



SEPTEMBER 2007
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The Official Newsletter of the ND Township Officers Association • NATaT Member

Township Payroll Tax Exemption Sought

NOW is your chance to eliminate the necessity of reporting Township Officer Payroll Withholding Taxes!

Senator Kent Conrad's office has agreed to try to do this for us through congressional legislation. He needs your help!

This is our one and only opportunity to do away with this costly and time consuming burden.

Please take a few moments to fill out the form at right and mail to Ken Yantes, P.O. Box 104, Brockett, ND 58321. He will hand deliver these forms to Senator Conrad in Washington, DC on September 6, 2007.

Thank you for taking the time to complete the form.

Dear Senator Conrad,
 I wish to provide you with the following information regarding township payroll reporting to the IRS.

In _____ Township, _____ County, we have ____ officers, paid at \$20 per day who receive more than \$1 but less than \$1300 per year.

Our Township withholds approximately \$_____ in annual payroll taxes.

The costs to our township on an annual basis to process, withhold, and report these federal tax payments for the above positions are approximately _____dollars or _____hours of effort.

We are in support of introduction and passage of a bill to eliminate this burden to local township governments.

Yours truly,

_____,
 _____ Township office
 _____ Township _____ County, ND

2007 ND LTAP EVENTS

Annual Local Roads Conference
 October 16-18
 Rapid City, SD

Bridge Maintenance
 November 6 - Oakes, ND
 November 7 - Devils Lake, ND

Winter Road Maintenance
 Tentative – Fall

2008

Asphalt Conference
 March 25-26
 Bismarck, ND

CAFO's Zoning Deadline Set by Law

All townships that have CAFO'S zoning regulations on file must file them with the ND Department of Health.

Any new regulations established by a township are not effective until filed with the State Department of Health

for inclusion in the central repository.

It is the duty of the clerk of a township to do the filing with the ND Department of Health Water Quality Division, 918 E Divide Ave., 4th floor, Bismarck, ND 58501-1947.

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President's Message *Chuck Thacker*

It sure is hard to believe that our summer is fast slipping away. Where has it gone?

Harvest is going full speed ahead with good grain prices and bountiful yields. I hope you all take time to do your work on the safe side.

It has been a busy summer due to many meetings involving taxation and the ACIR meetings. We are letting our voices be heard.

A very informational and productive meeting was held at Fort Ransom on June 8th. It was well attended.

Our meeting in Watertown, SD with NATA was also a very informative meeting. There were representatives from four states in attendance. Ken will have comments in his report on the meeting.

Zoning is a big question. I still urge township officers to get it done before it's too late and you lose all your control of your township. There will

be more discussion at our annual meeting December 3-4, 2007 in Minot at the Grand International. Be sure to mark those dates on your calendar!

We are planning some good workshops and interesting speakers for the annual meeting.

As usual, there will be a few good door prizes which includes a one night stay at the Grand International and a Terry Redlin painting. Great entertainment for your enjoyment has been set.

We urge all township officers to attend and show your support.

For all the past presidents of NDTOA—don't forget the President's breakfast with me as I would like to meet many of you.

Until next time, have a good, safe harvest!

NOTE: The next *Grassroots* newsletter will have more information on the annual meeting.

Secretary's Corner

Ken Yantes, Executive Secretary

During the 2007 Legislative Session, Larry Syverson and I worked on legislation which would reduce city extraterritorial jurisdiction to half of what it had been for the last 10 years.

We were successful in helping to pass HB1321 which did exactly what we wanted. We were not alone on this issue; we had a lot of township officers testify in favor of this issue.

It is now time for you to come back to help write the future legislation on this subject as the study resolution on this bill is now being heard in the interim study committee called the Advisory Commission on Intergovernmental Relations (ACIR).

