

SOUTH DAKOTA ASSOCIATION OF TOWNS AND TOWNSHIPS

351 WISCONSIN SW STE 101, PO BOX 903 HURON, SD
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 EMAIL: SDATAT@SDTOWNSHIPS.COM - WEB: WWW.SDTOWNSHIPS.COM

FALL 2022



December 2nd & 3rd
 SDATAT Annual Meeting and SDLTAP Road Show
 Sioux Falls Best Western plus Ramkota Hotel
REGISTER BEFORE NOVEMBER 10TH FOR CASH DRAWINGS!

.....Tentative AgendaTentative AgendaTentative AgendaTentative Agenda.....

Friday December 2nd

Road Show: Over view of township road maintenance, preservation, shoulder pulling, emergency repair and basic signing.

Township Budgeting: Discussion on typical cost of road and ROW maintenance, planning for projects that exceed the annual budget and how to fund them.

Culvert Management: Supervisor's duty, inspections, installation specs, clean outs, and preservation.

A View from the State: Secretary of Transportation Joel Jundt will share an update of various federal programs and projects.

New Clerk & Treasurer Training: Learn from seasoned officers essential duties and best methods to do your job well.

Hydrologic and Hydraulic (H&H) Studies: The when, why and how these studies are needed and useful for townships.

Rural Access Infrastructure Fund Panel: Presentation and discussion of the grant application process. Time for questions and answers to all your questions.

Compliance and Auditing Books: What are the guidelines to remain compliant pertaining to open meetings? Bids? Reports? Auditing books?

Standing Water Issues: Drainage ditches, new culverts, downstream issues...

Saturday December 3rd

Opening Ceremony

Welcome to Sioux Falls
 From Mayor Paul TenHaken

First Reading of Proposed Resolutions

Pipeline Safety– PUC Safety Manager Mary Zanter will share insights.

Township Funding Sources– Auditor Ben Kyte from Minnehaha will give an overview of the various sources of funds and available alternative funding options.

Your Equalization Meeting: Chris Lilla, Minnehaha Director of Equalization will review the when, why and how to's.

Insurance Matters: A presentation on various claim situations, what to look for and possible mitigation efforts.

FEMA: Jim Poppen and Amanda Vander Platts will share new assessment tools to simplify the claim process when and if the next disaster happens.

AWARDS Lunch: Recognition and presentation to recipients of the 40 Year Service Award, Scholarship essay winners, and 100% membership recognition.

SDATAT Business Meeting

Door Prizes

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All registrations received by November 10th
 will be eligible for one of "5" Early Bird Cash Drawings.

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PRESIDENT'S COLUMN

By Dustin Leiseth

Two things I want to discuss... My evaluation of the Value your membership brings to SDATAT and how it correlates to the Value your membership with SDATAT brings to your township. They both can be quantified, yet it goes beyond just the numbers too. Your membership dues help fund multiple things. It starts with an Executive Director and Board of Directors that are knowledgeable, confident, determined, and yet, fearless when faced with adversity. Legal advice from our attorney John Delzer, whom the Association has on paid retainer. A Lobbyist, Kody Kyriess, in Pierre who is in the Capitol during legislative session most every day, assisting to protect and create township funding sources and preserving the rights and authority of townships. Our office provides members extensive amounts of information from haul road agreements to eligible grants to RAIF documents and on and on.

Now the quantitative discussion. In the past two years, we have established the Rural Access Infrastructure Fund and procured funds for this program through 2025 in the amount of \$31 million. Also, we protected \$700,000 in gas tax refund dollars allocated to counties and townships, of which \$280,000 goes to townships, that the South Dakota Conservation Districts attempted to legislate away from us and back to them.

So, over a 4-year state fiscal period, 2022-2025, going back and looking forward at this time, townships have paid and will pay approximately \$500,000 in membership dues. Looking forward, if we accomplish only this through our efforts during the next 2 years, for every \$1 of membership dues, SDATAT has legislated over \$60 back to townships on average. SDATAT continues to bring value qualitatively as always, but the quantitative numbers are the WOW factor!

