

**POWDER HOUSE PASS  
BOARD OF SUPERVISORS MEETING**

**Minutes**

**September 9, 2021**

**Powder House Pass Community Center**

1. **Call to Order:** Meeting called to order by Greg Kaschmitter @ 9:00 MDT. In attendance:
  - a. Board Members: Joel Dykstra, Ross Ortman, Rob Broin, Mike Stahl, Jennifer Kaschmitter, Greg Kaschmitter, Julie Stone
  - b. AE<sub>2</sub>S Engineering: Justin Huntley
  - c. CID: John Pavon, Kristin Pavon
  - d. Others: John Frederickson & Erika Olson, Lynn, Jackson, Schultz & LeBrun; Jay Headley, RBM Associates
2. **Minutes:** m/Stone, s/J. Ortman to approve the minutes of May 27, 2021 as presented. Carried.
3. **Items from Citizens:** None
4. **Old Business**
  - a. Garbage Collection Contract Requests—Frederickson reported that since the CID is a public entity proper bidding procedures must be followed regarding the selection of a garbage contractor for the development. m/Dykstra, s/J. Kaschmitter to accept the proposed Request for Proposal for Garbage Collection as modified. Carried.
  - b. Land Exchange with BLM—the BLM has proven to be difficult to arrange the needed land exchange between PHP and BLM. Three small parcels exist within the development that create management issues. Appraisals are needed from the BLM for these parcels prior to any land exchange.
  - c. Access Across BLM Land to Wilson Property—Identical issue with the BLM exists here. Tabled. Dykstra will contact US Representatives to ask for assistance.
  - d. Status of Land Exchange with BLM—the CID will approach the BLM to exchange easement accesses into their land for transfer of BLM land to the CID.
5. **New Business**
  - a. 2022 Budget
    - i. Discussion on 2022 tax levy, based on CPR, growth and assessments the initial levy is 4.12 mils.
    - ii. An expenditure was added for Clearwater to read meters and bill for water usage.
    - iii. Authorized to acquire a new pickup, snow plow and sander in 2021.
    - iv. m/J. Kaschmitter, s/Dykstra to approve the 2022 Budget with additions as presented. Carried.
  - b. Consulting Agreement with Mike Stahl—m/Stone, s/Ortman to approve consulting agreement with Mike Stahl at \$70/hour, estimated 20 hours per week. Carried.
  - c. Resignation of Mike Stahl and New Board Member—m/Dykstra, s/Broin to accept Mike Stahl's resignation from the board and to ask Stahl to recommend a new board member from the City of Lead. m/Dykstra, s/J. Kaschmitter to appoint Julie Stone as CID Secretary. Carried.
  - d. Resolution 2021-04 Water and Sewer Rates--Tabled

- e. Resolution 2021-05 Establishing Water Policy—m/Broin, s/Ortman to approve Resolution 2021-05 Establishing the Water Policy for Powder House Pass. Carried.

**RESOLUTION 2021-05**  
**A RESOLUTION ESTABLISHING A WATER POLICY FOR THE**  
**POWDER HOUSE PASS CID**

The Board of Supervisors for Powder House Pass Community Improvement District (“District”), a local unit of special purpose government, meeting in a regular session on September 9, 2021, pursuant to SDCL 7-25A, upon motion made by Broin, seconded by Ortman, that the following Resolution be adopted:

**WHEREAS**, the Board of Supervisors of the District is committed to operating a safe, adequate, efficient and effective water system for the benefit of the District and its homeowners;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Board of Supervisors approves and adopts the document entitled:

**POWDER HOUSE PASS CID WATER POLICY**

**AND, BE IT FURTHER RESOLVED**, the Powder House Pass CID Water Policy shall be made available to the public upon request and/or via electronic media.

This Resolution shall take effect on the 20<sup>th</sup> day following its publication, unless suspended by Referendum.

Those voting aye: G. Kaschmitter, J. Kaschmitter, Dykstra, Broin, Stone, Ortman

Those voting nay: None

Motion carried.

Dated with and effective this 9<sup>th</sup> Day of September 2021.

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Greg Kaschmitter, Chairman

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Julie Stone, Secretary

- f. Resolution 2021-06 Public Easements from Rinehart and Red Rocks Rentals—m/Dykstra, s/Stone to approve Resolution 2021-06 Public Easements from Rinehart and Red Rocks Rentals. Carried.

