

# GRASS ROOTS REPORT



SUMMER 2019

*The Official Newsletter of the ND Township Officers Association*

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## LEGISLATURE BEGINS INTERIM HEARINGS

*By Larry Syverson, NDTOA Director of Intergovernmental Relations*

Several interim committees started meeting in the last two months, of those we watch most closely the Taxation Committee is mostly looking into the practice of tax incentives, trying to determine if the special deals given to certain industries are actually producing benefits for the state. The Energy Development and Transmission Committee is engaged in a wide-ranging study of all energy matters; oil, ethanol, gas capture, flaring, coal, wind, solar, petro-chemicals, oil or salt-water spills, oil or gas pipelines, powerlines, and roads. They will be looking at well-site reclamation, monitoring powerlines and petroleum spills with unmanned aircraft (drones), and cyber-security of the power grid. Of course a lot of these things take place in the rural setting and will affect rural residents and rural roads so this will need watching.

**Legacy Fund Earnings:** There are discussions about investing some of the state funds into a revolving loan

fund that political subdivisions (Townships included) could access at a much lower rate than commercial finance while still returning as much to the state as it gets from market rates on investments. So, why not invest in ND? It is hoped such a proposal could be considered by the next session of the legislature.

**Zoning:** In this issue there is an article from Natalie Pierce, Director of Planning & Zoning for Morton County, who does lobbying for the ND Planners Association. As she indicates in the article, together we will be looking into some planning and zoning issues and the relationships between the zoning authorities.

**Multi-State Conference:** Each summer the NDTOA Board participates in a Multi-State-Conference along with South Dakota, Minnesota and Wisconsin. We get together to discuss our common, and different, situations and our ways of dealing with them. This year the multi-state

conference was hosted by South Dakota at Deadwood.

We were taken on a tour of the Homestake Mine site at nearby Lead. The Homestake Mine was in operation for 130 years, it was the largest and deepest gold mine in North America. Underground workings went to more than 8,000 feet deep with more than 370 miles of tunneling. At its peak the mine employed 2,200 and during its life produced 41 million ounces of gold and 9 million ounces of silver. It was the economic engine of the state, the problem was, it has low grade ore, it takes one ton of rocks to produce 1/6 ounce of gold, about as big as a chocolate chip. Rising costs of operation and falling gold prices spelled the end of the mine and it ceased operations in 2001, it was quite a blow to the area and state to lose 2,000 of the best paying jobs.

Today part of the mine has come to a different use. In particular the

*Continued on page 7*

**We need your help!**  
**Nobody Named for Grassroots Leadership Award in 2018!**  
**See page 5 for details.**

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## President's Comments



Hello again everyone,

Conditions, so far, have been extremely dry here in southern half of Pembina County. Crops, pastures and hay land are showing the stress. Areas just a few miles in any direction have received a few more showers and look a little better. And now grasshoppers are getting quite thick in places, potential damage to later crops.

A recent trip through a large area of ND and SD for the Multi State conference revealed just the opposite conditions. Large areas of excess moisture and very late planted crops along with many fields that have last years' crop stubble still standing as fields have been too wet to work.

SD Township Officers Association hosted the Multi State conference this year in Deadwood. They did a great job and had a busy and informative agenda. All members of the NDTOA board were in attendance at this conference.

I know I've mentioned this before, but I keep seeing many townships making out checks with only one signature on it. ND Century Code and the State Bonding Fund require at least two signatures on instruments disbursing public funds: board chair, clerk, and treasurer (or clerk/treasurer if offices have been combined). In addition, the clerk should have an invoice signed by the chair prior to issuing payment. Chances of embezzlement could pretty much be eliminated if proper procedure is followed. Yes, there are cases of embezzlement by township treasurers.

An area where we notice a lack of due diligence is in reporting names

of township officers to county auditors and/or county auditors not updating their list with new info sent in by townships.

One county that I was looking up info on township officers had most terms expiring in 2017, 2018, and 2019. This means many township listings in that county have not been updated since 2016. If this list had been updated since March 2019 annual meetings, these term expirations would be 2020, 2021, and 2022.

I discovered this after visiting with a new township clerk in this county who was not receiving the *Grassroots Report* newsletter. She said she sent the officer info to the county auditor, but auditor has not updated their list nor forwarded this info to Barb Knutson so she can update her mailing list for the newsletter.

