-determined amount as well, if a voucher for services is presented.

**Question:** In the November election our township residents vote in town at a central polling place along with several other townships and the city residents, too. We have one resident who has a house on the farm and also has a year-round lake home where he seems to spend most of his time.

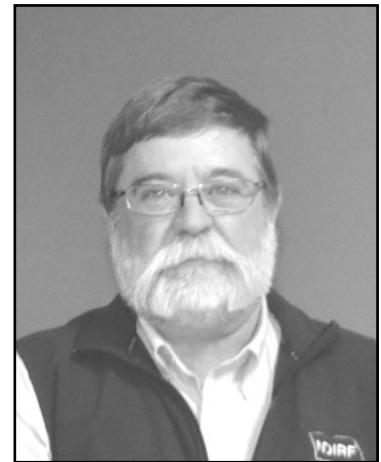
Can we see the November polling book and check to see what address he used for his residence at the general election? That may help us determine if he is a township resident or not.

**Answer:** Poll books are public records, and one can ask the county

auditor to see it. The person's listed address in November may not necessarily be the only indication of a person's residence for March township annual meeting purposes, however, as one needs to establish a residence only 30 days prior to any election to qualify in a North Dakota election.

---

## Congratulations to Mark Verke



Congratulations to Mark Verke on his Outstanding Safety Instructor Award from the North Dakota Safety Council!!

Many Township Officers will recognize Mark as he has been such a dedicated companion in our program here at NDTOA. We have had many years of enjoying and benefitting from Mark's expertise in delivering important safety messages to our members via presentations at workshops, annual meetings, county association meetings, and individual situation requests.

NDTOA says, "Well deserved, Mark. Congratulations!"

# TRANSPORTATION CONNECTION

By: Stewart Milakovic, Transportation Planner, ND Department of Transportation

Transportation Connection is the State of North Dakota's update to its Long-Range Transportation Plan. The policy plan looks out into the future over the next 25 years and covers all transportation modes (highways, railroads, air travel, transit, bicycling, pedestrians etc.) and all levels of the government in the state.

Transportation Connection will help the state determine policies, programs, goals and strategies that will help guide investment and decision-making on the transportation system across all transportation stakeholders through the year 2045.

The effort is being led by the North Dakota Department of Transportation (NDDOT) and was launched in May of 2020 to the public. Due to the pandemic, all meetings and opportunities for stakeholder input have taken place online and in virtual meetings following social distancing guidelines. The project website ([www.transportationconnection.org](http://www.transportationconnection.org) or [www.dot.nd.gov/projects/lrtp/](http://www.dot.nd.gov/projects/lrtp/)) can be accessed 24 hours a day, 7 days a week and contains a variety of content and there are a number of ways to have your voice be heard.

TC101 is an introduction to what a Long-Range Transportation is. Six expectations surveys are available on topics such as Connectivity, Mobility, Infrastructure, Operations, Safety and Multimodal options. Four possible future scenarios have also been developed predicting where the state could be in 2045 (looking at the Ag and Energy industries and what is going on in the

wider world) and discuss how the transportation system could change over time. All four scenarios allow for opportunities for you to offer your thoughts under each potential future.

An interactive tool on funding was made available in the second half of October. This allows the public to learn more about how transportation is funded in the state and reallocate NDDOT funding into the areas important to them. You have the opportunity to raise (or lower) investment areas in both assets and services and also learn what other states have done to increase funding for their transportation systems.

A rough draft of the plan should be available to the public for comment around the beginning of the Legislative session in January. Help NDDOT and North Dakota build a policy plan that supports a strong transportation system in North Dakota (whether it's the state, county, local or township roads) by getting involved and letting your voice be heard. You can follow the plan's progress at the websites listed above, or via Transportation Connection's social media (Facebook, Twitter, or Instagram) accounts.

## Interactive Funding Tool Now Available

Ever wonder how transportation is funded? Or how much you contribute each month to the upkeep of the transportation system? Would you want to be Director for a day and set your own budget and transportation priorities?

North Dakota Department of Transportation (NDDOT) is interested in hearing from you on critical issues of transportation funding and

transportation investment priorities.

Check out their website and take a few minutes to navigate an interactive meeting on transportation funding. You can learn just how much or how little we each pay into the system and you can set your own budget.

Visit [www.transportationconnection.org](http://www.transportationconnection.org) and click on the Funding link. Don't forget to weigh in on the Issues survey and let NDDOT know what is important to you.

Check out the  
**HOT TOPIC  
BUTTON**  
on our website:  
[www.ndtoa.com](http://www.ndtoa.com)

## 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](http://NDTOA.com) and click on the button "Receive Newsletter Electronically". You will have the news before it can be printed and mailed.

# Kenneth S. Yantes

May 21, 1944 - Sept. 02, 2020

Kenneth S. Yantes, 76 of Devils Lake formerly of Brouket ND passed away on Wednesday, September 2, 2020 at Eventide Heartland Care, Devils Lake.

Ken was a strong supporter and promoter of Grassroots Government in every sense of the word. He was always an encourager, supporter and mentor to many of us in NDTOA.

One of Ken's attributes was his ability to disagree with your point of view and try sway you to his way of thinking on an issue without being

demeaning or saying your idea was bad. By the same token, if he agreed with your point of view he would back you to the end. In this case his comment would likely be "You are 100% correct".

Ken had a long history of service to townships beginning with De Groat Township in Ramsey County; he served on the NDTOA state board in several offices for many years. He was twice elected president then became the association secretary and went on to become the first full time Executive Secretary.

