

GRASS ROOTS REPORT



SPRING 2017

The Official Newsletter of the ND Township Officers Association

WHAT'S INSIDE

President's Comments	Page 2
Country Lawyer	Pages 3 & 4
Grassroots Leadership Award.....	Page 5
65th Legislative Report.....	Page 6
President's Award.....	Page 7
Legislator of the Year	Page 7
Treasurer's Report	Page 7

Report on the 50th Annual Meeting of NDTOA

Township Officers from across the state gathered in Bismarck for the 50th convention of NDTOA.

President Roger Olafson welcomed the assembly and dedicated the proceedings to the founders of the association and those that continued to build it into the respected organization it is today.

The morning activities included three of our featured speakers.

Pamela Sharp head of the ND Office of Management and Budget spoke on state finances, what has

happened to the finances and where we are likely headed.

ND Department of Transportation Director Grant Levi gave a report on shrinking fuel tax revenues and the possible development of a large truck network in the state which has been the subject of a study.

Public Service Commission Chair Julie Fedorchak spoke on the facility siting procedures for power lines, pipelines and such.

After the Awards Luncheon the Business meeting was called to

order, 26 of the possible 48 counties with townships answered the roll.

Reports on association activities and finances were given and a budget for the ensuing year was approved.

Two resolutions were passed by the 50th Annual Convention.

The first, that NDTOA should seek legislation to allow the recovery of expenses when the road overseer has to remove an obstruction from a road. Currently NDCC 24-06-31

(Continued on page 5)



Pictured left to right back row: Legal Counsel Tom Moe, Vice President Lee Brandvold, President Roger Olafson, Director Mark Shipley, Director Tom Wheeler, and Director Leon Monke. Front row: Director & Treasurer Barb Knutson, Executive Secretary Larry Syverson, Director Steve Ginsbach and Director Al Bekkerus

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President's Comments



Hello Everyone,

I believe in an earlier newsletter I said ND weather is usually a good conversation starter. With all the storms there could be plenty to talk about but I won't go there this time, you know all about it.

I would like to thank the convention committee for putting on a great "50th" annual convention of NDTOA held recently in Bismarck. We had a very good lineup of speakers plus several members of the legislature stopped by for the Monday evening program.

I received many compliments on the program and how the convention was run. My wife even enjoyed the convention, well the shopping and socializing part anyway!

The legislature is now in session once again so Larry Syverson is there full time watching out for our interests. If you notice something awry be sure to let your district director or Larry know about it in case we missed something.

A couple bills initiated by NDTOA are making good progress in the session. Larry will have info on this and other bills in his articles in this newsletter and updates on the web page.

We have been asked on occasion if it is okay for a township to hire a contractor when one of the township officers has an interest in that business. NDCC 58-05-12 on page 225 of the 2016 version of township officers handbook spells out quite clearly the steps that must be followed.

One incident brought to my attention suggested this procedure was not being followed. We got the wording in this part of the code changed a few sessions ago to bring

more clarity to the process.

Related to the issue of hiring contractors is the matter of liability insurance. Be sure those you hire, whether it is a general contractor in the area or an individual down the road, have proper liability insurance for doing work for the township.

You also need to be vigilant of work being done in the township right of way by contractors and individual property owners and operators.

They should have permission from the township board prior to doing any work and the township board should provide guidelines on what is required.

I see many examples of improper ditching, etc., as Mark Verke of NDIRF has shown in his presentations, that can make for dangerous travel conditions on township roads.

This includes work authorized by county water boards, i.e. legal drains, that run along township roads. County officials—are you listening?

Be sure to file your annual Transportation Funding Report. They are due by the end of March.

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

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www.ndtoa.com



**VISIT OUR
FACEBOOK PAGE**

The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings!

Annual meetings have come and gone, and so to have equalization meetings, so spring must be here—although there’s still talk of some possible snow.

Welcome to North Dakota in March and April! I was able to see a spring training baseball game during a short southern visit this late winter and although fun to see, it wasn’t like the real thing after the regular season starts.

The legislature is finishing its work at the time of this newsletter, and as usual we have some successes and losses on the bills that NDTOA was following.