A good place for township officers to gain knowledge on how to do their jobs is [ndltap.org](http://ndltap.org). This site has a lot of information on many different topics that pertain to township operation, i.e. signing and gravel road maintenance. Much of the information and training books and videos are free to township officers.

Non-oil townships should have received their SB2016 special distribution of \$5,000 in early July. I'm sure this was good news to all and that it was put to good use.

Let's do our job diligently and keep our form of Grassroots Government alive and well.

# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



## Greetings!

It's called the dog days of summer, but I don't know if any dog likes hot and humid weather. But it sure makes for pleasant naps in front of the air conditioner! With the onset of August, the recent laws passed by the legislature come into effect.

I see in Minnesota that all cell phone use in cars must now be "hands free"—my bet is that North Dakota will soon follow suit with that one—although how to pry the phone out of some people's hands may prove to require surgery! It's all about limiting distracted driving which seems to have gotten worse as time goes on.

Gravel roads can be especially tricky if one is not vigilant, and we have heard of several instances where townships have reported evidence of drivers leaving the roadway—going into the ditch and then back up on the road again in a short distance.

Even though the driver is at fault in these cases, it is imperative that the ditch is free of obstacles—because then this argument follows: What caused the injuries—the bad driving, or the tree in the ditch?

We had a good multi-state meeting of town and township officials from our neighboring states recently. Budget concerns are universal for local governments everywhere, and I think I detected some jealousy about North Dakota townships being able to participate in some of our state's oil revenue—even though it is just a drop in the 'prairie dog bucket'!

Several townships are putting on new gravel, so a reminder is in order

to make sure the gravel hauler/contractor is putting up some warning signage if the roadway is not worked right away, especially if the ridge of new gravel is left overnight.

It is the contractor's duty to provide that signage, but the township is responsible to see that it is done correctly and properly. The same rules apply even if townships use the county services for gravel and maintenance. Drivers need to be properly warned of temporary road hazard conditions brought on by new road work.

Several townships have called about having special meetings later this year because of new issues that may have arisen since the March annual meeting, and they can't wait until next March to take care of the new business.

Special meeting procedures are essentially the same as annual meetings, but there is a different notice requirement for special meetings for township residents: a minimum 10 day newspaper notice is still required, but the specific agenda items must be listed in the notice—which is different than the annual meeting requirements.

And, only those published agenda items can be acted upon at the special meeting. You can check the special meeting process in our NDTOA handbook—see Title 58-04-(02 thru 05).

If the dog days keep it up with the hot weather, it may be a good idea to get in the air conditioned pickup and do a sign survey on your township road signs—killing two birds with one stone—getting the sign

inventory accomplished while being able to stay and be cool!

Following are a few questions received in the office lately. TRM

**Q:** We have quite a bit of corn grown in our township, and we have several intersections where the height of the corn blocks the view of oncoming traffic. Do we have any liability?

**A:** If the crop is planted within the right of way, then the growing crop would be considered an obstacle—just as trees, rocks, bales, etc., that are in the ditch. The township can remove the right of way obstacle, i.e. remove the offending growing 'ditch' corn. I realize the operator will be angry, but they need to be educated about the necessity of staying out of the right of way. It probably would have been better to catch the problem when the corn first emerged, and even better if the operator wouldn't have planted in the right of way in the first place.

**Q:** Our township is zoned agricultural. We have a farmer who wants to build a new shop where he wants to do tractor and machinery repairs. He's pretty handy and a lot of the neighbors bring their equipment to him for work on—welding, etc. Is this new shop a problem with our zoning rules?

**A:** Probably. It sounds like this will be a commercial operation, even though he confines his work to agricultural equipment. You could consider having him apply for a 'conditional use' permit; i.e. allowing

## The Country Lawyer cont'd

a different use of agricultural land with some listed conditions. Some of those conditions may be requiring the new shop building to be set back from the roadway in order to allow for additional parking; cancelling the permit for the new buyer if the property is ever sold; requiring that old or unsalvageable equipment is not permanently stored thus creating a junkyard, etc.

