

# GRASSROOTS REPORT



SUMMER 2020

*The Official Newsletter of the ND Township Officers Association*

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## PLANNING THE 2020 ANNUAL CONVENTION

*By Larry Syverson*

As the year is now more than half over it is time to start putting together plans for the annual convention. This year it is scheduled for December 7 and 8 and will be held at the Bismarck Ramada Inn. There is the possibility that the plans will be impacted by the COVID-19 situation and any restrictions on meetings that may be in place at convention time. We hope to have a better handle on that by the time of the next issue of the *Grassroots Report* in November. Any last-minute plan changes will be posted on NDTOA.com.

This year three directors will be elected. Up for election are District 2 (currently Richard Lynne), District 4 (Leon Monke) and District 6 (Tim Geinert).

### **Grassroots Leadership Nominations:**

An important part of each convention is the Grassroots Leadership Award Presentation. This award recognizes the effort a Township Officer has put into making grassroots government work. A thank you for what many say is a thankless job.

If you know of a dedicated Township Officer that is deserving of this

recognition you can find the nomination form on NDTOA.com, also the form will be printed in the next issue of the *Grassroots Report*. The form may look a little intimidating and you may not have all the information it asks for; just fill in what you can and submit it. Of course, the more information you can enter the better the chance your nominee will be selected for the award.

### **The bad news continues for the "Prairie Dog" fund:**

Projections now indicate the \$400 million "SIIF" bucket (which has to fill before anything can flow into the county / township infrastructure bucket) will only get about half full by the end of the biennium. So there will be no prairie dog money for townships or counties this go-around.

If the Dakota Access Pipe Line gets tied up in court, or even shut down, it will severely impact the future of the prairie dog fund for townships and counties as it will be very unlikely that any funds would ever flow this far down the bucket stack.

### **Interim Committees:**

Several committees are being watched for any important devel-

opments, included are the usual: taxation, transportation and energy development. The meeting rooms are not open to the public under corona virus precautions but the system has been set up so the meetings are available to watch online and they are now archived so you can watch an earlier meeting if you wish. This update was planned and was in the works before the pandemic but it added impetus to getting it up and running. Often the meeting rooms are too small and seating is limited; the video will allow more people to witness the meetings.

### **From NATaT - Census Deadline:**

It has just been announced that the US Census Bureau will be ending all counting efforts on September 30th – one month early. There are many states – especially those with rural areas – that are very concerned about this decision as reporting is down and already behind schedule given the COVID situation. Locally, we must do what we can to make sure all are counted; at risk is rural representation and funds for rural infrastructure. If you haven't replied to the Census yourself please get it done.

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## President's Comments



Greetings Township Officers,

I am not sure where this year has gone, but it certainly seems like we were just seeding and now I look at these fields and realize that summer is slipping away from us and harvest is fast approaching. Where does the time go?

I hope that everyone has taken the opportunity to check the roads and get contractors lined up to make the necessary repairs. The unsettled weather pattern that some areas have been in over the last few years has left several roads needing extensive repairs.

We need to remember as township officers it is our job to maintain safe roads for the public to travel.

The year 2020 has certainly been a challenge, with the shut down in the state. Due to the coronavirus and the fall in oil prices, it has changed the outlook for any additional revenue that appeared to be coming to townships at a time the funds are greatly needed.

Hopefully, we will see our state return to a somewhat normal economy.

In July, several of the NDTOA board members were planning to attend a multi-state conference (North Dakota, South Dakota, Minnesota and Wisconsin) which was to be held in Sturgeon Bay, Wisconsin. We meet yearly and

discuss how the township associations in each state work with their legislators to find funding for the roads and discuss the new laws passed during the legislative sessions that will affect townships.

Due to the pandemic restrictions, this year's conference was cancelled. North Dakota is scheduled to host this multi-state conference in 2021. However, with the COVID-19 uncertainty, this may need to be changed as well.

Plans are underway for the 54<sup>th</sup> annual NDTOA meeting which is scheduled to be held at the Bismarck Ramada – December 7 and 8<sup>th</sup>. Mark your calendars, hopefully we'll see you there.

Stay Safe – Stay Healthy!

Sincerely,

*President Lee Brandvold*

Check out the  
**HOT TOPIC  
BUTTON**  
on our website:  
**www.ndtoa.com**

# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings!