We believe we may need to make some changes going forward to improve on our efforts for townships out in Pierre and in the office in Huron. It starts with people, additional staff. We will

be analyzing the cost versus the benefit to having lawyer hired on full time and hiring an additional assistant. Obviously, this will take additional funding, which directly correlates to increasing membership dues. We want to do more, and we think we can do more. We need your feedback and your support as well as we lay out our course for the future.

Dustin



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Lonnie Heibult 605 360 4958
Sam Wurtz 605 360 2497
Blaine Weippert 605 941 5832



SOUTH DAKOTA ASSOCIATION OF TOWNS AND TOWNSHIPS(SDATAT) ISSN 1072-2505

Published quarterly to provide information, education and technical assistance to local governments, by the

SOUTH DAKOTA ASSOCIATION OF TOWNS AND TOWNSHIPS, PO BOX 903, HURON SD 57350

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Jim Urban Director.....District 6	Jim Puffer, Director.....District 7	VacantDistrict 14

*If readers have any comments, corrections, submissions or display ads for this publication, call: 605 353-1439 or FAX (605) 352-5322.

****Qualify for Early Bird Cash Drawings!! Register by November 10th****

SDATAT ANNUAL MEETING REGISTRATION FORM * DEC 2 & 3, 2022

Name _____ Position _____

Phone _____ Township/Sm Town _____ County _____

Address _____ City/State/Zip _____

Email _____ TOTAL Included \$ _____

Add \$10.00 late fee after 11/10/2022

Rate for Townships Board, Small Towns and Spouses Only:

X the meals you should be served.

Both Day 1 & Day 2 - \$50 Lunch Evening Banquet Breakfast Lunch

Day 1 Only - \$40 Lunch Evening Banquet

Day 2 Only - \$30 Breakfast Lunch

Spouse Program- \$15 & PAY your regular \$50 registration fee. Name _____

Spouse check the meals we should plan for you: Lunch Evening Banquet Breakfast Lunch

Rate for other than Township and Small Town Board and Spouses:

X the meals you should be served. (Paying online at sdtownships.com will include a PayPal fee)

\$75- Both Day 1 & Day 2 Lunch Breakfast Lunch all breaks included

\$40-Day 1 add evening banquet

\$30- Day 1 Only Lunch all breaks are included

\$30-Day 2 Only Lunch all breaks are included

Send Registration & payment to:

SDATAT Annual Meeting

PO Box 903

Huron, SD 57350

Hotel Reservations under the SDATAT block are due by November 12, 2022

SDATAT will pay \$25 towards members (state rate \$75 plus tax)

Friday December 2nd evening hotel stay

Best Western Plus Ramkota Hotel

3200 West Maple Street Sioux Falls SD 57107

For Hotel Room Reservations Call: 605 336 0650

Ask for Towns and Townships block

South Dakota Local Transportation Assistance Program **SDLTAP**

Winter Road Preparation

Phone: 605-688-4185
Toll Free: 800-422-0129
Email: sdltap@sdstate.edu

It is that time of year again when township supervisors must consider preparing roads and the Right of Way for the winter months ahead. This happens each year and the ones who prepare properly see a decrease in winter maintenance activities and costs as well as a decrease in complaints from the residents.

Things to consider in preparation for Winter:

- Mowing of the road ditches to prevent snow build up.
- Decreasing gravel windrows so they are not plowed off during snow removal. If you are caught with a windrow at the end of the year, please try and place them on the East and South side of the roadway to reduce drifting. Also consider removing other objects from the ROW which may lead to snow traps. These items include hay bales, trees and shrubs, farm machinery and any other items which can trap snow.
- Proper snow removal is also important. When winging or pushing snow back from the roadway, always try and taper the bank so the snow can blow across the roadway. Creating snow ridges will make removal more difficult the next time and the snow needs to be plowed. I have included a few laws below pertaining to weed removal.

