

# GRASS ROOTS REPORT



AUGUST 2012

The Official Newsletter of the ND Township Officers Association

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## TransAction III NDDOT Meetings Held *By Ken Yantes*

On June 29<sup>th</sup> a TransAction III Meeting of the Stakeholders of North Dakota's Transportation Providers was held in Bismarck.

Representatives from the counties, cities, townships and other North Dakota transportation providers reviewed a condensed version of all the input gathered at the eight across-the-state meetings held in March of this year.

After a review of our mission and vision statements and goals, we studied the strategic initiatives, fundamental values and our system's strengths, weaknesses, threats and opportunities of transportation in the State of North Dakota.

We agreed on a series of meetings to be held across North Dakota that would ask our states grassroots citizens what they would like to see

from the NDDOT and all other transportation providers regarding future transportation needs.

Beginning on July 17th and running through August 2nd, meetings were held at 21 sites across North Dakota.

Weekly and daily newspapers carried advertisements about when and where these meetings were to be held.

If you missed attending one or more of these meetings when they were held in your area, you can still share your input with the North Dakota Department of Transportation by filling out a survey at:

[www.surveymonkey.com/s/Survey\\_for\\_TransAction\\_III](http://www.surveymonkey.com/s/Survey_for_TransAction_III)

If you don't have Internet access, you can request a survey

by writing to:  
Jack L. Olson,  
Assistant Director  
Planning/Asset Management  
Division  
ND Dept. of Transportation  
608 E Boulevard Avenue  
Bismarck, ND 58505

Hundreds of millions of your tax dollars will be spent on improving roads in North Dakota.

You owe it to yourself to help direct where these dollars are to be spent.

This is your chance to affect the future funding to your township.

By completing this survey it will help your lobbyists make a case for much needed township funding in the next legislative session.

### MARK YOUR CALENDAR!

**The NDTOA Annual Meeting will be held on December 3 & 4, 2012  
at the Doublewood Inn in Bismarck.**

## NDTOA Officers

### LARRY SYVERSON, President

465 150th Ave. NE, Mayville, ND 58257  
(701) 786-2697  
larry@ndtoa.com

### ROGER OLAFSON, Vice President

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

### KENNETH YANTES

Executive Secretary/Director of  
Governmental Relations &

NATaT Director

P.O. Box 104, Brocket, ND 58321-0104  
(701) 655-3513 Fax (701) 655-3513  
(Please call before sending fax.)  
ken@ndtoa.com

### BARB KNUTSON, Treasurer

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

### KERRY SCHORSCH, Past President

6358 111th Ave. SW  
New England, ND 58647  
(701) 579-4703  
kerry@ndtoa.com

### BRUCE KRABSETH, District I Director

13257 75th St. NW, Alamo, ND 58830  
(701) 528-4772 or (701) 570-4148  
bkrab@nccray.com

### RALPH OLSON, District 2 Director

5054 47th St. NE, Maddock, ND 58348  
(701) 438-2344

### AL BEKKERUS, District 3 Director

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

**District 4 Director  
POSITION OPEN**

### BARB KNUTSON, District 5 Director

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

### STEVE GINSBACH, District 6 Director Alternate NATaT Director

16290 91st St. SE, Hankinson, ND 58041  
(701) 242-7291

Legal Counsel

**THOMAS R. MOE**

Attorney-at-Law

39 1st Ave. NW, Mayville, ND 58257

## President's Comments



NDTOA President  
Larry Syverson

Hello Township Officers,

I hope your township has been able to put the increased state funding that we have won to good use. Most townships have had road projects on hold much of the time because of short funds. You know, the things we should've done if we had the money.

Perhaps now some of those have gotten caught up, maybe even some of those faded out signs have gotten replaced. Of course, I know that many townships had to just apply the funds to their debits, but even that is easier with more state dollars.

Your association continues to work for more funding for township road needs. We have been actively participating in TransAction III.

