

BUFFALO GAP BOARD OF TRUSTEES  
PROPOSED REGULAR MEETING AGENDA  
AUGUST 4, 2025 6:00 PM  
OLD BANK - BUFFALO GAP

MR. RAY HUSSEY - TRUSTEE, MRS. CHRISTINE WELLS - PRESIDENT, MR.  
TRAVIS LASSETER - TRUSTEE, MRS. NICOLE GUERRIERI - FINANCE OFFICER

1. Call to Order.
2. Roll Call and Determination of Quorum.
3. Pledge of Allegiance.
4. Conflict-of-interest Declaration
5. Approval of August 4, 2025 Agenda.
6. Approval of July 7, 2025 Meeting Minutes.
7. Approval of July 8, 2025 Public Hearing Minutes.

**COMMITTEE REPORTS**

8. Finance Officer.
  - a. Monthly Expenses
  - b. Monthly Financials
  - c. Opening Business Accounts with First Interstate Bank and Maverick
  - d. Ordinance 2025-01 Supplemental Appropriation (Second Reading)
  - e. Insurance Claims
  - f. Water Project Phase 2 Construction Management
  - g. Cell Phone Issuance
  - h. Key Control Policy
  - i. Credit Card Policy
  - j. 2026 Budget Request
9. Water and Sanitation Department.
  - a. Update on Water System
  - b. Update on Water System Deficiencies
  - c. Report on Water Loss
  - d. Park Yard Hydrant Install
  - e. SCADA System Monitoring Device Issuance
10. Road and Street/Grounds and Mowing.
  - a. Road Maintenance and Repair Update

- b. Equipment Maintenance and Repair Update
- 11. Building Maintenance.
- 12. Animal Control.
- 13. Community Center Committee.
  - a. Remaining Windows on Order
  - b. Window Installation Date
  - c. Backup generator maintenance at Auditorium (Community Center)
- 14. Park Committee - Removal of Playground Equipment
- 15. Board of Trustees.
  - a. Mail Call
  - b. Notice of Meeting Events

### **OLD BUSINESS**

- 16. Proposal to Open 1st, Cedar, and Popular Streets
  - a. Engineering Survey Pending
  - b. Utility Survey Pending
- 17. Update and Organize all Town Ordinances.
  - a. Resolution 94
  - b. Ordinance 2018-02
  - c. Resolution 2019-01
- 18. Water Construction Phase 2.
- 19. Water Outage Communications Plan.
- 20. Opt Out Water Meter Customers.
- 21. Windcross Conservancy Use of Town Acreage.

### **NEW BUSINESS**

### **PUBLIC TIME**

This is time for citizens to discuss issues or concerns for the town of Buffalo Gap directly to the Board of Trustees. The amount of time for discussion or presentations can be limited by the President of the Board. Individuals shall refrain from discussing personalities. No action will be taken by the Board of Trustees without first being placed on a future agenda.

### **EXECUTIVE SESSION**

Executive Session per SDCL 1-25-2 if needed. Motion to move into Executive Session pursuant to SDCL 1-25-2(1) if required.