31-31-2. Weed removal on township roads--Duty of abutting landowner.

The owner or occupant of any land abutting or adjoining upon township roads shall cut, remove, or destroy or cause to be cut, removed, or destroyed, grass, weeds, trees, crops, and brush growing on or in the right-of-way of such roads, provided that such roads are left in such

condition that any and all undergrowth thereby or thereon can be cut with a mower. A violation of this section is a petty offense.

31-31-3. Time for weed removal.

Grass, weeds, trees, crops, or brush referred to in §§ 31-31-1 and 31-31-2 must be cut, removed, or destroyed between the first day of September and the first day of October of each year, or between dates annually fixed by the board of supervisors.

31-31-5. Failure of abutting landowner to remove weeds--Removal by board of supervisors--Compensation for removal.

If the owner or occupant of land abutting upon or adjoining township roads does not cut, remove, or destroy, or cause to be cut, removed, or destroyed, the grass, weeds, trees, crops, or brush in the right-of-way of such roads between the first day of September and the first day of October, or between the dates annually fixed by the board, the board of supervisors of the township in which the land is located may employ a person or persons to immediately cut and remove the grass, weeds, trees, crops, and brush on or in the right-of-way of such township roads with compensation at a rate to be fixed and paid by the board.

31-31-6. Payment for cleanup by landowner or township --Election to determine.

The voters at each annual township election shall by majority vote determine whether the amount paid for the

Continued on page 6 SDLTAP

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See you at "The Road Show"
presented by Greg Vavra and the SDLTAP team
at the SDATAT Annual Conference
December 2nd & 3rd
Sioux Falls Best Western Plus Ramkota
SIGN UP NOW!

SDATAT 40+ YEAR RECIPIENT AWARDS

Small town and township board members who have served a minimum of 40 consecutive years and are currently serving on their town/township board are eligible for the SDATAT Service Award (if they have not been previously recognized). The awards will be presented during the SDATAT Annual Meeting to be held in Sioux Falls SD, Dec. 2nd and 3rd, 2022. The Awards Luncheon will take place on Saturday, December 3rd after lunch.

Please include all information on the application form and include other interesting things you would like included in your biography such as children and grandchildren and/or other accomplishments.

Please send this form, *along with a picture*, to SDATAT, PO Box 903, Huron, SD 57350 or email to: sdatat@sdtownships.com - **NO LATER THAN NOVEMBER 7, 2022**

Name: _____

Address: _____

Occupation: _____ Phone: _____

Cell _____ Email: _____

County: _____ Township: _____

Position on Board: _____ Since(Year): _____

Spouse: _____ Occupation: _____

Will **you** be present to receive your award? Yes / No / Other Person _____

Name of your children:

Number of grandchildren (great grandchildren?):

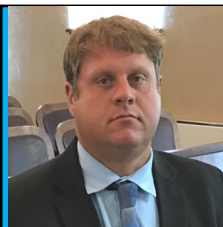
Are you active members of any other organization?

Do you have any other accomplishments and/or awards you would like to have mentioned?

Please attach picture and let us know if it is to be returned.

++You and your spouse will be honored with free Saturday registration++

If you attend Friday, you should only pay the registration fee of \$40.



LEGAL INSIGHTS

Snow Removal Questions Addressed

By John Delzer, Attorney

19553 U.S. Highway 81, Suite 2, Arlington, SD 57212. Phone (605) 983-9900.



With the arrival of fall and colder temperatures, thoughts of possible snow fall events are potentially just around the corner. While many areas of South Dakota have had relatively mild winters for the past few years, with costs associated with snow removal being less than expected, it is only a matter of time before Mother Nature lets loose with an above-average snowfall year. When that year comes (whether it is the coming winter or beyond) townships should be proactive and try to budget for snowfall removal to the best of their ability.