NDDOT has been taking information and comments about the future of transportation in North Dakota and we have been there to make sure that rural roads are part of that future.

The total agricultural product of the state has gone from 17 billion pounds in the 1950s to 89.4 billion pounds in 2010.

That is a 422% increase on a rural road system that is basically the same as it was in 1950. Add to that the energy development impacts, oil, gas, coal and wind—those are great for the state's economy but we have to be sure to direct some of the economic benefit to maintaining the rural road system.

The volume of the traffic and the size of the modern loads is crushing our roads. Beneath those roads are 60 or 70 year old culverts.

Many are badly rusted and will soon fail and alongside the roadways are thousands of signs—many so old they are unreadable.

Those are just some of the facts that

we will continue to bring to the legislature in hopes of securing more and continuing funding from the state

Of key importance to winning more and continuing state funding is the Transportation Funding Report (or a copy of the report your treasurer files with the county).

This report will show what townships are spending the funds on. The legislature wants to know this before they will give any more or even continue what we have been getting.

Most townships got a \$10,00 payment from the state this spring. Isn't that worth sending in a copy of a form you file with your auditor anyway?

*A check with the tax commissioner's office indicated that less than half of the townships have filed their reports. What? Don't you want the state dollars?*

I have mentioned old signs a couple of times here and also during our workshops. At the workshops I heard "the county takes care of our signs." But the township is still responsible and liable.

If your signs are serviced by your county, then give them a list of signs that you know are bad and see to it that they get replaced.

Now that we have Constitutional Measure 2 out of the way, the legislature is going to get back to work on property tax reform and relief.

There are several proposals on the table already and more in the works. Some of the proposals contain some

*Cont'd on page 2*

## Executive Secretary's Corner by Ken Yantes



# NDTOA Organizational Structure to be Studied

President Larry Syverson has appointed and the state board has confirmed the appointment of a committee to review the NDTOA Policies, Philosophy, Constitution and By-Laws as found in your 2012 handbook on pages 27 thru 33.

The committee members are Larry Syverson, Roger Olafson, Tom Moe, Past President Gene Gehrke and Ken Yantes.

Should you have any suggestions for change, please send them to Ken Yantes, NDTOA Executive Secretary, or any other member of the committee.

Your suggestion will be considered and all other changes the committee may endorse will be discussed at the next meeting of the Board of Directors.

Those changes, if any, that pertain to the Constitution and By-Laws will be published in the October newsletter at least 30 days prior to the annual meeting.

This meeting will be held in the Doublewood Inn, Bismarck on December 3, 2012.

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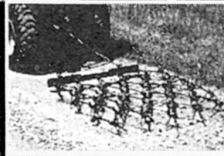
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## President's Comments *Cont'd from page 2*

kind of tax credit for residences, some are a "buy down" of education mills.

The Chairman of the Senate Tax Committee has promised that it will be a busy time for the interim committee as it prepares for the coming 2013 legislative session.

NDTOA will be there right through the interim meetings to the completion of the session representing township interests.

North Dakota has a unique situation as money is coming in faster than it is being spent, but all the activity places a burden on the system.

More funds must be invested, not only to meet these new demands, but also much of the infrastructure has been only minimally maintained for years with just patches where it should have been rebuilt.

The last session of the legislature provided more for the infrastructure than ever before but these investments must be continued. There is so much need for roads across the state and in the oil patch that the emergency services and schools are stretched beyond belief.

Some funding has already been diverted into the Legacy Fund, which will build for the future. We must resist any further attempts to channel money out of the system while there are so many needs to be addressed.

I hope the rest of the summer goes well for you and your township. Remember to have your contractors provide proper warnings for any road work they are doing.

Thank you for being a Township Officer, an important part of Grassroots Government.



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# The Country Lawyer

by Thomas R. Moe, Attorney-at-Law



Greetings! The summer is just flying by, and I see there are already some combines rolling in the fields. The harvest is always a special time on the farm, but I sure don't like the thought of winter!