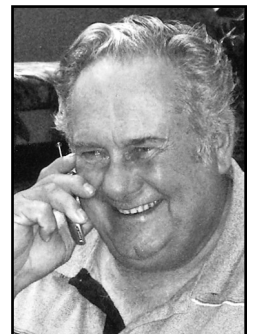
Township input is needed to give this committee direction in what and how

city expansion should be handled in North Dakota.

Please check the Internet on interim committee dates and agendas for the next meeting of the ACIR.

This committee will be developing new legislative bill drafts on this subject and they need your input. I am your representative on this committee and I want you to keep me in tune with your wishes.

I plan to fight for you with all the wisdom I have developed through serving you for the last 30 years.



Notes from the Treasurer

Barb Knutson

Just a note to let you all know that things are going very well with our finances. Thanks to those of you that have paid timely and furnished us with changes in your officers.

As the due date for dues is December 1st, and they become delinquent on April 1st, we do have some payments that have become delinquent.

It is my best hope, that with your help, we will get these dues coming in on time. I realize that some of you have paid at the same time every year, for many years, but we need to get back on the proper time frame.

Some of you have already done this. For those of you who have not, we look forward to getting there. Our fiscal year ends the 31st of October, so I am asking that dues that are still out there, be paid by that time.

Our finances are looking very good at this time—better all the time. This is what makes it possible to serve you in a proper way.

Our organization has made some great strides in the last year—not without a lot of effort from many people but it is coming to fruition, and it is very gratifying to see this.

The board has been striving to take our organization in the direction of sustained growth. We are doing all we can to help the townships across the state, and on the national level.

We have worked very hard in the legislative session this past season. Ken Yantes, our representative to NATaT, is making a real difference on that level also.

I have really enjoyed the communications I have had with officers. This is the only way I have of knowing what you need.

Keep up the good work and I hope to see many of you at the December annual meeting in Minot.

Benson County FEMA Meeting

by Ken Yantes

The recent attendees of a meeting to surface information about a future audit of all FEMA sites in Benson County included the following: Benson Co. Township Officers President Erling Karlsbraaten, Ramsey Co. Commissioner Joe Belford, Ramsey Co. Highway Superintendent Kevin Fieldsend, Towner Co. Commissioner and President of the Association of County Commissioners Kenny Tuebner, Ken Yantes Executive Secretary of the NDTOA, Past President of the Association of Counties Barry Cox and other dignitaries from Towner, Ramsey and Benson Counties.

Karlsbraaten had called this meeting to see what could be done about the impending FEMA audit in Benson County.

The last time that FEMA audited Benson County it cost the county \$87,000 because the townships could not prove payment of 15% of their share of the costs.

The federal audits are very site specific and comprehensive. Chuck Thacker, NDTOA State President and Felson Township Officer in Pembina County, said his township had just gone through a comprehensive audit.

Every site was proven to have the specific quantity and quality of product placed exactly where the township had agreed to in the FEMA proposal.

Your state association cannot suppress a federal audit. We can tell you to be sure you can justify the amount of dollars spent and product used as you will be required to prove your work and dollars spent for each site. FEMA officials will check each site.

Thacker said the best way to deal with federal auditors is to be honest and forthright about everything you have done or left undone.

ND Interim Tax Committee Meets

The ND Tax Committee met on July 18, 2007 in the Prairie Room of our State Capitol in Bismarck. Representing the NDTOA were State President Chuck Thacker, Treasurer Barb Knutson, Lobbyists Larry Syverson and Ken Yantes.

Committee Chairperson Senator Bob Stenehjem called for staff person John Walstad to review the 2006 statistical report of property taxes from the Red Book prepared by the ND Tax Commissioner's office.

Stenehjem called for the tax department to comment on the counties that have not implemented the soil survey information in agricultural property assessments. Eighteen had not complied with the survey to date.

Property reform and relief was discussed in detail.

The ND School Boards, Counties and Cities submitted testimony that indicated their reliance on property taxes.

Legislative Council gave a presentation on background material relating to the income tax study and the oil and gas revenue allocation study.

