

MINUTES OF SPECIAL MEETING
SOUTHEAST CASS WATER RESOURCE DISTRICT
ORIGINATING AT THE CASS COUNTY HIGHWAY DEPARTMENT
WEST FARGO, NORTH DAKOTA
AUGUST 3, 2022

A special meeting of the Southeast Cass Water Resource District was held on August 3, 2022, at 9:00 a.m.

Present were Dan Jacobson, Chairman; Keith Weston, Manager; Dave Branson, Manager; Sean M. Fredricks, Ohnstad Twichell, P.C.; Nathan Trosen and Brady Woodard, Moore Engineering, Inc.; and Don Dabbert, Dabbert Custom Homes.

Drain #27 – Cub Creek First and Second Addition tour

The Board met with Don Dabbert, developer for Cub Creek First and Second Additions, on-site to discuss the proposed Cub Creek Second Addition development and building limitations related to Drain #27, to protect Drain #27. The City of Horace will require an easement to the Southeast Cass Water Resource District for purposes of the Cub Creek Second Addition plat to accommodate the City's setback requirements and will require execution of an agreement between the developer and the Southeast Cass Water Resource District to identify permissible uses within the setback area. The parties will record the agreement with the Cass County Recorder's Office so subsequent home buyers have notice of the use limitations.

The agreement between the developer and the Board regarding Cub Creek First Addition includes use requirements for the full 150-foot setback; for the first 130 feet, the agreement allows homeowners to plant, grow, and maintain grass and light vegetation, but only to the extent those uses do not disrupt or interfere with the Board's use of Drain #27. Within that 130-foot area, homeowners cannot install, plant, construct, erect, or maintain any trees, shrubs, fences, sprinkler systems, fixtures, utilities, improvements, or other structures.

For the remaining 20 feet, identified as the "Limited Use Area," the agreement allows homeowners to plant, grow, construct, install, and maintain grass, trees, shrubs, gardens, decks, garden sheds, fences, and other minor fixtures, improvements, or other structures, but only to the extent those uses do not disrupt or interfere with the Board's use of Drain #27. Within that 20-foot area, homeowners cannot install, plant, construct, erect, or maintain any sprinkler systems, utilities, or large improvements or structures.

For the Cub Creek Second Addition development, Mr. Dabbert indicated he would like the Board to consider permitting homeowners to install sprinkler systems on the easement property, and to otherwise utilize the easement area beyond the limitations identified in the agreement for Cub Creek First Addition. He asked the Board to consider other light uses of that property and the Board inspected the area.

The Board will consider Mr. Dabbert's request and the parties can discuss further at the next Southeast Cass Water Resource District meeting.

Adjournment

There being no further business for the Board to consider, the meeting adjourned without objection.

APPROVED:

Dan Jacobson
Chairman

ATTEST:

Carol Harbeke Lewis
Secretary-Treasurer