As I write this, I see the calendar is ready to change to August, yet I'm still thinking it's still April. I did however get a few tomatoes planted this Spring, but then I recently left town for a couple of days.

It seems that as soon as you are gone, the tomatoes sense your absence, ripen, rot, and fall to the ground before you get back. The same thing goes for weeds—they can grow three feet in one day! Hopefully we will have a decent Fall and have a good harvest.

I've had several calls about townships which have sold their old township hall or are contemplating doing so. Problems can arise if the process is not followed correctly as indicated by several questions and answers listed below!

One of the sticky issues that sometimes arises is the status of the title to the property. Many of our township halls were once rural schools, yet when the school ceased operating the building was "turned over to the township" yet no paperwork for that transfer of ownership exists—so title technically remains in the old rural school district.

Confounding the problem is that the rural school district dissolved long ago and perhaps the acquiring district has merged yet again and again. The present district may have to be asked deliver a quit claim deed for the old school, or, a quiet title action in a Court may have to be commenced.

Some research of old records prior to the township hall being sold is probably a good idea!

The COVID issue caused our annual multi-state conference to be cancelled this year. I always looked forward to meeting with township leaders from our neighboring states, especially when we could compare notes about upcoming federal legislation that affects local government. Hopefully we can get together next summer.

Start thinking about a fall road inspection and an accompanying sign survey. Try to do some night driving and determine if your signs have the proper reflectivity. Those of us who drive the same route on a daily basis automatically know where the road curves up ahead, but the occasional night driver needs to be warned of the upcoming danger.

Following are some questions received in the office. Have a safe harvest! <sup>TRM</sup>

**QUESTION:** Can a county commissioner also serve as a township officer?

**ANSWER:** Yes. There are several county officials, including commissioners, who also serve as township officers in our State. And, interestingly, Commissioners who once were, or are still on the township officer list seem to have a better understanding of the problems and issues that townships face. Additionally, there are some state legislators who are township officers as well.

**QUESTION:** We sold our township hall building, but retained title to the land. The buyer told us he would remove the building, but to date has not done so. It (the building) has really gotten to be an eyesore. Do we have any recourse?

**ANSWER:** Hopefully the township had a written agreement about the building's removal with a deadline stated, and the action that would be taken should the buyer not perform. Absent such an agreement, your different options may get more complicated:

1. If the buyer acknowledges the arrangement, and you determine there will be cooperation, perhaps you could "help" him get started with the building's removal or destruction;
2. You may have to set a court date, and hopefully the judge could possibly order removal;
3. Sell the land to a 3<sup>rd</sup> party, who then would have the right to remove the building because that buyer is not a party to the original agreement between the township and the building buyer.

**QUESTION:** We tore down the old township hall and sold the land to the adjacent landowner—about an acre. She paid \$500 for the acre, and now owns the entire quarter. She is attempting to get a mortgage on the quarter for an operating loan, but her bank says there is a title problem with the one acre township hall sale, because our township records of the sale are incomplete?

*Cont'd on next page*

## The Country Lawyer cont'd

We issued a Deed for the property to her. What more could the bank need?

**ANSWER:** Chances are the mortgage banker is looking for your township minutes--where it should state essentially that the sale was authorized by the electors at the annual meeting, and the supervisors were directed to make the sale.

I know many local banks will overlook this requirement, but still many title examiners will want the township to follow the law explicitly. See Section 58-03-16 of the Century Code in the township handbook for the correct procedure. In order to satisfy the title examiner, you may have to call a special meeting to ratify the sale after the fact.

**QUESTION:** We burned down our old township hall and privately sold the half-acre it sat on to the adjacent landowner for \$1.00, and gave him a deed for the property. Now we have some people complaining that we sold it for too little money, and that there were others who would have paid a lot more. Did we do this sale correctly?

**ANSWER:** Once again, see Section 58-03-16 of the Century Code in the

township handbook. Specifically, if the supervisors estimate the property to be valued at less than a thousand dollars (\$1,000) then the property may be sold at a private sale. If a higher value, then it must be sold at a public sale. I rarely advise townships to sell property at a private sale, because of just the problem you are having--there is always someone to 'second-guess' the supervisors' actions.

Even if the property is worthless, a public sale is more prudent. And, the estimated total expense of the advertising, plus the legal work, etc., should be listed as the minimum bid acceptable.