Larry’s report elsewhere in the newsletter will outline the legislative activity, so make sure you review his report. The ‘road obstruction’ bill garnered a lot of our attention, and we thank those legislators that gave us a hand this session.

Changes to state law that affect townships will be the topic of our workshops next February (2018), so it’s not too early to think about keeping an eye out for the workshop schedule after it gets finalized—probably late this summer.

I noted that there were still several townships across the state that held their annual meetings on the wrong day—they’re supposed to be the 3rd Tuesday in March of each year. The law is quite clear: “...the electors of each township shall annually assemble and hold a township meeting on the third Tuesday in March....”.

It’s all listed in Section 58-04 of the state law in your handbook. I know that sometimes the concern is that a particular supervisor cannot be in attendance on the correct day, thus the perceived need to change the

date.

Interestingly, the annual meeting is for all residents, not just the supervisors, (even though those are usually the only people that show up), so supervisors could be absent on annual meeting day and the meeting can still be held.

I always worry that someday those townships which are not following the law will be challenged by a taxpayer for having an “illegal” meeting—and we know that there are plenty of those types of folks out there!

Hopefully, 2018 will be better. While the meetings are still fresh in everyone’s minds, it might be a good time to review the meeting procedures listed in several parts of Section 58-04.

It’s a good time to complete a sign survey to see how the road signs survived the winter. Check for reflectivity at night, and, make a plan to replace those signs that aren’t serviceable anymore.

I am always amazed at the number of deer that try to hide behind ‘stop signs’—given the amount of bullet holes that appear in our signs after hunting season!

I imagine the various utility companies will begin their construction season shortly, so it would be a good time to check it with them as well to see if any of their plans involve your township.

Underground cables laid in township road ditches ought to be done only after checking in with you, and poles, etc. should not be placed in the right of way. Many of the companies are requiring “permits” because they are used to documents and forms they use in other States—especially Minnesota.

So you may have to create your own document for them—a simple letter with a map attached will usually do the trick.

Here’s hoping everyone has a safe and enjoyable Summer. Give your state NDTOA district director call if you have any questions, and if they don’t have the answer, they will forward the info on to me. Here’s some questions I’ve received in the office lately. TRM

Question: The city that lies within our township is talking about annexing some of the township property into the City. They are talking about going out one mile, maybe even a mile and a half. I thought they could only go out just a half mile with zoning?

Answer: First, we need to understand the difference between annexation and extra-territorial zoning. ‘Annexation’ means the City actually expands its city limit line.

People living within that expansion area become city residents—governed by the city council, and are not township residents anymore, and their homes are taxed by the City, which gets those tax payments—the township in effect loses those residents from the township population and the accompanying property taxes from those parcels.

This process is obviously extraordinary, and any protests must be lodged by the individual home/land owner—not the township per se.

Extra-territorial zoning has nothing to do with changing city limit boundaries, but rather it is the controls that the city may want to enforce regard-

ing construction, building sizes, types of businesses, etc., which may be contemplated to be built or operated in the areas immediately adjacent to the approaches to the city.

Lands/homes/buildings within that extra-territorial zone (1/2-2 miles depending on the city size) are still properties governed by the township, and people living in homes within the zone are still township residents.

A township representative as a right ought to be included on the extra-territorial zoning governing body. So to answer your question, first determine which process is being contemplated.

If a zoning procedure, then the township should have some representation; but if annexation, the township can attend the city-held protest meetings and lodge an objection, but the primary “objectors” need to be the home/landowners affected.

Question: One of our residents keeps pestering our Township clerk to get copies of our minutes and other records. The resident never gives a reason for wanting the records. Doesn't a person have to have a specific reason to get copies?

Answer: No. Township records are open to the public, just like the proceedings of all other public bodies such as school boards, county commissions, park boards, city councils, etc.

And, under our state's “open records/open meetings” laws, copies of records of those public bodies, including townships, must be made available to the public without any reason needed.

Regarding the part-time nature of township clerks, however, and because most clerks don't have a full time office with accompanying office hours, the request for viewing township records should be made at a reasonable time of the day, and a

reasonable amount of time should be granted the clerk for making the requested copies. A reasonable fee can also be charged for the copies.