**ADJOURN MEETING** - Next Monthly Meeting is September 8, 2025 at Old Bank due to Labor Day Holiday.

Notice Content  
Town of Buffalo Gap  
Meeting Minutes

Meeting called to order on July 7, 2025 at 6pm at the Old Bank Bldg. Roll Call-Ray Hussey-Absent; Nikki Guerrieri-Present; Travis Lasseter-Present; Christine Wells-Present. Pledge of Allegiance. No conflict of interest declared. All motions are consider unanimous unless noted. Approved July 7, 2025 Agenda, Lasseter-motion, Wells-second. Approved June 2, 2025 Meeting Minutes, Lasseter-motion, Wells-second. Approved to amend June 17, 2025 meeting minutes to add Annual Budget training approved for the new finance officer, Lasseter-motion, Wells-second. Finance Officer. Office Hours are tentative Monday and Tuesday 8:30am - 10:30am Financial reports are delayed this month due to the transition to the new finance officer. Monthly expenses were presented and paid. The town will submit an application for a credit card with First Interstate Bank, Lasseter-motion, Wells-second. Ordinance 2026-01 Supplemental Appropriation first reading, Lasseter-motion, Wells-second. Water & Sanitation Department. Leak on 1st and Pine was repaired. Cost estimates have been received for the concrete access to the below ground tank, \$8,200 and to repair the roof vent of the above ground tank, \$2,800 (claim was submitted to insurance - pending approval). Water operator will attend training Oct 7-9 and Dec 2-4 for certification training, Lasseter-motion, Wells-second. Road & Streets. Waiting on estimate for maintenance of equipment and parts for the mower. Building Maintenance. Broken window at Woodman Hall was submitted to insurance. Animal Control. Nothing to report. Community Center. Nothing to report. Park Committee. Continue removal of unsafe playground equipment, next cleanup date scheduled Thursday July 10. Board of Trustees. Received a request from water customer to review and refund sanitation services, Wells will review and provide response to customer. BG Blowout requested trash cans be placed on Main St during the event. Old Business. Proposal to Open 1st, Cedar and Poplar Streets, status pending on the engineering and utility survey. Update and Organize all Town Ordinances - ongoing and books are located in the finance office are available for review by the public. Water Construction Phase 2, water operator requested to verify where the construction will end on 2nd Street. Opt Out Water Meter Customer, survey was developed to send to water meter opt out customers, failure to respond to the survey implies the customer opts out of water meter upgrade and water service will be disconnected. Wind Cross Conservancy Use of Town Acreage, a meeting will be scheduled with the previous lease holder to discuss future usage of the land. Lasseter-motion, Wells-second. New Business: Key Control Policy and Credit Card Policy were presented to the board for review, moved to August Agenda for approval. CDL and Heavy Equipment Pay Rates. Pay rates were set at \$19 per hour for CDL operator and \$21 per hour for Heavy Equipment operator, Lasseter-motion, Wells-second. Public Time-Business owner addressed concern about malt beverage license process, concerns addressed and board understands the urgency of submitting the license in a timely manner. No Executive Session. Next Meeting August 4, 2025, Old Bank Bldg. Meeting Adjourned at 7:34pm, Lasseter-motion, Wells-second.

ATTEST:

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Christine Wells  
President, Boards of Trustees

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Nikki Guerrieri  
Finance Office

Published once at the total approximate cost of \$36.46 and may be viewed free of charge at [sdpublicnotices.com](http://sdpublicnotices.com).

7/16



ORDINANCE 2025-01

AN ORDINANCE TO SUPPLEMENTALLY APPROPRIATE FUNDS

Be it ordained by the Board of Trustees for the Town of Buffalo Gap, County of Custer, South Dakota that the following sum is supplementally appropriated to meet the obligations of the municipality and comply with SDCL 9-21-7.

WHEREAS, the Town of Buffalo Gap has received additional funds in the General Fund from contributions and donations that were not anticipated in the annual budget.

Source of Funding:

-----  
367 Contributions and Donations               \$4,269.00  
-----  
Total Appropriations:                         \$4,269.00

General Fund  
=====

456 Auditorium	
426 Supplies	\$4,269.00

=====

NOW THEREFORE, BE IT ORDAINED that the following supplemental appropriations be made to the General Fund for fiscal year 2025 and that the movement of funds are hereby approved this 7th day of July 2025.

\_\_\_\_\_  
Buffalo GapTown Board President

Vote:

Trustee Ray Hussey           - aye/nay

Trustee Christine Wells      - aye/nay

Trustee Travis Lasseter      - aye/nay

First Reading: July 7, 2025

Second Reading: \_\_\_\_\_

Published: \_\_\_\_\_

Posted: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Nicole Guerrieri, Finance Officer, Town of Buffalo Gap

(SEAL)

# TOWN OF BUFFALO GAP

PO Box 295, Buffalo Gap, SD 57722

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## KEY CONTROL POLICY

**PURPOSE:** The Town of Buffalo Gap employee key control policy is established for the purpose of promoting a secure environment and for maintaining a comprehensive system to efficiently manage the dissemination of keys throughout various departments of town facilities. Individuals may be authorized to receive keys to conduct their work while limiting access where appropriate so as not to compromise security. It is necessary to maintain key control to uphold the integrity of office and building security. This policy describes the procedures by which control, dissemination, use, possession, and collection of keys to town facilities will be managed.