The next meeting of this committee will bring out the need for townships to defend being a governmental entity in North Dakota.

The move is on to eliminate some of our "too many entities" and being the smallest and most numerous it looks like we will be asked to justify our existence.

Would you like to help with this task? Contact a State Board member for further information.

NATaT Report

The Multi State meeting held in Watertown, SD laid the ground work for cooperation between the leadership of South Dakota, Minnesota, Wisconsin and North Dakota Township Officers.

This degree of cooperation will be carried to the NATaT annual meeting held in Washington, DC on September 4-7, 2007.

This meeting will feature a legislative agenda including visits to our congressional representatives and senators.

Agreements entered into between NATaT and the Ferguson Group have enabled NATaT to become a proactive federal policy implementation organization for serving our small communities and townships.

The annual September conference will provide opportunities for NATaT member states to network with each other and share the best practices,

Ken Yantes, National Director

lessons learned and strategies for legislative success in Washington and in their home state.

President Bush and the top three front runners from both Democratic and Republican parties have been invited to speak on their views on sustaining local government services.

There will be an in-depth discussion of NATaT's legislative platform issues to address the future needs of our membership.

Ken Yantes, NDTOA'S National Director will fly to Washington, DC and attend the September conference at the direction of the NDTOA'S Board of Directors.

Ken will submit a detailed report of this conference in our next newsletter. He is scheduled to meet with Congressman Jim Oberstar on the 6th of September regarding the Clean Water Act of 2007.

“Here is the test to find whether your mission on Earth is finished: if you're alive, it isn't.”

-Richard Bach

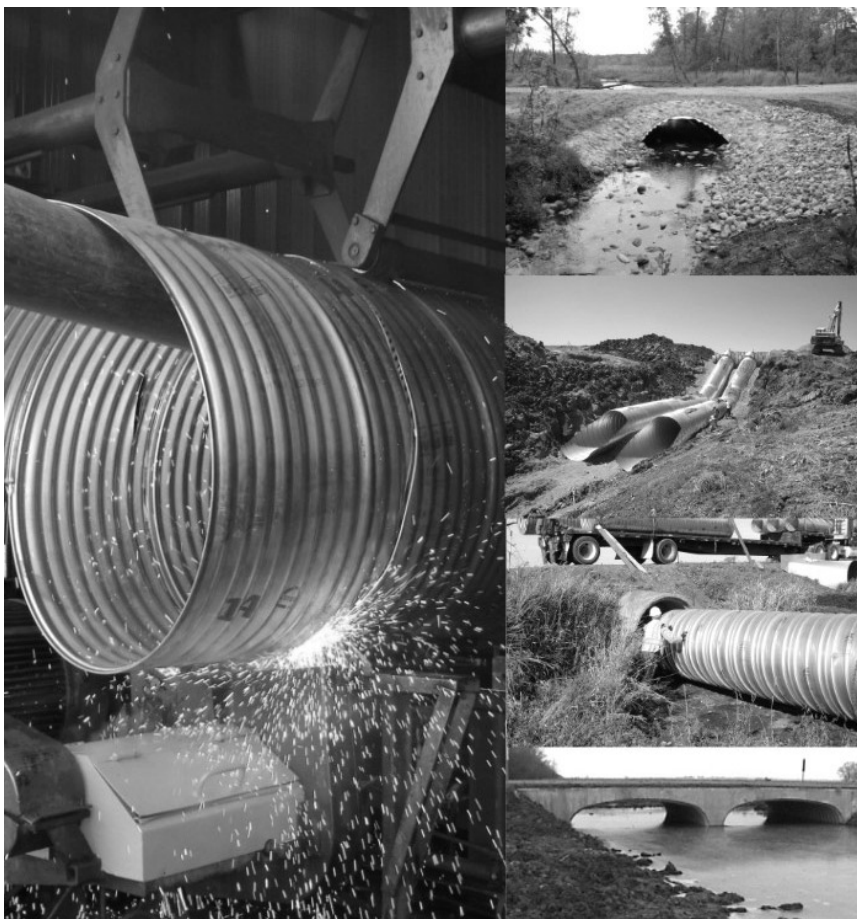
“Life consists not in holding good cards but in playing those you hold well.”