Question: On equalization day, we finished some township business which we forgot to do at the annual meeting. Was that legal?

Answer: Maybe. It would be considered two separate meetings—a special meeting of the township residents, and the regular scheduled equalization meeting conducted by the supervisors. (I realize it was probably the same people at either meeting!).

But it is two separate bodies: the residents at one, and the supervisors at the other.

A separate notice of the special meeting of the township would have had to been published, along with the agenda for that special meeting—that notice being in addition to the notice for the equalization meeting.

Question: We actually had an election contest for supervisor at our annual meeting this year, so we got a few extra people show up for the meeting, which was kind of nice for a change.

Unfortunately, the election resulted in a tie vote: six (6) votes for each. And of course, each candidate said “let the other guy have it”, so we went ahead and let them shake dice to see who won. Was that the proper way to do it?

Answer: With a few exceptions, most of our annual meeting rules are laid out in Roberts Rules of Order. One of those exceptions is the tie vote situation which is covered in our State law. See 58-04-15 of our handbook which spells out that the election judge shall determine the winner by a “drawing of names”.

Interestingly, the law used to say something to the effect of ‘drawing lots’ which had an element of potential gambling, such as using dice! So the legislature changed the gambling

language to the present procedure as note above.

Question: Due to the new assessor rules, the county said we had to go with an out of town assessor. I thought the assessor had to be a resident and be a property owner?

Answer: The requirements you outline have been gone for quite some time. Yes, it would be nice to have assessors who live in the township, but time has marched on.

And you are correct in that there are several new requirements for assessors, including much more training required before they can receive proper certification.

Question: We have a very small city with a population less than 75 within the boundaries of our township. We have had several city residents ask us for assistance with the roads within the city and to help control animals, etc.

Apparently, their city council is not very responsive. Do we have any jurisdiction in town when the town council doesn't act?

Answer: Section 58-01-02 says “nothing in this (township) title applies in any way to any portion of the State which is embraced within the limits of any incorporated city”—which means the answer to your question is ‘no’.

There are some joint responsibilities if the two bodies agree regarding extra-territorial zoning, and additionally the two could enter into a joint powers agreement should they choose to.

For example, I know of some townships (which have their own snowplow) which have a contract with their adjacent city to provide snow removal for a fee.

**Check out NDTOA
on Facebook!**

Annual Meeting (Continued from page 1) requires that the road overseer must immediately remove any obstruction from a roadway but does not address any cost. This became SB2278 which has passed the Senate and, at the time of this writing, is soon to be voted on by the House.

The second, be it resolved that the North Dakota Township Officers Association recommends that townships update the default setbacks in N.D.C.C. 23-25-11(7) to reflect local needs and adopt other local zoning provisions in order to preserve local control and decision-making power.

This came from a township that has been contesting a feedlot development. They urge the rest of us to make sure the setbacks are sufficient, and to review and update our zoning.

The three even numbered District Director positions were up for

election. For District 2 Mark Shipley of Devils Lake was re-elected; in District 4 Leon Monke of Regent was re-elected and in District 6 Steve Ginsbach of Hankinson was re-elected.

The speaker for the evening banquet was Alison Ritter with the Department of Mineral Resources; she talked about changes in the oil outlook and the advancements in drilling and fracking methods.

The Tuesday morning session was started by ND Agriculture Commissioner Doug Goehring. He spoke of his concerns about local zoning and agricultural developments.

Dale Heglund, Program Director of ND Local Technical Assistance Program, spoke about ND LTAP being our technical advisors for road issues and the training they offer on matters such as signing and gravel selection.

Next, Sandra DePountis, Assistant ND Attorney General spoke on open meeting and records requirements, how we can avoid getting in trouble.

The last presenter for the session was Marty Visto, his subject was his township records and reports software, he described the program features and recent changes.

Part of each presentation throughout the convention was an active question and answer period.

Please note for future reference the NDTOA Annual convention is the first Monday and Tuesday of December. Even if you haven't seen an announcement because the speaker list is not completely confirmed, the date is set. Please do not schedule your county association meetings for those dates.