**POLICY:** All keys to all buildings will be controlled by the Finance Officer. Keys will be permanently issued only to those who require full time access to perform their official town duties or as approved by the Board of Trustees. Temporary issuance is allowable based on specific procedures outlined below. Employees are not allowed to copy or allow the copy of their issued key nor to lend their key to anyone on a temporary basis. Only the Finance Officer and the President of The Board of Trustees will maintain the key code to the Finance Officer's office. The key code will be changed yearly after a new president is elected to the Board of Trustees.

### PROCEDURES:

1. Keys for distribution will be inventoried and stored in a locked cabinet or container in the Finance Officer's office.
2. Keys in the key cabinet or container will be inventoried every 3 months by the Finance Officer.
3. Employee keys will be inventoried on a yearly basis at the first board of trustees meeting of the new year.
3. Keys issued are considered town property and may be retrieved by the Finance Officer or a board member at any time.
4. An employee who loses their issued key(s) will be responsible for paying to replace the key.
5. Employees will sign for their key(s).

6. Temporary key issuance. If a key must be issued on a temporary basis, a return date will be established. If the return date is missed, the individual will lose the privilege of signing out a temporary key for one year.

POLICY EFFECTIVE DATE:

This policy is effective immediately and will remain in effect until updated or rescinded.

Mrs. Christine Wells  
President  
Board of Trustees

Mrs. Nicole Guerrieri  
Finance Officer  
Town of Buffalo Gap

UPDATED AND APPROVED ON: \_\_\_\_\_

# Employee Key Agreement Form

## Key Policy

Δ I understand key(s) issued are the responsibility of employee, and not subject for loan to a third party.

Δ I understand an administrative fee will be assessed for any lost or stolen keys to cover re-keying/re-stocking expense. Fee is payable to the Town of Buffalo Gap.

Δ I understand I am required to return all keys to the Finance Officer and sign the key return portion of this agreement form prior to receiving my last paycheck.

Δ I understand that if I do not return my key before getting my last paycheck, that I am responsible for the cost to replace the lock and all keys necessary. **I hereby consent to have this amount deducted from my last paycheck.**

LIST KEYS HERE: \_\_\_\_\_

LIST KEYS HERE: \_\_\_\_\_

LIST KEYS HERE: \_\_\_\_\_

## Key check-out

Date: \_\_\_\_\_

Last: \_\_\_\_\_ First: \_\_\_\_\_

*I acknowledge that I am aware of and understand the above key policy and agree to its contents.*

Employee Signature: \_\_\_\_\_

Finance Officer Initials: \_\_\_\_\_

**Key Return** (Finance Officer Signature below signifies all keys were returned or paid for)

Date: \_\_\_\_\_

Employee Signature: \_\_\_\_\_

Finance Officer Signature: \_\_\_\_\_

# TOWN OF BUFFALO GAP

PO Box 295, Buffalo Gap, SD 57722

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## CREDIT CARD POLICY

**PURPOSE:** The Town of Buffalo Gap credit card policy is established for the purpose of ensuring responsible, transparent, and accountable use of municipal credit cards for authorized purchases related to town operations. This policy outlines the roles and responsibilities of the Board of Trustees, the Finance Officer, and employees, ensuring compliance with municipal regulations and safeguarding public funds.

**POLICY:** This policy applies to all municipal employees, officials, or authorized individuals issued a municipal credit card or allowed to use one for town-related purchases. Credit cards will be controlled by the Finance Officer and approved by the Board of Trustees. All employees must adhere to the General and Specific guidelines identified in this policy. Employees must sign the Employee Acknowledgement Form and provide a Municipal Voucher for Payment to the Finance Officer after making purchases.

### PROCEDURES:

#### **General Guidelines**

1. Authorized Use.
  - a. Municipal credit cards are to be used exclusively for official town business. Purchase must be directly related to goods and services required and approved for the support of municipal operations.
  - b. Personal use of municipal credit cards is strictly prohibited, even if the employee intends to reimburse the town.
  - c. Unauthorized or personal use may result in disciplinary action, including termination, repayment of unauthorized charges, and potential legal action.
2. Card Issuance and Limits.
  - a. Credit cards may be issued to employees or officials as approved by the Board of Trustees.