One issue with snow removal is just how expensive it can be. As we all know the same problem areas on roads can drift in repeatedly for weeks and months, with the expenses for removal mounting every time, as opposed to placement of gravel or culvert replacement which can be planned better and the same expense does not recur several times over the course of a couple of months. With budgets for most townships being the limiting factor for snow removal, a couple of ideas that pertain to costs associated with snow removal may be of help to your township:

⇒ For roads that are not mail routes and/or school bus routes, if the township has declared those certain roads to be minimum maintenance, and if the supervisors deem the cost too high for removal of snow on these roads, the roads are effectively closed until the snowdrifts melt in the spring. For all roads that are not posted as minimum maintenance, there is some authority in the form of a South Dakota Attorney General Opinion from 2011 that states that townships have a mandatory and unequivocal duty to removal snow from secondary roads. This duty has to be reconciled with the existing budget that a township has in any given year, and often times invokes the saying “that you simply cannot squeeze blood out of a turnip”.

⇒ SDCL 31-13-22 provides for a snow removal reserve fund that townships may levy up to sixty cents per thousand dollars of valuation. This levy is in addition to all other levies that the township may be currently utilizing. This reserve fund can only be used for snow removal, and can be built up during years of limited snow removal needs to be used in the inevitable year where the roads are impassible due to snow.

⇒ If the township has not implemented a snow removal fund, or has depleted its existing reserve, the township is authorized to borrow money from a lender or to issue warrants for payment of invoices for hired snow removal.

⇒ While the idea is probably not the most popular with many residents of the several townships within the state, township supervisors are always entitled to call a special meeting to explain the budget shortfalls concerning snow removal within their township, and make every resident within the township responsible for their own snow removal to facilitate ingress and egress from the township during the winter months.

In my opinion, the best strategy is for a snow removal reserve fund that can accumulate the appropriate funds for when the weather conditions during the winter demand significant expenditures in the form of snow removal. For any township that has not implemented this fund, or is contemplating doing so, time is of the essence because once the blizzard arrives, it is too late to be seeking funds.

This article is not intended to provide legal advice to our readers. Rather, this article is intended to provide some common-sense answers to complex legal questions. If you have specific questions you are encouraged to contact the attorney of your choice, or me, John Delzer

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Insurance Matters— Bonding Township Clerk & Treasurer By Tami Schwebach

Bonding is an important part of protecting your township, but it's something we rarely talk about. Many townships take out bonds and perhaps aren't sure exactly what they are paying for. In addition, many township officers refer to bonds and insurance as if they are interchangeable, but there IS a difference between them.

Insurance is designed to protect the township from a loss. In a property claim, if the township owned a building or a motor grader, and that property sustained a loss, insurance pays the township the applicable amount to restore them to their pre-loss condition. In a liability claim, insurance protects the township from the financial loss of having to pay a claimant what is legally due them from a loss caused by the township's operations. For example, in the event of a bad accident that was a direct result of a township's negligence in signing or posting a barricade, insurance will pay for the property damage and/or medical bills resulting from the accident. Even though liable for the loss, the township does not have to pay those bills from their funds. Insurance also provides for legal defense.



In both property and liability claims, insurance pays for these losses but does not ask the township or its officers to pay those amounts back to the insurance company.

Bonds are something else entirely. While they also protect the township from loss, the whole process is different. Bonds provide coverage for a financial loss caused by the bonded officer (usually the clerk and treasurer, although our agency does bond a few supervisors) who embezzles money from the township's treasury. The surety company would reimburse the township for those lost funds but then pursues the bonded officer for reimbursement of those funds. As

part of the underwriting process for a bond, the township officer's credit is usually checked because the surety company wants to make sure they are a safe risk. I've actually had a few officers whose bond applications were rejected due to their credit information.

