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La Costa Rickford  
Operator's Signature

10/16/03  
Date

IP

2003 HOUSE POLITICAL SUBDIVISIONS  
HB 1490

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Julietta Richardson 10/16/03  
Operator's Signature Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1490b

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 7, 2003

Tape Number	Side A	Side B	Meter #
2	X		0-50.8
Committee Clerk Signature <i>Mickie Schmidt</i>			

Minutes:

**TAPE 2; SIDE A:**

**(0.0) CHAIRMAN GLEN FROSETH:** Let's go to HB 1490.

**(0.3) REP. KIM KOPPLEMAN:** (Testimony in support) (See attachment #1 & #2- an amendment)

**(6.5) CHAIRMAN GLEN FROSETH:** Could you simply show us an illustration of section 3 of page 2 of the map.

**(6.6) REP. KIM KOPPLEMAN:** Explained the map. I think the process we put in law for mediation worked very well because Fargo and West Fargo did find a medium line on the mediation process and I think we are all pleased with it. That process wouldn't change. What would change is the distance in extraterritorial zones. Second is the taxable valuation and what it means is that it is based on acreage only. It should be based on taxable value. This Bill makes it fair for all.

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*10/16/03*  
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House Political Subdivisions Committee

Bill/Resolution Number 1490

Hearing Date: February 7, 2003

**(9.0) REP. MARY EKSTROM:** 52/40 is a fight. Has there been any consideration on what townships will go to Fargo and west Fargo?

**(9.7) REP. KIM KOPPLEMAN:** I don't know of any discussion like that. The problem is if you get them together on equal footing, then they're on equal commission to do that. Usually the smaller cities don't have a fair shot at it.

**(11.0) SEN. JUDY LEE:** (Testimony in support) (See attachment #3)

**(13.3) REP. WES BELTER:** (Testimony in support) (See attachment #4)

**(14.6) RICH MATTERN; MAYOR OF WEST FARGO:** (Testimony in support) (See attachment #5) The existing laws are basically very good laws. We believe that HB1490 is providing some minor changes that will enhance the existing laws by giving the people most directly effected by annexation, a better voice in the process. We do not believe that the Legislature is the place to air our disputes and differences.

**(18.5) ED EISENBEISZ; RESIDENT OF WEST FARGO:** (Testimony in support) (See attachment #6) I live in a rural subdivision between West Fargo and Horace.

**(29.8) ERIK JOHNSIN; ASSISTANT CITY ATTORNEY:** (Testimony in opposition) (See attachment #7)

**(44.0) BILL WOLKEN; CITY ADMINISTRATOR FARGO:** My concern is on page 5 of the Bill. We request the annexation to be taken out, then we will have no problem with the Bill.

**(49.5) CHAIRMAN GLEN FROSETH:** Further questions? Opposition? Seeing none we will close the hearing on HB 1490. We will open it next Thursday. **(50.8)**

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1490

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 13, 2003

Tape Number	Side A	Side B	Meter #
1		X	28.2-53.4
2	X		0.0-21.5
Committee Clerk Signature <i>Mickie Schmidt</i> 2-26-03			

Minutes:

**TAPE 1; SIDE B:**

**(28.2) CHAIRMAN GLEN FROSETH:** We will reopen the hearing on 1490. There are more people to testify today.

**(29.3) DARRELL VANYO; CASS COUNTY COMMISSIONER:** (Testimony in support)

(See attachment #1)

**(34.7) CHAIRMAN GLEN FROSETH:** Explain how that five year process would work.

**(34.8) DARRELL VANYO:** Basically it allows the city to poke through that annexation process of not officially have people annexed for five years paying taxes as a city for five years. Went on to explain what happened to the people of McMahon Estates recently. Please support this amendment language in HB 1490. It provides fairness to the smaller homeowner and forces cities to do more than just continue to grab more land.

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House Political Subdivisions Committee

Bill/Resolution Number HB 1490

Hearing Date: February 13, 2003

**(43.3) REP. RON IVERSON:** Was it McMahon Estate, was that in Fargo extraterritorial or West Fargo extraterritorial expansion?