- b. Each card will have a specific credit limit, determined by the Board of Trustees based on the cardholder's role and anticipated needs.
  - c. Cards will be issued in the name of the Town of Buffalo Gap, with the employee's name listed as an authorized user, where applicable.
- 3. Safekeeping and Reporting.
  - a. Cardholders are responsible for the safekeeping of the credit card in their possession and must immediately report any lost or stolen card to the Finance Officer.
  - b. Cardholders are not authorized to share card information.
- 4. Recordkeeping.
  - a. All credit card transactions must be supported by itemized receipts and documentation specifying the purpose of the expenditure.
  - b. Cardholders must submit receipts and a completed Municipal Voucher for Payment (provided by the Finance Officer) within five (5) business days of the transaction.

## **Responsibilities**

1. Board of Trustees. The Board of Trustees is responsible for the oversight and governance of the municipal credit card program:
  - a. Approval of Policy: Approve and periodically review this Credit Card Policy to ensure it meets the town's needs and complies with applicable laws.
  - b. Card Issuance and Limits: Authorize the issuance of credit cards and establish credit limits for each cardholder based on operational needs.
  - c. Oversight: Review monthly credit card statements and reports prepared by the Finance Officer to ensure compliance with this policy.
  - d. Disciplinary Action: Address violations of this policy, including determining consequences for misuse, in accordance with municipal ordinances and state law.
  - e. Budget Oversight: Ensure credit card expenditures align with the approved municipal budget.
2. Finance Officer. The Finance Officer is responsible for the maintenance, administration, and monitoring of the credit card program:

- a. Card Management: Temporarily issue credit cards to authorized employees for approved purchases and maintain a record of all issued cards, including cardholder names and credit limits.
  - b. Transaction Review: Reconcile monthly credit card statements with submitted receipts and Municipal Voucher for Payment to verify the services or materials have been received.
  - c. Reporting: Provide the Board of Trustees with a monthly report summarizing credit card activity, including total expenditures and any discrepancies. The use of the towns credit card does not relieve the Finance Officer of listing and publishing each town expenditure during monthly meeting of the Board of Trustees.
  - d. Compliance: Ensure all transactions comply with this policy, municipal ordinances, and South Dakota state laws regarding public funds.
  - e. Training: Provide training to cardholders on the proper use of municipal credit cards and the requirements of this policy.
  - f. Issue Resolution: Investigate and report any suspected misuse or fraudulent activity to the Board of Trustees immediately.
3. Employees/Cardholders. Employees authorized to use the towns credit card are responsible for:
- a. Proper Use: Using the credit card only for authorized municipal purchases and adhering to all policy guidelines.
  - b. Documentation: Submitting itemized receipts and Municipal Voucher for Payment for all transactions within five (5) business days.
  - c. Safekeeping: Protecting the credit card from loss, theft, or unauthorized use and reporting any issues immediately to the Finance Officer.
  - d. Compliance: Ensure purchases are approved by the Finance Officer or Board of Trustees.

### **Prohibited Uses**

Municipal credit cards may not be used for:



1. Personal expenses, regardless of intent to reimburse.
2. Cash advances or ATM withdrawals.
3. Purchases exceeding the cardholder's credit limit or the approved municipal budget.
4. Alcohol, tobacco, or other non-essential items.
5. Gifts, donations, or contributions of any kind.
6. Any expenditure prohibited by South Dakota state law or municipal ordinances.

### **Violations and Consequences**

1. Investigation: Suspected misuse of a municipal credit card will be investigated by the Finance Officer, with findings reported to the Board of Trustees.
2. Disciplinary Action: Violations may result in suspension or revocation of credit card privileges, repayment of unauthorized charges, disciplinary action (up to and including termination), and/or legal action.
3. Fraud Reporting: Suspected fraudulent activity will be reported to the appropriate authorities, including the South Dakota Division of Criminal Investigation.

### **POLICY EFFECTIVE DATE:**

This policy is effective immediately and will remain in effect until updated or rescinded.