**Q:** We have regular monthly supervisor meetings and have found them to be quite productive, rather than leaving things go for several months. At our meetings, we usually approve the bills to be paid, and sometimes farmers/residents come to make 'suggestions'. Is there any agenda we are supposed to follow for supervisor meetings?

**A:** Interestingly, the Attorney General issued a recent opinion that meetings of public bodies (including township supervisors) should always have an agenda posted. My guess is that the AG's opinion was

probably caused by a response from a citizen that wasn't given an opportunity to have his complaint heard at whatever meeting at which he was present. Townships probably could use county commission or school board published agendas as a sample, where you will notice that those agendas always list a time for public comments, etc. You could create and have additional blank copies of a one page-fill-in-the-blank agenda form. And, if requested later, it would provide documentation for the agenda and for the meeting. As time goes on, we are seeing that township governments are expected by the public to have the same meeting processes as our bigger city counterparts.

**Q:** Our township is considering purchasing a ditch mower. We have several absentee landowners and several of the absentee operators/renters aren't very good about mowing the road ditches on a timely basis. Many of the absentee

owners have indicated they will gladly pay us directly if the township could do the mowing. Can the township buy the equipment with an installment payment plan?

**A:** Yes. See Section 24-06-02 of the Century code. "Township may purchase road machinery - Credit terms. The board of supervisors of any township may contract for and purchase, upon credit or otherwise, any road machinery, implements, or equipment for the use of such township." And, Section 24-06-04 goes on to say: the payments "may be paid in not to exceed five annual installments". Interestingly, I know of several instances where a couple of townships have gone together and purchased or leased equipment jointly. *(A written agreement between the participating townships pertaining to operations and maintenance of the equipment is imperative for these arrangements, however!)*

## Reed & Raymond Townships Experience NDLTAP Motor-Grader Operator Training

*Author: Denise Brown, NDLTAP Training Coordinator*

On June 10, Reed and Raymond townships held Motor-Grader Operator Training in Cass County. Attending the training were two township supervisors and an operator from Reed Township and one township supervisor from Raymond Township.

The township was seeking assistance with basic blading skills, reshaping super elevations on curves and reshaping a corner radius. The township learned how other equipment (such a walk-n-roll) could improve the road conditions in the townships. Gary Steiner, the motor-grader operator instructor suggested adding a 2-foot extension to the moldboard to bring it to 16 feet in length, making operators more efficient in blading the roads.

Reed and Raymond Townships are the first townships to host a Motor-Grader Operator Training. If your township is interested in this training, contact Denise Brown at NDLTAP. 701-220-0101 (M) [denise.brown.1@ndsu.edu](mailto:denise.brown.1@ndsu.edu).



## For Planning Interests, 2019 Legislative Session Ends in an Interim Study

The 2019 North Dakota legislative session was an outlier in terms of sheer number of bills introduced – 546 by the House and 362 by the Senate. Compare that to the 436 and 344 (respectively) introduced in the 2017 session.

Legislative liaisons from the ND Township Officers Association, ND Association of Counties, ND League of Cities, and ND Planning Association all worked diligently to defeat a number of bills that would have compromised local government control.

The general take-away from the session was that if we do not get to the bottom of the issues spurring the increasing number of planning-related bills, we may be facing a hydra in the 2021 session that we do not have the manpower to effectively combat.

During the interim, the associations mentioned above will be partnering together to conduct a study of state-wide planning issues.

The basic aims of the study will be to: 1) identify the most critical planning-and-zoning-related issues faced by political subdivisions across North Dakota, particularly those challenges that may be caused by deficiencies in the existing state legal framework and

2) develop a baseline data set of the capacity and level of desire of political subdivisions to engage in planning and zoning activities. The associations will be developing an online survey, which will be used to gather data and perspectives from political subdivisions across the state.

Once the survey results have been compiled, the next step will be to identify solutions that could improve the ability of political subdivisions to engage in effective planning. These solutions could take the form of resources to support planning activities; planning education/training for elected officials, commissioners, and zoning administrators who are not trained planners; policy changes; or other solutions.

Depending on the identified needs that arise from the study, it may also be appropriate to develop draft amendments to ND Century Code to be introduced in the 2021 legislative session or later, as feasible.