You may not know that when a township officer applies for a bond, they are agreeing to pay a premium to the surety company for the privilege of being bonded, but they are also promising to pay back the money the surety pays in case of a claim. The township does not have to become involved in this process; it is between the surety company and the bonded officer.

South Dakota Codified Laws 8-6-1 and 8-7-1 refer to the requirement that both the township clerk and treasurer be bonded and specify the amounts they need to consider. For both clerk and treasurer, the amount shall be approximately equal to the sum of money that the township is expected to receive in any one fiscal year or two hundred

thousand dollars, whichever is less. Bonds can be purchased through a surety company such as EMC Insurance Company or through a pool arrangement such as the bond provided by the SD Association of Towns and Townships.

I hope this gives you a better idea of what a bond covers versus what your township insurance covers. As always if you have any questions, I am happy to help, you may call your township's insurance or bonding agent, or you can call the Association if your township has its bonds with them.

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Secondary Road Capital Improvement Fund

Are you familiar with this fund?

You may know it by other terms such as \$.50 per thousand, Road and Bridge Levy or even as SB1. Its use is defined under **10-12-28.2. Authorization of tax levy for secondary road capital improvement fund.** The voters of an organized civil township at the annual township meeting may authorize an annual property tax levy not to exceed fifty cents per thousand dollars of the taxable valuation of the township for the secondary road capital improvement fund for projects and purposes as defined in § 31-13-3.1. The secondary road capital improvement tax levy authorized by this section is in addition to the levies authorized in §§ 10-12-28 and 31-13-22. Any tax levy imposed pursuant to this section is exempt from the tax limitations imposed on a township pursuant to chapter 10-13.

- Allows for up to 50 cents /thousand levy for road and structure improvements
- Is in addition to current levies
- Must be approved each year and can only be passed at the Annual Meeting of townships.
- The township clerk must inform your County Auditor of the passing levy by providing minutes of the meeting with the vote outcome.

Important discussion will be taking place during the Conference and Annual Meeting.

Please register today and share your voice to help make a difference for townships in South Dakota.

1. Dyed fuel use for road & ROW maintenance
2. Clarification of RAIF language
3. Broader eligibility for RAIF
4. Clarification of process for township to merge, divide or reorganize
5. Clarification of township voter eligibility
6. Prescribe process to challenge voter

SDATAT OFFICE INFORMATION

Executive Director : Terry Sletten

Office Assistant: Susan Walton

Phone: 605 353 1439 (office)
605 936 3883 (cell)

Email: sdatat@sdtownships.com

Website: sdtownships.com

Attorney: John Delzer

Phone: 605 983 9900

SDLTAP: 800 422 0129

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Snow Removal & School Routes

31-13-1.3. Designation of full and minimum maintenance roads at annual meeting--Map. The board shall, at its annual meeting, designate which township roads are full maintenance roads and which are minimum maintenance roads. The board of township supervisors shall publish any resolution designating a township road as minimum maintenance if the road is a school route. The designation is final, after a lapse of thirty days, unless appealed as provided in chapter 31-3. Following its annual meeting, the board shall submit to the county auditor an official map showing each road on the township road system, including any road designated as a minimum maintenance road.

31-13-29. Authority of township to open snowbound roads used for school bus routes. When any highway within any township is regularly traveled by a bus or other motor vehicle used for free transportation of school children, the township board may, in its discretion, open snowbound roads and keep them passable for such vehicles. Such expense shall be paid from the general road fund.

Note: Be sure to contact the **School District, Post Office and Emergency Services** of changes along with proper signage.

Notice to the Traveling Public

31-32-10. Duty of governing body to give notice of dangerous road--Time for notice--Guards--Guards along abandoned road-way--Violation as petty offense.