Mrs. Christine Wells  
President  
Board of Trustees

Mrs. Nicole Guerrieri  
Finance Officer  
Town of Buffalo Gap

UPDATED AND APPROVED ON:

Attachment 1, Employee Acknowledgement Form  
Attachment 2, Municipal Voucher for Payment

# Employee Acknowledgement Form

## Town of Buffalo Gap Credit Card Policy Acknowledgment

I, \_\_\_\_\_, acknowledge that I have received, read, and understand the Town of Buffalo Gap Credit Card Policy. I agree to comply with all provisions outlined in the policy, including but not limited to:

- Using the municipal credit card solely for authorized town business.
- Retaining and submitting itemized receipts and a completed Municipal Voucher for Payment within five (5) business days of any transaction.
- Safeguarding the credit card and reporting any loss or theft immediately.

I understand that failure to comply with the Credit Card Policy may result in disciplinary action, including suspension or revocation of credit card privileges, repayment of unauthorized charges, termination of employment, and/or legal action.

**Employee Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Received by (Finance Officer):** \_\_\_\_\_

**Date:** \_\_\_\_\_

MUNICIPALITY OF Buffalo Gap, SD						CHECK NUMBER	
						INVOICE NUMBER	
						VENDOR EIN - 1099	
MUNICIPAL VOUCHER FOR PAYMENT FROM MUNICIPAL ACCOUNT							
TO:							
ADDRESS: (STREET NUMBER, TOWN AND STATE)							
FUND CODE	DEPARTMENT CODE	OBJECT CODE				AMOUNT	
						TOTAL	
Date	Itemized Description of Materials and Supplies or Personal Services and Travel Information or as per Attached Itemized Invoices				Purchase Order No.	Quantity	Total
	Water construction project						
DECLARATION OF CLAIMANT OR AGENT IF VOUCHER IS FOR PERSONAL SERVICES, TRAVEL REIMBURSEMENTS OR CONTRACTED EXPENDITURES (SDCL 4-9-4)  I DECLARE AND AFFIRM UNDER THE PENALTIES OF PERJURY THAT THIS CLAIM HAS BEEN EXAMINED BY ME AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IS IN ALL THINGS TRUE AND CORRECT.  Date: Signature of Claimant or Agent:							
DECLARATION OF FINANCE OFFICER OR OTHER AUTHORIZED AGENT OF THE MUNICIPALITY  I DECLARE THAT THIS VOUCHER AND SUPPORTING INVOICES HAVE BEEN EXAMINED BY ME AND VERIFY TO THE BEST OF MY KNOWLEDGE THAT THE SERVICES OR MATERIALS HAVE BEEN RECEIVED. (SDCL 9-23-1)  Date: Signature of Finance Officer or Authorized Agent of Municipality:							
APPROVAL BY THE MUNICIPAL BOARD FOR PAYMENT  APPROVED FOR PAYMENT BY MUNICIPAL BOARD ACTION ON:  SIGNATURE OR INITIAL OF PRESIDING OFFICER OF THE MUNICIPAL BOARD:							

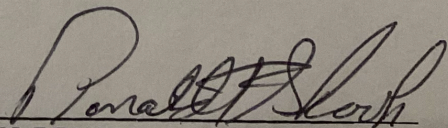


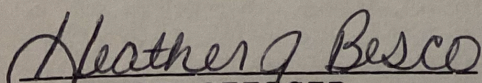
Resolution 2008-02  
RESOLUTION # 94

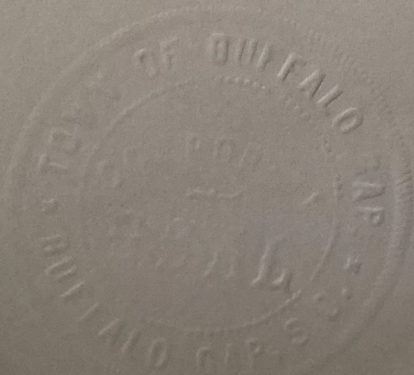
AMENDMENT TO REVISE RESOLUTION #82 REGARDING RULES AND  
REGULATIONS OF MOBILE HOMES WITHIN THE CITY LIMITS OF  
BUFFALO GAP, SD.