-Josh Billings

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The Country Lawyer

Thomas R. Moe, Attorney-at-Law



Greetings to all! Where did the summer go? Seems like just yesterday that we were itching to go fishing after the ice went out, and here I haven't even wet a line yet this year. Oh well, even if I was able to get out, the guy at the dock would probably just tell me "You should have been here yesterday!" Never fails.

I've noticed several more townships than usual have been able to apply gravel this year and do other road maintenance as well. It's good to see that, but I do get concerned when equipment and gravel piles are left overnight without any warning signs or flags. It is the contractor's job to do this, but the township (road overseer if you have appointed one) should insure that proper warning techniques are used.

Now would be a good time to do a road and sign inspection, after small grain harvest and before row crop activities start. Use the forms supplied by the ND Insurance Reserve so that your inspection trip can be properly documented.

We had a good trip to Watertown, South Dakota, where we met with township leaders from there plus folks from Wisconsin and Minnesota. A highlight was the conference call we had with the Washington D.C. firm that represents the National Association of Towns and Townships (NATaT). It looks like NATaT is responding to our needs very well, as they are paying special attention to several pieces of legislation which affect townships in the Midwest, including Corps of Engineers' jurisdiction over waterways, and the IRS rulings regarding withholding requirements for township officer salaries. I was pleased to note that our local NATaT directors from our four-state region are all impressed with the attention that the NATaT office is giving us here in the Midwest.

While at Watertown, we had a short NDTOA handbook committee meeting. As most of you are aware, new township officer handbooks will be printed soon,

for delivery in time for the 2008 workshops, next February. We've had several years of printing just updates, but it is now time to print the entire book again. Plan on coming to the annual meeting in Minot in December as we probably will have some advanced copies of the handbook by then.

Have a safe fall harvest season. TRM

Q. We have a road in our township that is offset from the section line because of the topography. It's been that way for years. Now, a new landowner (where the road swings off the section line) wants us to close the road because he says it (the road) is on his property. Do we have to do this? We need the road.

A. The fact that the township "needs" the road is important here. Chances are when the road was built (years ago) no easements were obtained. I call these "handshake" easements because the landowner at that time and the township just verbally agreed to build the road there. They may have written something down in the township minute book at that time so it would be worthwhile to check the old records. If you can find nothing in writing anywhere, then you may have to get a Court-ordered easement, assuming the new landowner won't cooperate. It should be relatively easy to establish the history of the road for the Court's review, and because the township needs the road, the public necessity should be easily shown as well. This situation sure points up the need to write this stuff down!

Q. Who pays for culverts under driveways—the homeowner or the township?

A. Generally, culverts under approaches and driveways would be the responsibility of the landowner. But, I know of several townships that pay for one or two or all approaches per landowner, or one driveway per home site, etc. It's up to each township to establish its own

policy, as there is nothing in state law which addresses this.

Q. Should we put up a "school bus stop ahead" sign—or should the school do that?

A. I think it would be the road authority's call here. This is one of those advisory-type signs; i.e. to alert the driver of a condition up ahead: curve signs, slow children, etc. If you have determined that a potential problem exists because the driver can't see the upcoming bus stop, then a warning sign seems appropriate. It's really not the school's issue, because it is the township that is responsible for safety of the road and to others using the road.

Q. We may be one of the townships in Eastern North Dakota where the oil pipeline from Canada is coming in. What will be our responsibility in all this?