**QUESTION:** I am a township supervisor, but also own and farm some land in the adjacent township. The township supervisors in that township basically ignore my request for help with maintaining the roads adjoining my land. They are all from the other side of that township, and have indicated that they are only concerned with roads abutting their land.

I have been to several of their annual meetings to make my request and to lodge a complaint

about their attitude, but to no avail. I'm not alone as several other land-owners/residents in our end of the township have made similar requests. Any ideas?

**ANSWER:** The law of course assumes that this will not happen because all public officials are sworn to act in the public's best interests. Unfortunately, we hear about this all too often--township officers who feel they can establish their own "fiefdom" and forget about the other residents.

Perhaps you could ask one of the county commissioners to intervene, if they have a cooperative mindset? Trying to assist one of the local residents to get elected to the Board is an option.

Another idea is that twenty per cent (20%) of the township's land-owners can call a special township meeting over the objections of the officers. And, if you find that there is an inappropriate use of township funds, an action for malfeasance could be brought, but you would need evidence of such wrongdoing.

## MOTOR GRADER OPERATOR TRAINING

The 2020 Motor-Grader Operator training has begun and will go through end of September. Now, is the time to get your county/township scheduled for the training. The Motor-Grader Operator training is customized to meet the needs of the county/township. If your entity would like to just have classroom training we can do that, it would be about 4 hours of training. If you need classroom and field training, we would do about 3 hours of classroom and the rest of the time would be spent out on the road with the instructor where the operator will receive one-on-one training in the blade. If you would like just field training, one-on-one with the instructor the entire time we will make that happen.

To see more detailed information on the 2020 Motor-Grader Operator training it is available on the NDLTAP website: <https://www.ndltap.org/training/downloads/2020-Motor-Grader-Operator-Training.pdf>

To schedule your customized 2020 Motor-Grader Operator training please contact: Denise Brown [denise.brown.1@ndsu.edu](mailto:denise.brown.1@ndsu.edu), 701-328-9856.



# BIGGEST LOAD EVER

by Leanna Emmer, NDLTAP Truck Weight Expert  
ND Local Technical Assistance Program  
NDSU Upper Great Plains Transportation Institute

In March, the Stark County Highway Department authorized LoadPass Permits to issue permits to Mammoet USA South Inc. for two loads, each weighing nearly 1.5 million pounds.

gross vehicle weight 18 wheelers. Nineteen 18 wheelers lined up on a highway would create a train of vehicles measuring 1,425 feet long – more than a quarter of a mile! This train would likely have less impact

worked with the company on a route that was better designed to accommodate the large loads. A major challenge with the selected route was that it crossed a two-span, 141-foot-long bridge. Mara-



The approved routes authorized travel for three miles on county and township roads. The loads were reactors being hauled to the Marathon refinery near Dickinson, ND.

Two self-propelled modular trailers with 56 axles and 224 tires each, were used to haul each reactor from the railhead to the refinery. Remote controls were used to steer the trailers.

Not only were these loads excessively overweight, they were also very over dimensional. Permits were issued for up to 26'3" in width, 24' in height and 210'4" in length.

One of the 1.5 million pound loads was equivalent to 19 80,000-pound

on highways and bridges than the single loads; remember that the greater the distance between axles and vehicles, the lower the impacts to the infrastructure.

The process to find a route for these loads was not any easy task.

Janet Sanford, Permit Operator for the LoadPass Permit Program said Mammoet contacted her more than a year ago. When she first spoke with them, they weren't sure the transfer of the huge loads was going to happen. The first requested route was denied. Al Heiser, Stark County Road Superintendent,



thon Oil hired an engineering firm and worked with the county and NDDOT Bridge Division to analyze the bridge to assess if it on the capacity to withstand the load. In the end, three bridge analyses were done before the movements were approved by the county and permits could be issued.

*cont'd on next page*

## Biggest Load Ever *con't from page 5*



"The Largest GVW I have ever seen by far," Sanford commented. "It was exciting and scary. I was pleased that everything went well."

Sanford has been managing the LoadPass Permit program for a number of years. Under her tutelage, counties have seen the program evolve from using a handwritten paper permit to an automated permit and routing program.