- WHEREAS: No mobile home older than twelve (12) years from the current calendar year may be placed on any existing lot.
- WHEREAS: All new mobile homes must be set up on 100' by 150' lots with a minimum of 60' between closest points.
- WHEREAS: All mobile homes must have easy access to alleys and streets.
- WHEREAS: All mobile homes must be properly skirted with non-flamable materials.
- WHEREAS: Water development on private property will be the land owners responsibility including all feed lines on private property. Main lines will be the City's responsibility.
- WHEREAS: Each mobile home must be connected to the main line with its own meter.
- WHEREAS: All lines must be buried six (6) feet.
- WHEREAS: This Resolution shall take affect immediately upon reading and passage.

Dated this 4 day of Feb, 2008.

  
CHAIRMAN

  
FINANCE OFFICER





# Rate Ordinance

## **ORDINANCE #2018-\_\_02\_\_**

### **TOWN OF BUFFALO GAP UTILITY ORDINANCE**

#### **BE IT ORDAINED BY THE TOWN OF BUFFALO GAP, COUNTY OF CUSTER, STATE OF SOUTH DAKOTA**

#### **CHAPTER 1 – WATER PROVISIONS**

##### **WATER DEPARTMENT SUPERVISION AND JOB DESCRIPTION**

The Water Department shall be under the supervision of the Town Council of Buffalo Gap.

The Water Department shall consist of Maintenance Worker(s) and operator(s). The water operator(s) shall maintain a current state certification and have passed State Water Board Exam. They shall be responsible for the management and operation of the water and wells of the Town of Buffalo Gap. He (she) shall read or supervise the reading of meters, over-see all state required testing, connecting and disconnecting water service, and shall perform such other duties as may be assigned to him by the Town Council. Meters shall be read by the 5<sup>th</sup> of each month.

##### **EMERGENCY WATER LIMITATIONS**

The use of city water for street, lawn or garden sprinkling is subordinate to domestic use or fire protection and may be restricted by the Town at any time by resolution of the Town Council; no sprinkling shall be done during a fire. The Town Council may limit or prohibit temporarily the use of the city water for any purpose, except domestic purposes within the consumer's dwelling, during an emergency. This emergency water limitations section does not apply to the use of privately owned water wells.

##### **APPLICATION FOR WATER SERVICE**

- a) Written application for utility service shall be made to the City Finance Office by the owner or tenant of the property with a one hundred dollar (\$100.00) security deposit and a twenty-five dollar (\$25.00) connection fee, as established by resolution. The deposit is to be made by the person responsible for the utility bill. Said security deposit must be paid in full to the Finance Officer prior to any utility service being connected and/or turned on. Such deposit shall be recorded by the Finance Officer and a receipt issued to the applicant.
- b) Upon discontinuance of the service, the applicant shall be entitled to a refund of such deposit once the utility account is paid in full.

- c) After twelve (12) consecutive monthly payments without a delinquency notice, deposit will be refunded. A new security deposit will be charged to the customer's account if customer has received a minimum of three (3) late fees within one (1) year after having the previous deposit returned.
- d) All city utility customers that do not currently hold a security deposit, shall continue to receive utility services, but in all other respects will comply fully with the requirements of this ordinance. A security deposit of one hundred dollars (\$100.00) will be charged to the customer's account if customer receives a minimum of three (3) late fees within one (1) year.
- e) The Town of Buffalo Gap does not accept credit letters from previous utilities.
- f) If a current utility customer moves to a new location within Town of Buffalo Gap water utilities, a new deposit will not be charged if the customer has maintained at least a year of credit history. A new connection fee of twenty-five dollars (\$25) will be charged.

#### **UNAVAILABILITY OF SERVICE**

The city may decline utility service to any person if:

- a) The applicant fails to provide all application information;
- b) The applicant fails to pay the required deposit and connection fee;
- c) The applicant is indebted to the Town for any reason;
- d) The utility service to the proposed premises does not fully meet all Town and other lawful standards; or
- e) The premises have an unpaid prior bill from the same or former occupant.

#### **TAP AND CONNECTION**

Where there is no existing tap to the city water mains, or an additional or different tap is to be made, application shall be made in writing to the Town Financial Officer by the owner or agent of the property to be served.

The application shall designate the legal description of the property, the nature of the water use and if residential use, specify the number of families or residences to be served thereby, and shall be accompanied by a fee of one-thousand three hundred dollars (\$1,300.00).

No person shall be permitted connection to the water system until all past water accounts are fully paid.