It seems the weatherman hasn't been real helpful, either. I always wonder how it is that science can predict an eclipse of the sun many years in advance, but it can't accurately predict the weather over the weekend.

The dry weather has made for few water problems and road washouts, of course, and many townships have reported that they have been able to get some long overdue road repairs completed without having to work around rainy days.

My guess is that with an early harvest, many of the operators will be out earlier as well with their field ditching equipment.

Supervisors should be vigilant when field ditching begins, as that is when it seems that a lot of damage occurs to road ditches. Try to meet with the operator ahead of time, and if the road ditch is to be used as the outlet for the field drain, make sure the operator has an understanding of how not to cause damage.

A written permit letter laying out the specifications of the road ditch work is especially helpful.

We had an informative trip to Wisconsin for the summer four-state meeting of the township officers. I had a good meeting with my attorney counterparts, and especially was interested to hear from the Wisconsin folks.

Looks like North Dakota will host the meeting next summer, and it is a good meeting to attend. Both

Minnesota and Wisconsin are about 50 years older (statehood) than the Dakotas, and therefore zoning issues in those states are much more complex than ours.

But, with our growth, especially in Western North Dakota, we should be able to learn from our sister states and maybe not make similar mistakes.

Wisconsin doesn't have congressional or six mile square townships, but rather their townships are called 'towns' and are all those irregular shaped geographical regions outside incorporated cities, so subdivisions and the like are all within the 'town' jurisdiction.

Here's hoping everyone has a safe harvest season. Maybe there will be enough time this fall for township officers to work in an extended road and sign inspection before the snow flies. Following are some questions I've received in the office lately.

**Q:** We've got a landowner that wants to build up a section line and make a better path to his field. We told him it was okay, but do we still have the liability if he does all the work?

**Answer:** Absolutely, it's a section line so the public will have the right to use it. On one hand, be thankful that the road will be upgraded with private funds, but the township will also have 'inherited' the liability as well.

Make sure the landowner follows your specs for building the road in a safe manner. My guess is that he is not a contractor so probably doesn't have any insurance for that kind of work, either.

**Q:** An operator is putting in a tile

drain and he wants to place a tile pipe under a prairie trail on a section line and through to the other side. What liability does the township have?

**Answer:** Make sure the operator has a permit from the county water board, and part of that permit should be written permission from the township for the section line portion of the project.

As long as the tile pipe is placed deep enough to not cause road problems (even though it's only a prairie trail) you should be okay. I would also make it clear that should the prairie trail be upgraded in the future (see question/answer above) that the operator will be responsible for moving or lowering the tile pipe.

**Q:** Our gravel supplier went out of business and now we have to contract with someone else for a higher price. Do we have to re-advertise for bids and if so, can just the supervisors do that, or do we have to call a special meeting of the township?

**Answer:** I'm assuming the supplier going out of business was unexpected and that you entered into the agreement with him at last March's annual meeting, so the supervisors would probably have the authority on their own to finish out the year with someone else.

You're never wrong, however, with re-advertising for bids, especially if you think that there are other suppliers out there who would be interested. And, if it means a substantial increase in your budget for the new contract, i.e. an increase in the tax levy, then a special meeting will have to be called.

# Recent NDIRF Township Financial Experience

One of the principal yardsticks used by the North Dakota Insurance Reserve Fund to measure performance of its members is "loss ratio."

This term simply means the comparison of incurred claim loss to the amount of earned premium received within a given period of time.

The annual loss ratio figure is determined by dividing incurred losses by earned premiums for the year.

For example, if a group of NDIRF members, such as townships, paid \$100,000 in premium and incurred \$100,000 in loss during a particular year, their loss ratio would be 100%.

If the premiums were \$100,000 and losses were \$50,000, the loss ratio would be 50%.