NDTOA Saddened to Learn Curtis Hemstad Passed Away

Curtis Hemstad, Idaho Township in Mountrail County was selected as this year's NDTOA Grassroots Government Leadership Award winner.

Idaho Township Chairman Derald Hoover says, "Curt had done an exceptional job over the last 42 years, especially the year the township had a \$4,000,000 budget."

"The township still has an exceptional amount of work each year due to being the "crossroads" of Hwy. 2 and Hwy 8. The township received calls from oil companies almost every day."

Curtis was born on a farm near Stanley, ND in 1938. He and his wife, Nancy have three children, Craig, Jennifer and Leif and six grandchildren, as well as nine great-grandchildren.

Curtis graduated from Stanley High School in 1956 and a graduate

of NDSU with a degree in agronomy. He also attended the St. Louis University School of Meteorology.

Curtis served in the USAF as a Weather Officer active during and active reserve from 1960-67.

His past community service included State ASCS committee, Mountrail Co. ASCS committee, Mountrail Community Hospital board, American Lutheran Church council and Bethel Lutheran Church board.

Curtis served as clerk/treasurer—saw operating expense go from \$50,000 yearly (pre oil boom) to approximately \$350,000 yearly in 2013-15. He was involved in the construction of a four million dollar bypass around Stanley in 2011-13.

Note: Idaho Township spends more on dust control than most townships spend on their total budget.



WORKING FOR YOU!

65th LEGISLATIVE REPORT

by Larry Syverson, Exe. Secretary



The ND Legislature has been in session since January 3rd and the main theme seems to be “there is no money.” That is the answer to everything.

The state agencies had to bring in reduced budgets and still the appropriations committees have been making deeper cuts to many. There was hope that the outlook was improving but the revised revenue forecast in March still indicated a shortfall for the current biennium. The revenues are improving but slowly.

Throughout the session it has been very unlikely that any funding might be found for townships. Now in the last weeks of the session an amendment was introduced that would take two-thirds of the formula funding of oil townships, some sixteen million dollars, and distribute it to the townships in the non-oil producing counties. This late amendment came after the period for public comment had ended.

The amended SB2013 passed the House but now will face a conference with the Senate where hopefully that House amendment will be removed.

Yes oil income is down because of the price but the volume and oil activity from existing wells continues, that oil tax is the property tax those townships have never been able to collect, under state law, for the wealth that lay beneath their land.

The lack of money in the discussion doesn't mean there haven't been things to work on. As usual a large number of bills were introduced.

It seems the goal of some of them was to make local government more difficult. I have been working with

representatives of the other government subdivisions, which depend on property tax levies for at least part of their budget, to stop some levy cap bills.

At this time there is one left alive, just coming out of the Senate Tax Committee, it looks like there is some high level politics involved with this one as the prime sponsor is the Majority Leader of the House.

If this bill passes it could badly complicate levying taxes for townships that have reduced their levy because of the state grants over the last years but now will have to increase them again.

Update: HB 1361 is being amended, 10% of the voters of the last general election may petition to put a cap on the ballot and the Tax Department will tabulate levy data from all taxing entities and report to the 2019 session.

The best part is the bill now lists the tax districts it applies to and townships are not on the list.

HB 1421 attempted to give an exemption from the assessor training requirement for townships with less than \$50,000 of property tax levied. I spoke in favor of the bill stating NDTOA supported the exemption because the townships with low property values cannot afford to hire outside assessors.

I could see there were problems with the bill—for one, it was attempting to change the wrong part of the law. It was amended to correct that error but by that time, it had already gotten a very bad committee review.

There were other problems pointed out during the floor discussion in the House. It seemed to remove the requirement for any training for township assessors, if the levy totals

less than \$50,000.

At 18 mills it would take \$55.5 million dollars of property value to produce \$50,000 of taxes, which would mean that hardly any townships would need an assessor with any training.