A. My understanding is that the pipeline company has already notified landowners along the proposed route seeking easements. They should be contacting the townships (and Counties) for permission to go under public roads. I haven't heard if they will be boring or trenching, but either way, they should contact the townships about their work. You would want to document for future reference the location, etc. and you should demand that any damage done to the road because of this work be repaired to your specifications. This is true, by the way, when anyone lays pipe, lines, or cable in and around your roads and right-of-ways.

Q. We are not zoned. We need to be. How do we get started?

A. Start with your County, as someone at the Courthouse is charged with the responsibility of County zoning. Get some ideas there. Next, contact one of the Regional Planning and Zoning Councils in the State (they are located in the larger cities) and visit with them. I think we will be having a workshop on zoning at the next State Township officer convention in Minot, so plan now on attending.

ACIR Committee Sets Agenda

by Ken Yantes

On July 24, 2007 the Advisory Commission on Intergovernmental Relations met to establish a two year agenda of topics to be studied.

Representing the NDTOA were Larry Syverson, Darleen and Ken Yantes.

The members of this interim committee are Chairman Rep. Lee Kaldor, Rep. Dwight Wrangham, Senators Dwight Cook and Arden Anderson and Citizen members Randy Bina, Linda Coates, Greg Sund, Ron Krebsbach, Rodney Ness, Bev Nielson, Ken Yantes and Governor John Hoeven.

The committee has agreed to study the following topics:

1. The zoning of confined feed lot operations.
2. The increase from 4/10 of a cent to 5/10 of a cent of sales tax.
3. The funding for rural township and county roads and bridges.
4. Charitable property tax exemptions.
5. Elimination of the reference to mills in NDCC.
6. Funding for public transportation.
7. Creating a regional and intra-state transit authority.
8. Provision of state's attorney services in counties without a resident states attorney.
9. City extraterritorial zoning.

The ND Landowners Association provided testimony in opposition to the ACIR studying extraterritorial zoning.

The Landowners Association charged that the ACIR was not an interim committee of the Legislative Council.

Commission Council Timothy Dawson responded with the Century Code that set up the ACIR and the duties and responsibilities of the Legislative Council regarding their right to study any subject that the legislature may legislate. He said that the committee may be made up of non-legislative members according to quoted NDCC.

High Water and Township Road Closing

High water creates numerous road problems this time of year, as recent heavy rains in southeastern North Dakota have shown once again.

A major problem for the NDIRF's township members is what to do with roads that are periodically covered with water. The questions that need to be answered are:

- When should a road be closed?
- Where should signs be located?
- How long should signs remain in place?

Roads should be closed when it has been determined they are no longer safe for use. This condition can be created by excessive water covering a road, washouts on the side of a road, damage caused to bridges or culverts, or any other reason that makes a road unsafe for travel.

Conditions should be monitored very closely so that a road can be closed when necessary and before conditions cause an accident.

Roads should be closed at the intersection (township road, driveway, field access approach, etc.) closest to the area of damage or water covering the road.

This gives local citizens the use of as much of the road as possible and allows for an alternate route to be taken to get around the closed section. Proper traffic signs and barricades are the most important part of closing a road. All signing and barricades should be in compliance with the *Manual on Uniform Traffic Control Devices (MUTCD)*.

Place **"ROAD CLOSED AHEAD"** signs at the intersection of the closed road and a main intersecting roadway (highway, county road, etc.). This sign can also indicate the number of miles ahead where the road is closed.

Install a series of **"DETOUR"** signs to designate the recommended alternate route to bypass the closed road. At the intersection nearest the closed area, barricades should be installed all

the way across the road to prohibit any traffic from driving around the barricades.

A **"ROAD CLOSED"** sign must also be used with these barricades.