As we have reported to you in the past, the high water conditions of the late 1990s and in early 2000 contributed to a number

of significant loss events for townships, principally involving auto accidents and saturated or washed out roads.

Hopefully, we may have turned the corner on this problem as township losses have decreased dramatically in most years since that time.

The following figures indicate NDIRF township loss ratios for the last three full years and for 2012 through June 30:

**2009: 24%**

**2010: 7%**

**2011: 45%**

**2012: 133%** (through June 30)

Although the loss ratio for 2012, so far, is quite high we need to remember that only one-half of the annual contributions (premiums) paid by townships for their NDIRF coverage this year have been received.

This means that, if there were no

further losses in 2012, the 2012 loss ratio would drop to approximately 65% for the entire year.

Let's keep our fingers crossed (and our roads properly signed and maintained) and that could happen!

While it is difficult to pinpoint reasons for improved claim performance, the efforts of township officers in improving the signing and maintenance of township roads can only help.

The NDIRF thanks you for your work and encourages you to remain vigilant in your road maintenance program.

## Awards Committee Issues a Reminder

Al Bekkerus, Chairman of the NDTOA Awards Committee, would like to remind the membership of the NDTOA that nomination forms for the 2012 Grassroots Government Leadership Award can be obtained from Al Bekkerus or Ken Yantes. See page 2 for contact information.

This is a very prestigious award which recognizes the lifetime efforts of a well deserving township officer. If you have an officer that you think has served your township above and beyond the call of duty, please consider nominating him or her for this award.

The award nominations form and the criteria statement will be in the October newsletter if you wish to use them instead of getting them from a committee member.

## District #4 Director Appointed

*On June 30, 2012 the State Board of Directors appointed Leon Monke of Regent, ND to serve on the NDTOA State Board of Directors as the District 4 representative.*

*Leon is a Rifle Township Officer and a member of the Hettinger County Township Officers Association Board of Directors.*

*He will hold the directorship by this appointment until the next annual meeting on December 3, 2012 where he then can be elected to serve a 2 year board position as the by-laws allow.*

# NDTOA Executives Attended the Four-State Meeting

by Roger Olafson, Vice President

Several members of the ND Township Officers Association attended a multi-state conference in Siren, Wisconsin on June 28th and 29th.

This conference was hosted by the Wisconsin Towns and Townships Association and also included attendees from Minnesota and South Dakota as well.

Those representing NDTOA were Larry Syverson, Roger Olafson, Steve Ginsbach, Bruce Krabseth, and Tom Moe. Ken Yantes was unable to attend as he was called on to represent NDTOA at a committee meeting in Bismarck being held at the same time.

There was much information disseminated and discussed in such a short conference. A representative of each state association gave a brief report on their legislative successes (and failures) and some of the issues they are dealing with as a state board.

Some problems are quite consistent across the entire four-state area while others are unique to a certain state especially dependent on the difference in the laws of each state.

One presentation had to do with the problems of accelerated road deterioration in areas of high heavy vehicle use (i.e. large livestock operations using large tankers to haul manure to fields and other commercial development in the rural areas).

Part of this presentation included a review of a road weight study using different vehicle configurations and recommendations on ways to reduce the damage impact and improve the life expectancy of the roads.

Another interesting presentation dealt with the frac sand mining issue. It showed the importance of good forward planning (zoning) as one township had ordinances in place.

The sand mining in that township was orderly and caused little local complaints while another township had no ordinances which the sand mining company took full advantage of (i.e. hauling seven days a week) and caused a lot of problems for the locals.

President Syverson gave a report on Measure 2 that was on the June Primary Election. There was much interest and questioning on this from the other state delegates as the passage of Measure 2 would have made North Dakota the first state to eliminate property taxes as a way to fund local government and other entities.

After attending the last three multi-state conferences and listening to attendees from other states, I have concluded that township officers in North Dakota need to be more cognizant of their duties—do's AND do not's—as a township officer.