#### **WATER METERS ARE REQUIRED**

All meter pit equipment is property of Town of Buffalo Gap.



All dwellings or places supplied with water from the Town system shall be metered by the Town.

A suitable place for meter pit, preferably on city right of way and accessible for examination shall be chosen by the Town of Buffalo Gap at the expense of the owner or occupant. In any case where the neglect, refusal to repair, or refusal to pay expenses thereof the water supply may be turned off and not turned on until such costs and a fee are paid. If pit or post is harmed they shall be repaired at the owner's expense.

No person shall tamper with a meter or turn on the supply of water to a service pipe from which the supply has been turned off by the Town on account of the nonpayment of a water bill or for any other reason. Anyone violating this provision shall be guilty of a violation and upon conviction thereof by a court of competent jurisdiction shall pay a minimum fine in the amount of two hundred dollars (\$200.00) which does not include reimbursement or restitution. (SDCL § 9-19-3)

The property owner shall be responsible for payment of all water bills incurred on his property whether incurred by property owner, tenant, or any other person with or without the permission of the property owner.

#### **NOTICE OF DISCONTINUANCE REQUIRED**

- a) Owners or consumers desiring to discontinue the use of the Town Utility Services shall be required to give notice thereof to the Town Financial Officer, and regular rates shall be charged and billed until such notice is given.
- b) Owners and/or tenants of rental properties must give notice of change of tenants if the utilities are being billed to the tenant.
- c) A disconnection and reconnection is required between tenants and/or owners in order to secure a customer deposit with the Town Financial Officer and to ensure all accounts are paid in full.
- d) A disconnection fee of twenty-five dollars (\$25.00) and/or reconnection fee of twenty-five dollars (\$25.00) will be charged each time the Town is required to turn off or on utility services, including transfer of service.
- e) If the Town becomes aware of the change in occupancy before the proper notification is given to the Financial Officer; the Town reserves the right to immediately disconnect Town Utility Services provided to the place of business and/or residency being serviced.

## **TERMINATION OF SERVICES**

The Town shall have the right to terminate utility service to any customer or refuse reconnection to any customer for any of the following reasons:

- a) Discovery by the Town of material misinformation in the customer's original application for services that may prejudice the Town in continuing service to the customer;
- b) Nonpayment of any utility bill for more than three (3) billing periods or for more than one hundred fifty dollars (\$150.00);
- c) Deterioration of the service system to the customer's premises to such an extent that water would be wasted or leaking if service continues;
- d) Harm the meter pit or remote reader without contacting town, or failure to reimburse town for repairs of any meter and/or meter equipment, including pit and remote reader;
- e) Tampering with the water meter or any part of the system;
- f) Reselling or diverting any utility service without proper approval therefore; or
- g) Vacancy of the premises.

## **LANDLORDS RESPONSIBILITIES FOR TOWN UTILITIES**

An owner of rental property, whether commercial or residential, is hereby held responsible for payment of any delinquent water charges, which are not promptly paid by the owner's tenant or tenants.

This applies to all rental property, whether commercial; single family residential, apartment complexes, mobile home courts, or other rental property. The owner shall be furnished with a copy of the notice of delinquency that is served upon the tenant.

## **MORE THAN ONE CUSTOMER FROM ONE SERVICE**

Owners who lease or subdivide shall be responsible for water used in said premises. If more than one meter is placed on a service pipe, the meters shall be set so that no one of them shall measure water which has passed through another meter.

In those situations where both residential and commercial activities are taking place on the same water hookup that then, and in that event the owner or user of said property shall be required to pay two (2) water minimums. (One for the residential use and one for the commercial use) And further, where more than one commercial enterprise is operating off of

the same water meter, but have separate facilities, the owner or user of said property shall be required to pay two (2) water minimums.