The associations will consolidate the survey data into a report and present the findings to the House and Senate Political Subdivisions Committees in advance of the 2021 legislative session. Regardless of the reception the study may receive by

the Committees, each of the associations will be able to use the data collected in the study to back up arguments for and against bills in future legislative sessions.

The goal is to collect data and input from every single political subdivision in North Dakota. We hope that by gathering input from across the state we will gain insights into the root causes of conflicting priorities and also be able to identify some common objectives that will lend strength to our collective voice in the legislature.

Please be on the lookout for a link to the online survey later this summer. If you are the zoning administrator for your township, please take the time to fill out the survey, and share the link with your Planning & Zoning Commissioners and elected officials!

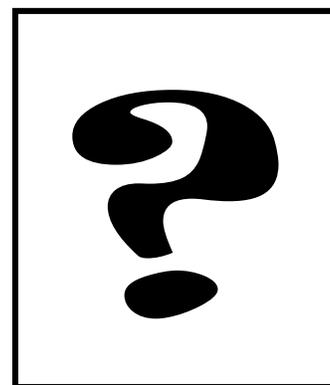
### Author Bio

*Natalie Pierce is the Planning & Zoning Director for Morton County, ND. Natalie holds a Master of Urban and Regional Planning degree from the University of California, Irvine and a bachelor's degree from Barnard College in New York City. She lives in rural Morton County with her husband and two young sons.*

## Nobody Named for Grassroots Leadership Award!

*Somebody was definitely more qualified, dedicated and served the Township in some outstanding way; but **Somebody didn't get nominated in 2018**. Perhaps we should have printed the form and reminder earlier and more often, we will try to do better on that. The form will be printed in the summer and fall Grassroots Report; it is now also available on the website: [www.ndtoa.com](http://www.ndtoa.com)*

*There is a lot of room on the form to list qualifications, fill in what you can. It doesn't have to be completely filled in but the more information you can provide the better chance your candidate will have. The nominations have to be in our hands by November 15 each year but the earlier the better.*



# Treasurer's Report by Barb Knutson

This week finds me looking for the new lists of officers. I have been working with the auditors, but it seems there are more than usual saying they have not received all the lists from their townships.

I know it is a busy time now, but they should have had these lists in May. It is important that they get this information! If they don't get the new officers names, how would those officers receive anything, from them or us?

I am having increased challenges with small post offices being merged with larger ones, consequently addresses change. In order to do a better job of keeping all informed, please get these changes in to your auditors or to me. I very much appreciated those that have contacted me direct to make changes. Appreciate the auditors that have responded also. Thank you!

There are still a few counties and townships that have not sent in their dues for 2019. They were due the 1<sup>st</sup> of May and delinquent the 1<sup>st</sup> of October. Hope to see what is left come in before the end of this year so they are counted in the correct year.

Today I talked to a township officer that had served in that capacity for 50 years. He is one of a multitude of officers that have served our communities and done the work of keeping our roads maintained and many other duties that they are called on to do.

We are still having a problem

getting anyone nominated for Grassroots Leadership Award to be awarded at annual convention in December. This is a mystery to me. We would like, very much, to have someone to award this to. Please help us by sending in a nominee from your area.



**Reminder:** Be sure and put December 2<sup>nd</sup> and 3<sup>rd</sup> on your calendar to attend the NDTOA Annual Meeting in Bismarck. Reserve those days to come to Bismarck and join us. Those are days that can be paid for by your local township treasury as well as the mileage and hopefully you will gain information to make your jobs easier. Hope to see a lot of you there.

Thanks to the officers that are serving our state. Thanks to young people who have stepped up to take those positions that have been so conscientiously filled by the officers in the past.

Township government is one of the most efficient in the nation. Grass roots government is the closest to the people and we should do all we can to maintain that arm of government. Thanks for doing what you do for township government. It is important to our state! It is important to our country!



**Rodney Johnson**

Rodney Johnson, 79, of rural Wheelock, N.D., passed away Tuesday, July 2, 2019 at Bethel Lutheran Nursing and Rehabilitation Center in Williston.

Rod was the clerk/treasurer for Brooklyn Township in Williams County. He served on the board of the Williams County Township Officers Association and he always made sure the WCTOA was well represented at the North Dakota Township Officers annual conventions.