## The Country Lawyer cont'd

**Q.** We've got an unincorporated village in our township and the kids have been driving their four-wheelers all over the place and generally raising havoc. We've been thinking about appointing a constable to oversee. Can we do that?

**Answer:** The office of Township constable was eliminated by the 1989 Legislature. Having a local constable, while a good idea in

North Dakota Century Code gives township officers a lot of power and authority not seen in other states and a relatively easy way to change something we don't like.

I hear a lot of people complain about our open meetings requirements but ours are pretty lax after listening to what other states require for advance notices, etc.

There are those who think township form of government should be eliminated and every time the laws aren't followed gives them another bit of ammo for their argument.

As Tom Moe has many times at the annual state convention so eloquently put it, "Don't screw this up."

**Check out our  
website:  
[www.ndtoa.com](http://www.ndtoa.com)**

theory, provided way to much liability for townships, especially when the constable had no professional training or licensing as a peace officer. Your only remedy for the four wheeling kids is via the county sheriff's office--maybe you can get one of the deputies out to talk to the kids as a group.

## Comments from District 5

Barb Knutson

Summer is fast ticking away. Time for another *GrassRoots Report*. I have been working on the mailing list and I am on a quest for “current” officers.



I have to say that the township officers seem to be more up to date this year than in years past. There are still townships out there that have not sent their officer’s list to the county.

Their list is only as good as what we provide them with. I am still missing some county lists also. Please! Get your officers lists to the counties, if you have not done so.

Ask your fellow officers if they are getting the *GrassRoots Report* and if they are not, let me know. It is important that new officers get on this list as soon as possible. I really appreciate those of you that have e-mailed me with updates.

The dues are coming in at a good rate, but there are still several counties that are not in and individual townships that have not paid their dues.

Counties, please be sure to send a list of paid townships, if you are paying for less than the entire county. We are asking that you get them in to us, as soon as possible so they can be counted in the current year’s business.

The end of the fiscal year is October 31st. Hope you will help us out with that.

The Board has been very busy with meetings because there is a lot going on in the state and we would like to keep you as informed as is physically possible.

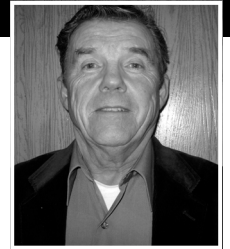
This is a reminder to check in on the web page at [www.ndtoa.com](http://www.ndtoa.com) If there is something you think would be of value that we are not currently putting on the web, let us know. We will see what we can do. Current information is priceless.

**REMINDER:** The Annual convention is coming up in December in Bismarck. Watch the *GrassRoots Report* for specific information. We are working on having a good and informational program. Hope to see many of you there!

Thank you all for what you do in your own townships. It is important to our state and communities.

## Comments from District 3

Al Bekkerus




Is tiling coming to your township or is it in place already? Due to wet conditions these past years in North Dakota, a fairly large number of landowners have resorted to tiling in order to improve productivity of their land.

Township supervisors need to notify their county water board that a landowner may have or may be planning to install tile. It is important to know where the water outlet is going to be placed (i.e. road ditch, or pumped into a coulee or run into a legal drain or river.)

If the plans are for the water to run into the township right-of-way, what is that going to do to the stability of the township road? The tiler may have to install pipe or grade the ditch so that the water flows and does not pool, creating a liability issue for the township.

The township should have a written easement with the landowner so that they realize that any work done in the township right-of-way will be at the landowner’s expense.


The landowner must assume all liability for work done in the township right-of-way.



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ken@ndtoa.com  
Co-editor: Kathy Holte

**Check out our website: [www.ndtoa.com](http://www.ndtoa.com)**

Are your newly elected township officers receiving this newsletter? Please let us know when to add and/or delete a name from our mailing list. Send your information to:

**BARB KNUTSON**  
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1. Your name, title, mailing address and phone number.
2. Your township name and county.
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