Ken was well known as an effective lobbyist for townships and

during his tenure many important goals were achieved for Grassroots Government.

We owe much of what NDTOA is today to Ken's devoted service.



## NORTH Dakota | Transportation Be Legendary.™

September 14, 2020

### Township Officers' Association of North Dakota with Rail/Hwy Crossings

The North Dakota Department of Transportation (NDDOT) is requesting your assistance to identify locations within your jurisdiction where rail/highway crossing safety could be improved. The information provided should contain the location of the grade crossing by street or road name and the distance and direction to the nearest town(s). Please be specific about your concern or suggestion for improvement.

NDDOT has annual federal funds available for safety enhancement projects at rail/highway at-grade crossings. These funds are used for the installation of active warning devices (e.g. flashing light signals with gates), crossing signs, and crossing surface improvements. The funding breakdown for the actual cost of a crossing project is 90% Federal funds and 10% road authority match.

Please remit your concerns or suggestions before **December 31, 2020**, so they can be included in the annual review process. Be assured past concerns have been incorporated in the statewide pool of prioritized crossings.

Crossing concerns or suggestions can be forwarded via email to: [jstyron@nd.gov](mailto:jstyron@nd.gov)

Thank you in advance for your cooperation and supporting rail/hwy crossing safety.



JIM STYRON - RAIL/HWY CROSSING SAFETY MANAGER



608 East Boulevard Avenue | Bismarck, ND 58505-0700 | [dot.nd.gov](http://dot.nd.gov)  
TOLL FREE: 1-855-637-6237 | TTY: 711



# Treasurer's Report by Barb Knutson



We are rounding the bend on the end of the fiscal year and the calendar year also. Amazing!

I know this has been an odd year and has affected almost everything we do, in some manner. The folks that I have talked to are still out there trying their best to keep our townships operating, doing what has to be done, and I am grateful for that.

Just a few things. First of all, I want to thank the people that have provided name and address changes for officers. Individually and county wide as well. The mail is rather undependable in some areas and I don't have to tell you where those areas are.

I'm asking each of you to check

your newsletter and make sure the address is correct. Some of the addresses have been on the list many years and then one day, newsletters are not getting to that address. Don't know why.

Please humor me and check your newsletter. Check to make sure that all board members are receiving the *GrassRoots Report*, if not, let me know!

Thanks to the auditors that have supplied lists for their counties. Because these auditors are helpful in this way, I am begging you all to make sure they have the very best information on officers names, addresses, phone numbers, cells are great, and emails if you want to be contacted that way. Thanks to those that have called back when

I leave messages. Very helpful.

Because of the situation, we will not be seeing you all at the annual meeting in December. I guess we have to do the best we can with what we have. Look forward to things getting back to normal and being able to conduct business as usual. Be sure you know, the board is still there to help in any way possible.

Hope this finds you all well! Hope you all have a wonderful Thanksgiving, best of Christmas and a very wonderful New Year!

Thanks for all you do! It is important to our state and country!

## **NDDOT Local Government Virtual Summit**

This virtual summit was recorded and is available online; there are several presentations with valuable and interesting information. To access the recorded summit go to the [NDLTAP.org](http://NDLTAP.org) website and click on the Local Government Summit article; then, click the link to join virtual summit and you will be taken to the recording; move the time slider at the bottom to choose the presentation you wish to watch. The start time is listed for each presentation (hour:minute).

Recorded October 29, 2020

- (0:14) Welcome and Meeting Logistics (Dale Heglund – NDSU/UGPTI)
- (0:18) Welcome Opening Remarks (Bill Panos – Director, NDDOT)
- (0:24) Status of HB 1066 Operation Prairie Dog Funding (Brent Bogar – AE2S – Nexus)
- (1:01) (NDDOT Long Range Transportation Plan Update (Stewart Milakovic – NDDOT)
- (1:39) Transportation Network Planning (Jessica Smith – HDR)
- (2:24) Pavement Preservation (Tim Colling – Michigan Technological University)
- (2:58) Bridge Preservation (Patrick Conner – Indiana LTAP/Perdue University)
- (3:36) Bridge Inspections & Load Rating (Bryon Fuchs – NDDOT)
- (3:52) Gravel Road Preservation (Dave Jones – University of California Davis)
- (4:42) Local Road Surface Selection Tools (Brad Wentz – NDSU/UGPTI)
- (5:27) Rural Transit (Jill Hough & Jeremy Mattson – NDSU/UGPTI)
- (6:05) Frost Action and the impact on Load Restrictions (Ben Worel – MNDOT/MNROAD)
- (6:38) Using Economics in Transportation Decisions – B/C & ROI (Alan Dybing – NDSU/UGPTI)
- (7:02) Closing Remarks (NDDOT and UGPTI)

Most Township Officers might find item #3 (Prairie Dog Funding) interesting but disappointing.



# Grass Roots Report

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



PRST STD  
US Postage  
PAID  
Minot ND  
Permit No. 266

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](http://www.ndtoa.com)**

**NORTH DAKOTA**

**NDIRF**

**For North Dakota. For Local Government. For You.**

**INSURANCE  
RESERVE FUND**

**PO Box 2258 Bismarck ND 58502**

**Local (701)224-1988**

**Toll Free 1-800-421-1988**

**Fax (701)224-0609**

**[www.ndirf.com](http://www.ndirf.com)**