If any highway, culvert, or bridge is damaged by flood, fire or other cause, to the extent that it endangers the safety of public travel, the governing body responsible for the maintenance of such highway, culvert, or bridge, shall within forty-eight hours of receiving notice of such danger, erect guards over such defect or across such highway of sufficient height, width, and strength to guard the public from accident or injury and shall repair the damage or provide an alternative means of crossing within a reasonable time after receiving notice of the danger. The governing body shall erect a similar guard across any abandoned public highway, culvert, or bridge. Any officer who violates any of the provisions of this section commits a petty offense.



Important:



Call 911 to alert emergency responders 24 hours ahead if your township road work requires it be closed to traffic .

Resolution Submission For the SDATAT Annual Meeting

GENERAL INFORMATION

When South Dakota Association of Towns and Township (SDATAT) members would like to set a point of view or action that they believe should be acted upon by SDATAT, a resolution is written. A resolution is a formal written request to the SDATAT 's membership to consider changing/adding to one of its policies. Every active member of SDATAT has the right to compose and submit resolutions to the SDATAT membership at its Annual Meeting. This course of action is a fundamental way in which the members of SDATAT express their ownership of the association.

Resolutions are of vital importance to SDATAT because they form the policies in the official policy document which guides SDATAT. The Board of Directors uses the resolutions passed at the Annual Meeting from the previous year as a compass for the action they must take in the following year. Your resolutions will play a major role in directing SDATAT for years to come.

PARTS OF A RESOLUTION

The format of a resolution is not complicated. Each resolution includes:

- 1 Title of resolution including topic covered.
- 2 Supporting information which includes any background information as to why the resolution is being proposed. These statements should represent a brief but persuasive argument as to why the members should approve your resolution. (These statements are not printed in the official policy document).
- 3 "Be it resolved" is the "resolution proper" which describes the proposed changes in the official policy document. This part of the resolution should specifically designate the actions that you wish to accomplish.
- 4 The name(s) author.

SENDING IN RESOLUTIONS

Any members that are considering proposals are encouraged to take action and submit by the deadline established by SDATAT. The SDATAT requests that the resolutions, if being mailed, be sent to arrive on or before the third Friday of November; or may be presented in person to the committee the first morning of the conference. At the convention, the authors of resolutions can work to get their resolutions passed. Please refer to the Parliamentary Procedures guideline that explains Robert's Rules of Order Revised for debating the resolutions, which can be found on the sdtownships.com website.

RESOLUTIONS COMMITTEE:

Tom Bisek, Chairman	701 212 3426
Travis Paulson	605 880 9797
Ted Petrak	605 730 3115
Dustin Leiseth	605 520 0996
Pete Fahlberg	605 957 5116

Format For Resolution Writing

Resolution: *(Title)*

Subject: *(list topic covered. One resolution is required for each topic)*

Old Resolution Or Amendment Typed Here If Applicable

1. **WHEREAS**, (List the supporting information for your topic with the first letter of the first word being capitalized and all lines double-spaced; and
2. **WHEREAS**, (Use as many Whereas paragraphs as necessary, limiting one idea per paragraph); now, therefore,
3. **BE IT RESOLVED**, that (State your desired action as specifically as possible and reference specific sections of the Constitution and Bylaws to be amended if necessary.) (No handwritten resolutions will be accepted. Number all lines of the resolution text. Double space all lines in this part of the page.)

Submitted by: (to include Township/County)

Action taken: (Adopted by two-thirds majority vote of _____ or Not Adopted.)

Date: (Date Submitted)

Effective Time Period: (If this resolution represents a permanent change declare "Ongoing." If the resolution is of a short-term nature, specify a date that this resolution could be removed from the Policies Section since the resolution would no longer be in effect.)

South Dakota Association
of Towns and Townships
PO Box 903
Huron, SD 57350

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Huron, SD 57350



THANK YOU
FOR ALL YOU DO!

Stay Safe
.... Count your Blessings...
Look out for Others

Photo credit to Brad Wedel, Yale, SD