For his high standards of dedication and ability as a township officer he received the NDTOA Grassroots Leadership Award in 2017. He retired in 2019 from the Brooklyn Township after more than 40 years of service.

He was a longtime member of Wheelock and Epping Lutheran Churches, church council member, sexton of Wheelock Cemetery, Elks Club member, Epping Rural Fire Department volunteer, Farmers Union convention delegate and he participated on boards for the Epping Oil Station and the Buffalo Trails Museum.

In 2014, Rod was chosen as Grand Marshall to lead the Epping Buffalo Trails Day parade.

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

## LEGISLATURE BEGINS

*Cont'd from page 1*

4,850 level, this was the end of the first elevator. Nearly a mile down this level is protected from the sun's radiation and cosmic rays, here a huge laboratory has been built and research is being conducted on subatomic particles where it can be done without interference from stray radiation. Over the coming decade a billion dollar international physics project will be built in another part of the mine and that will be more development for the area. Rather than shrinking, Lead is growing.

If you want to know more about this, you can search for: Ray Davis (American chemist); neutrino; Sanford Underground Research Facility; Deep Underground Neutrino Experiment. One researcher stated "we may learn the answers to questions we don't even know to ask right now."

The one easy take-away from this is, even if you have a gold mine you may have to diversify or change directions to survive.

Of course there were also classroom presentations by several speakers. Two speakers talked about the Civilian Conservation Corp established by FDR in the worst of the Depression. Besides providing jobs, the Corp did a lot of good for the areas of the projects; the young men also learned job skills which would long benefit them. In retrospect, seeing impending war, FDR may have had another goal for the CCC, millions of young men were already used to working together in an almost military system and they easily adapted when called to duty.

Ellsworth Airforce Base was represented by speakers that gave insight into operations over this area and

their global deployment flying the B1 and the drone operations. The base will also be a home to the new B21 when it is deployed. They also described the expanded bomber training area which will cause flight restrictions during certain time periods.

The Monday night dinner speaker gave a history of the Black Hills from a Native American perspective (Dakota – Lakota). I found it interesting that the Dakota drove the Arikara from the Black Hills and into the Fort Berthold area. This of course put the Arikara in place for a share of the Bakken as one of the Three Affiliated Tribes, the MHA Nation.

A Captain with the SDHP talked about Autonomous (driverless) Vehicles, he said the technology is quickly developing and actual use is not that far away. He posed a question to us "Will the Township roads be ready for your residents that want to use their autonomous cars all the way home?" What will be needed?

The Captain also talked about "truck platooning" which is a technology which wirelessly couples truck controls together so they can follow so closely they cut the air drag for each other. The lead truck often gets 5% fuel savings and each following truck sees 10% savings. Many states have enacted laws to allow such systems to be developed and rules for deployment established, ND is one.

SDLTAP Program Manager, Greg Vavra talked about new innovations and technology for maintenance and repair of roads and culverts. He mentioned some ways that rusting culverts can be rehabilitated without replacing them; this can be a huge cost savings. One method

coats the inside with concrete, leaving a smooth bore which will allow more water flow even though the diameter is less, the concrete tube should be good for a hundred years.

The conference wrapped up with reports from each state pointing out problems each had along with goals and accomplishments.

## NDTOA GRASSROOTS GOVERNMENT LEADERSHIP AWARD NOMINATION

To recognize the leadership, creativity, and dedication of township officials, the NDTOA has established a leadership award to pay tribute every year to an individual whose community service exhibits the highest standard of dedication, ability and service.

### ELIGIBILITY

The award will be presented to an individual, locally elected official, currently in office. Nominees should have responsibility for accomplishing or causing to be accomplished significant programs or projects within their area of responsibility, to the ultimate benefit of the general public.

### SELECTING CRITERIA

Nomination should include as much information as possible, such as: Complexity of the problem(s) addressed. Measurable improvements resulting from nominee's accomplishments. Use of original, innovative or creative approaches and solutions in difficult situations. AND Long-term or lasting benefit of the nominee's accomplishments.

### NOMINATING PROCEDURE

A nomination form can be found at [www.ndtoa.com](http://www.ndtoa.com) or send e-mail to: [larry.ndtoa@gmail.com](mailto:larry.ndtoa@gmail.com).



# Grass Roots Report

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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?**

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