**RESOLUTION 2021-06 A RESOLUTION ADOPTING AND ACCEPTING PUBLIC RIGHTS OF**  
**WAY TO THE PUBLIC ROAD SYSTEM**

On September 9, 2021, the following RESOLUTION was introduced and the Board of Supervisors for Powder House Pass Community Improvement District moved its approval:

**BE IT RESOLVED** by the Powder House Pass Community Improvement District Board of Supervisors as follows:

Powder House Pass Community Improvement District hereby adopts Resolution 2021-06

CHAIRPERSON:

ATTEST:

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Greg Kaschmitter

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Julie Stone, Secretary

**RESOLUTION 2021-06**

**Acceptance and Addition of Public Rights of Way to the Public Road System**

Daniel Rinehart and Sandra Rinehart, Trustees of the Daniel and Sandra Rinehart Living Trust dated June 28, 2017, owning the following:

Block 10 of Wilderness Estates 2<sup>nd</sup> Addition, a subdivision of a portion of Tract 2D of Tract 2 of Powder House Pass, located in OB Fraction M.S. 1834, BHM, Lawrence County, South Dakota, according to Plat Document No. 2020-02156.

and, Red Rock Rentals, LLC, a North Dakota limited liability company, owner of the following:

Block 9 of Wilderness Estates 2<sup>nd</sup> Addition, a subdivision of a portion of Tract 2D of Tract 2 of Powder House Pass, located in OB Fraction M.S. 1834, BHM, Lawrence County, South Dakota, according to Plat Document No. 2020-02156, less and except platted lots (hereinafter "Block 9"); and

Lot 2, Block 9 of Wilderness Estates 2<sup>nd</sup> Addition, a subdivision of Block 9, Wilderness Estates 2<sup>nd</sup> Addition, located in a portion of Tract 2D of Tract 2 of Powder House Pass, located in OB Fraction and Nile MS 1834, Sol Star and

Mose Lyon Fraction MS 1058, situated in the WI/2 of Section 8, T4N, R3E, BHM, Lawrence County, South Dakota, according to 2020-04633.

have hereby dedicated certain public rights of way on, over and through their respective above described real properties within Powder House Pass Community Improvement District, and the Board of Supervisors have agreed to accept such public rights of way onto the public road system of Powder House Pass Community Improvement District.

Approved: September 9, 2021

- g. Staffing of Powder House Pass Offices—Discussion centered on the future needs for additional staffing at the PHP offices and assistance with property management.
- h. Regulations and Control of Development of Commercial Property
  - i. Erika Olson discussed that the CID should attempt to follow Lawrence County's zoning ordinances as much as possible to eliminate confusion and/or duplication.
  - ii. SDCL 7-25A(7) allows authority for the district to create zoning ordinances.
  - iii. Zoning covenants can be developed; how flexible or strict the covenants are needs to be made clear to property owners.
  - iv. Covenants need to be well-defined; enforcement needs to be determined.
- i. Water Hydrant Policy—water is being taken from PHP fire hydrants without the proper authority. m/Stone, s/Dykstra to set the cost for water from fire hydrants to be \$15/1000 gallons. The purchase of a hydrant meter is recommended, but reporting of truck loads of water can be allowed, by a responsible party.
- j. Wheel Tax for Snow Removal—Lawrence County will be requested to disperse the proper wheel tax funds to the CID to be used for snow removal.
- k. Property Purchase from L-D Sanitary District—PHP would like to purchase a parcel of land from the LDSO on which PHP's water pumping station exists. The land is currently leased through April, 2023. m/J. Kaschmitter, s/Broin to approve to continue with purchase agreement. Carried.

## **6. Development and Construction Updates**

- a. Justin Huntley, AE<sub>2</sub>S Engineering, reported the following:
  - i. The Dancing Sky development is closing.
  - ii. The Trailside development is closing.
  - iii. Phase 2 paving is delayed until next week due to rain, all utilities are installed.
  - iv. Phase 6 has the initial road layout completed, utilities are in design, septic systems will be required, as will a new water tank.
  - v. Calico Sky development is on hold until 2022.
  - vi. Phase 3 is in utility design.

## **7. Operations Report**

- a. Stahl and Pavon discussed the following:
  - i. Met with Clearwater to discuss meter reading and billing. Clearwater will develop two contracts, one to properly program the meters for reading and one to perform the meter reading and billing.
  - ii. Recommend that meter pits be required in all new home construction, eliminated the need for internal water meters and the issues that have.

## **8. Items from Board and Public**

- a. Ross Ortman asked about the status of noise reduction at the Wastewater Treatment Plant. The next expansion will have the facility covered, hopefully lowering the noise substantially.

## **9. Next Board Meeting**—Scheduled for October 11; via teleconference, time TBD

## **10. Adjourn**—m/J. Kaschmitter, s/Broin to adjourn at 2:00 PM. Carried.

Respectfully Submitted,

s/Julie Stone, Secretary