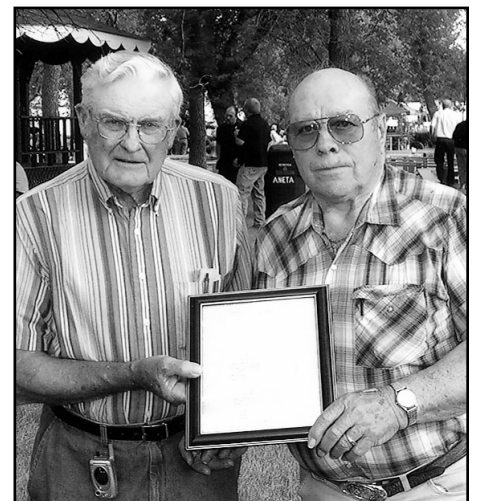
All temporary signing should be removed once a road is opened. Remember that at no time are **"ROAD CLOSED"** signs to be used if a road is not completely closed. We have seen these signs permanently installed, on the side of a road, in areas where the road was not closed.

Such continuous signing may create an increased liability exposure should an injury occur. Individuals learn the road is open, ignore the signing, and proceed as if nothing is wrong.

This situation can cause serious accidents. At this time of year, ice cold water and swift currents can easily result in death.

Help protect your families, friends and neighbors by using proper signs, barricades and other traffic control devices on all of your roads.

Please contact Mark Verke or Doug Griffin at the North Dakota Insurance Reserve Fund (1-800-421-1988) if you have questions.



Past Treasurer Nolan Verwest receives a poem authored for him by MN State President Loren Ingebretsen. Making the presentation at the annual turkey day celebration in Aneta, ND is NDTOA President Chuck Thacker.

NDTOA Attends Multi-State Meeting

A multi-state meeting was held in Watertown, SD on July 30-31, 2007. This meeting laid the groundwork for cooperation between the leadership of South Dakota, Minnesota, Wisconsin and North Dakota.

State presidents, executives and board members from all four states in attendance established a united front on policy development to carry to the September annual meeting of the NATaT in Washington, DC.

Discussions included the effects of the bill proposal on the Clean Water Act of 2007 as Minnesota Congressman Jim Oberstar has proposed in HB2421.

Concern that this bill would increase the authority of the EPA over township ditch work when the word "navigable" is removed and "all waters of the US" is inserted in the act.

Tom Moe, NDTOA's legal advisor, and Larry Syverson, District 3 Director, had a discussion with Jim Fischer, NATaT Director from Minnesota, regarding the detrimental effects on townships of first having to check with the EPA before fixing an emergency problem on a roadway.

Tom and Larry also suggested seeking a better definition of the word



Multi-State meeting in Watertown, SD. Pictured left to right: Larry Syverson, Tom Moe, Steve Ginsbach, Barb Knutson, MN State President Loren Ingebretsen, Chuck Thacker, SD State President Dan Thyen, and Ken Yantes.

navigable as an improvement over existing language.

The assembly heard a report by way of a conference call with the Ferguson Group which is our lobbying arm in Washington. They explained what our federal platform policy is and what is being done to accomplish it in Congress.

A bill has been introduced to allow tax incentives and payroll tax exemptions for firemen and first responders but the bill allowing exemptions for township officers has been put on hold until the NATaT annual conference in September due to

lack of a significant response to the survey from ND Township Officers.

South Dakota's Executive Secretary, Gail Brock, commented on the great value we have achieved in the legislative arena by having the Ferguson Group on duty 24 hours a day 7 days a week when most of us are taking care of our member's needs back home.

NDTOA's Treasurer and District 5 Director Barb Knutson was impressed with the willingness of our neighboring three states to work together to improve conditions that affect all of us.

Barb also thought having Ken as our NATaT Director has made a big difference in North Dakota's influence on our national organization.

President Thacker, after meeting with the presidents from our neighboring states, said he was surprised that we had so much in common and that sharing successful endeavors would be of great importance in the future to all of the states involved.

Steve Ginsbach attended a board meeting of the South Dakota Township Officers Association. He said it could have been a ND State Board Meeting as they also had only one goal in mind and that is how to better serve their membership.

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Newsletter Editor Notes...

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