With automation, counties/cities/townships can better monitor where, when, and if an oversize movement can travel on their roads, over their bridges, and what criteria they must adhere to.

Currently 28 counties and 2 cities are members of the LoadPass Permit Program.

We look forward to the day that LoadPass is adopted by all 53

counties, providing a unified permitting system that allows motor carriers easy access to local road permitting of non-divisible loads. This Stark County example illustrates the value of a permitting system and means to best mesh hauling needs with roadway



## 2020 Census: Be Counted! - Census Data Collection will end 9/30/2020

**By: Lindsey Harriman, Williams County & Williams County Census Complete Count Committee**

For the past 230 years, the United States has counted its population every decade.

Getting a complete and accurate count of everyone that lives not just in Williams Co., but the state of North Dakota, and the nation as a whole, is crucial for determining important boundaries such as legislative and Congressional districts, distributing federal funding for programs like Medicare Part B, and for community planning.

If we do not get a complete count in the 2020 Census, then we won't be able to update our official population until 2030 and the

community risks losing out on important funding and information. For every missed person in the Census, the state of North Dakota could lose out on \$1,910 per year for ten years in federal funding.

The Census questionnaire consists of a few basic questions about a household such as names, address, and the number of people living there. Worried about where your Census information might go?

Individual Census responses are secure and protected by federal law. The U.S. Census Bureau only uses your answers to produce statistics. The Census will also never ask you for sensitive information such as your social security number or bank account information.

The Census can be completed by filling out the questionnaire that was mailed to your home or by going online to [My2020Census.gov](https://my2020census.gov). All you need to complete the Census is a physical address.

Everyone living in your household as of April 1<sup>st</sup>, even if they are not related to you, should be counted on your Census form. If you live and sleep in North Dakota for more than half the year, then you count here!

If you have not yet completed the Census, a Census worker will visit your home beginning at the end of July to gather your information.

Responding to the 2020 Census is easy, safe, and important. Help do your part to get a complete count!

# Treasurer's Report by Barb Knutson



Since the craziness of the world has changed our lives in so many ways, I thought I would write about something that does not change, that is the way we are to do business.

Recently I have had many conversations with township officers that are wanting to do their job correctly, but don't necessarily know how to follow the proper order for meetings.

Township board meetings are very important and that is why it is important to run them properly. I realize that if we do not do something every day, we get lax and may let things slip, or maybe not even know how to do it properly.

My first suggestion is for each township to have at least one copy of *Robert's Rules of Order* and refer to it often. There is a way to do the things we need to do in a meeting and do it correctly! There are many ways to do it wrong, but why not do it right and not have to worry about it when someone asks the question.

Remember, if there was action taken without a motion, it is as if it has never happened!

Even prior to the meeting itself, be sure you do proper notice of meeting. There is direction for that

in the Township Officers Handbook, page 240 in 2020 Edition. That page also tells us what meetings are mandatory and on what day.

Be sure you let the county auditor know when your meeting will be, post an agenda so anyone will be able to find that information, where ever they are.

The other question I've been asked, repeatedly, is what needs to be saved and how to destroy township records. Page 189 in 2020 edition of officer's handbook tells those specifics.

**NEVER, NEVER, THROW AWAY OR DESTROY MINUTES.** Sometimes things that were decided many years ago can be gleaned from these minutes and they have been used in court.

***Financials should also be kept to prove what the money was spent on. Remember, this is public property so it is actually illegal to destroy it.***

My age old quest for information on new officers and changes of address is still very much in play. I have noticed that a lot of the counties that have their list on line, have not been updated from last year. If we do not give them this information, it is impossible for

them to provide it to anyone else. Please get your paperwork in to the auditor immediately after the annual meetings.

If you have new officers or address changes during the year, it is very much appreciated when you provide them to me so the newsletter can get to the proper places. Thanks to those that do that regularly.

Dues have been coming in and just a reminder that the due date is May 1 and delinquent date is October 1. Fiscal year end is October 31. It is not too late to pay them. Good to get them in correct year.

Remember to use the web page to keep up to current things at [www.ndtoa.com](http://www.ndtoa.com). You can also see the handbook at that site.

Hope the rest of summer treats all well and we can get back to normal life soon. Thanks for all you do out in the townships. It is important!

## 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.



## Grass Roots Report

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



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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?**

**CHECK OUT THE NEW FEATURE  
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