**(43.4) DARRELL VANYO:** Fargo extraterritorial expansion.

**(43.5) REP. RON IVERSON:** These residents of McMahon Estates knew that when they built there that this was in Fargo Extraterritorial area that sometime in the future something could be built there.

**(44.5) REP. NANCY JOHNSON:** You talked about the five year waiting period, I can't find that in the Bill. On section 2, lines 19 & 20, it says " may not be later than five years, it doesn't say you have to have five years.

**(45.0) DARRELL VANYO:** If you look at page four, the last sentence under #1. It says that it allows an annexation if that's what the city wants to do.

**(45.8) CHAIRMAN GLEN FROSETH:** If you read line 18, it could be 30 days up to five years.

**(46.5) REP. RON IVERSON:** What city was the first one to notify these residents that they were going to be annexed?

**(46.8) DARRELL VANYO:** Fargo, through the papers. The reason why was because there were stronger ties to West Fargo, to their kids going to school in the community and so forth. They went in that direction.

**(50.3) REP. ALON WIELAND:** When the subdivision was originally developed and started, was McMahon in any cities, extraterritorial there?

**(50.9) DARRELL VANYO:** No. They were not part of any extraterritorial development at the start. So sometime in the process the extraterritorial area was expanded to include those areas?

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**(51.4) DARRELL VANYO:** That is correct. In fact, West Fargo had already annexed to and include ????

**(52.2) CHAIRMAN GLEN FROSETH:** We are also setting state policy too, not just for Fargo. Any in opposition?

**(53.4) CONNIE SPRYNSANATYK; ND LEAGUE OF CITIES:** (Testimony in opposition)

**TAPE 2; SIDE A:**

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**(0.0) CONNIE SPRYNSANATYK:** (Continued testimony) (See attachment #2) I have not heard a word about the first part of this bill. No one has looked at when cities look they are going to be grown together, the smaller should have the same ET building area as the larger. If you pass the Bill 1490 the way it is now, what you're doing is shifting the advantage for protest to the minority of the land, but because there is improvement, that gives that owner the trust. You only annex when you're ready to provide services.

**(8.1) REP. ALON WIELAND:** (See attachments #3, #4 and #5) I think we base valuation of properties that have homes at real value and we're going to value land at assessed value and that's not necessarily the case because the land value might very well in Fargo are complied to \$10,000 per acre, not \$680.00 per acre as they are assessed. So there will still be some valuation considerations in there.

**(9.7) CINDY GREY; SENIOR PLANNER AND ZONING ADMINISTRATOR:**

(Testimony in opposition) (See attachment #6)

**(17.3) ROB LYNCH; FARGO CITY COMMISSIONER:** (Testimony in opposition)

Boarderly annexation in trying to eliminate these small donuts and cutouts, to allow that to

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happen, really saddles future elected officials to try to undo what happens in the past. I passed out some amendments which our city attorney addressed last week.

**(18.5) REP. KIM KOPPLEMAN:** (Testimony in support) There are two ways to annex right now, one is when people outside the city ask to be annexed. The other is when a city seeks to have a scenario and those folks are allowed to protest.

**(21.3) CHAIRMAN GLEN FROSETH:** Any questions? Hearing none, we will close the hearing on HB 1490.

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1490

House Political Subdivisions Committee

Conference Committee

Hearing Date: February 13, 2003

Tape Number	Side A	Side B	Meter #
2		X	21.2-41.3
Committee Clerk Signature <i>Mickie Schmidt</i>			3-3-03

Minutes:

**TAPE 2; SIDE B:**

**(21.2) CHAIRMAN GLEN FROSETH:** We will open the hearing HB 1490. There were three amendments offered by a gentleman this morning. They were quite comprehensive, I think. It will take some investigation because there were a lot of changes.

**(22.1) REP. WILLIAM KRETSCHMAR:** I would be inclined to support sections #1 of the Bill, but not section #2. **I WOULD MOVE TO AMEND THE BILL BY REMOVING SECTION #2.**

**(22.5) CHAIRMAN GLEN FROSETH:** That would remove the five year annexation period after proceedings have been concluded.

**(23.3) REP. DALE SEVERSON:** I'm inclined to remove a portion of a section 2. I also would like to get rid of section 3 on page 5.

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