HB 1421 was defeated in the House 43-49. Speaking with legislators, some said the township assessors they had visited with indicated to them that they were glad to get rid of the job and they would not take it back if it were possible. Whatever, I am starting to do the on-line assessor training which will cost me over \$1,000 if I continue to the end, just because am I a bit stubborn and I think that my township should have that option.

At this point I have to apologize for this issue being so delayed. We were trying to have it out in mid-January, but spending long days at the Capitol it has been hard to keep up.

It seems like every time I start writing something it changes the next day. We realized that it takes nearly two weeks after we send an issue to print before it gets to your mail box, so many things would be out of date news.

In the next couple of weeks the session will come to its end and I will prepare final review.

For now, thank you for being Township Officers!

Willie Huot Receives NDTOA President's Award

Willie Huot, native of Red Lake Falls, MN received both a BS and M Ed. Degrees from the University of Minnesota. Upon completion of his education, he served in the Peace Corps in Morocco, North Africa two two years before starting his 41-1/2 year Extension career with the Cooperative Extension Service.

The first 13 years he spent with the NDSU Extension Service, serving in two different counties in the greater Missoula area. During this time he was responsible for a wide variety of

Senator Wanzek Legislator of the Year



In recognition of his work to support rural transportation, Senator Wanzek was presented the award during the 50th annual meeting banquet. He is from Jamestown in District 29 which includes Foster, much of LaMoure and Stutsman counties.

He serves on the Senate Appropriations Committee and has been instrumental in securing the state grants townships have received in past sessions.

Senator Wanzek is a farmer, rancher and business owner. He received his education at Jamestown College and Texas A&M.

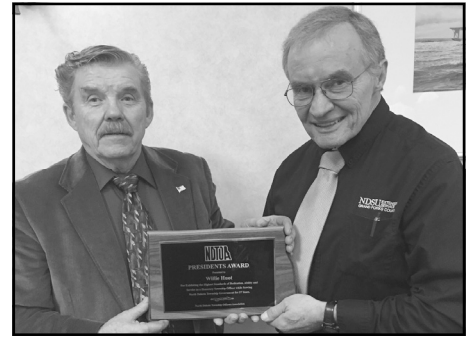
He and his wife, Janice, have three children and three grandchildren. He was first elected to the legislature in 1993.

extension programs including crop and livestock production, horticulture and 4-H.

In 1990 he began his career with the ND Extension Service, serving two years in Ramsey Co. before transferring to Grand Forks where he spent the past 24 years. During this time, he served as the secretary for the Grand Forks County Township Association.

He has worked closely with the board of directors in coordinating and facilitating bi-annual meetings for all township officers to help them better carry out their board responsibilities.

Even though he retired on December 31, 2016, he will continue serving as the GFCTA board secretary for the near future.



Director Al Bekkerus presents Willie Huot with the President's Award.

Willie's long record of service to townships inspired the NDTOA Board of Directors to create the President's Award as a way we could recognize exemplary contribution by individuals that are not elected officials. We are pleased to present the first of this award to Willie Huot and glad that he will continue helping townships for some time.

Treasurer's Report by Barb Knutson



Good Morning from the Sunny Center of North Dakota!

Since last the *GrassRoots* newsletter, we had our annual meeting in Bismarck during a blizzard and we had some real die hard township officers there. It was a good conference and had very interesting speakers. Thanks to all that braved the weather and came out anyway.

We have been working in my own county with the ATLR accounting system and think it is going to be really nice doing end of year with this program. After you get your numbers entered, a large part of your forms are already calculated. Works great!

Coming up soon, dues notices will be going out, annual meetings coming up on the third Tuesday in March, annual county association meetings. Watch our web page,

www.ndtoa.com for updates and information on the activity in legislature. There is no end to what you can be doing between hours of moving snow.

Just some reminders: Make sure you update the county on any changes in officers in your townships, including their names, office held, address, phone numbers and emails, as soon as possible after your annual meeting. This allows us to get new officers on the list and getting their newsletter.

Thanks to all that have sent me changes and put up with the calls you have received to get this information. It is much appreciated!

Dues are due on May 1 and will be delinquent on October 1.

Thanks for all you do, as it is important!



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?**

WON'T YOU PLEASE PAY THE DUES?



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