## **WATER RATES**

- a) For the purposes of this section, “users of water” shall mean the owner or occupant of each individual residential or commercial premise, including, but not limited to, the owner or occupant of each apartment in a multiple family dwelling, each mobile home in a mobile home park and hotel and motel facilities.
- b) All users of water within the Town of Buffalo Gap shall pay to the Town of Buffalo Gap for water used by them as follows:
  - 1) A monthly maintenance fee of twenty-five dollars (\$25.00) per water pit.
  - 2) A minimum of nine dollars (\$9.00) which entitles the user to 3,000 gallons of water per month.
  - 3) All water used over 3,000 gallons per month shall be paid for at a rate of three dollars (\$3.00) per additional 1,000 gallons of water used or fraction thereof.
- c) All non-water users with meters servicing within the Town of Buffalo Gap shall pay to the Town of Buffalo Gap the following:
  - 1) A monthly maintenance fee of twenty-five dollars (\$25.00) per water pit; and
  - 2) The minimum of nine-dollar (\$9.00) fee set forth in (b)(2) above; however, the nine dollar (9.00) fee may be suspended by a signed contract between the user and the Buffalo Gap Financial Officer setting forth an agreement that the user may not use any city water for a minimum period of three (3) months.
- d) All users/non-users shall pay a late fee of ten dollars (\$10.00) if payment is received after the fifth (5<sup>th</sup>) day of the next month.
  - 1) Any payment after that time is considered delinquent. The Financial officer will send a water bill stating: a) the total amount due plus the late fee; b) the date by which to pay the utility bill or the utility service will be disconnected; and c) notification that a written financial hardship request may be made to the Financial Officer any time prior to the disconnection date.
  - 2) Any person unable to fully pay any utility bill, on account of financial or economic hardship may make a timely, written request to the Financial Officer to have any bill or bills or part thereof set up on a written and signed payment arrangement plan of so much per week or month as the Financial Officer shall allow. So long as the applicant abides by the written payment plan, The Town shall not consider termination of service. Any violation of the

written payment plan shall subject the users/non-users to immediate disconnection.

- 3) The Financial Officer's denial of a request for a financial or economic hardship may be appealed in writing to the Town Board within five (5) business days or any hearing before the Town Board will be deemed irrevocably waived. The Town Board shall hear the appeal at the next regular or special meeting of the Town Board. The hearing shall be informal; however, allowing each side sufficient time to present evidence. A decision may be made by Motion or Resolution.
- 4) If water service is terminated (disconnected), the Town will restore the water service only after the account and fees are paid in full to the Financial Officer.
- e) If after six (6) months non-payment of water fees has occurred, a lien shall be taken out against the property in Custer County.
- f) All users/non-users shall pay a fee of forty dollars (\$40.00) for any returned checks.

In cases where meters fail to register the amount of water used, charges shall be based upon the average used during two or more preceding periods of similar length and during a similar time of year.

Water rates shall be reviewed annually and changed by resolution from time to time as needed by the Town Council.

#### **SLEEP/VACATION WATER RATES**

- a) Requirements include a minimum of three (3) months absence from the household.
- b) A disconnection/reconnection fee of twenty-five dollars (\$25.00) each must be paid.
- c) A monthly maintenance fee of twenty-five dollars (\$25.00) shall be paid.
- d) The water department will continue to read the meter monthly and any water consumed over the 3,000 gallon minimum will be charged to the customer's account.
- e) During this time, the Town is not liable for any frozen water lines or water breaks from the meter pit to the residence.
- f) The customer is held responsible to notify the Financial Officer of their return in order to have regular water fees resumed.

## **CHAPTER 2 – SANITATION**

### **SANITATION**

All property owners shall be given a container for trash. Additional trash containers may be available, depending on supply, for an additional monthly fee that will be set by resolution of the Town Board.

Any and all persons to whom water service is furnished by the City will be charged for garbage

collection.

All property owners shall pay a monthly fee, set by resolution of the Town Board; however, the monthly fee may not be less than twenty dollars (\$20.00). The monthly fee shall be charged regardless of users use of service.

Sanitation charges shall be billed and be due and payable simultaneously with monthly water bills.

Monthly fees are determined by the Town Council of Buffalo Gap and rate changes shall be done by resolution from time to time as needed.

### **CHAPTER 3 – GENERAL PROVISIONS**

#### **IMPLIED CONTRACT BETWEEN TOWN, USER, AND PROPERTY OWNER**

The rules, regulations and water and sanitation rates in this ordinance provided or as elsewhere set out in this code or future ordinances and resolutions of the governing body shall be considered a part of the contract of every person applying for water and sanitation service from the Town of Buffalo Gap, and every owner of property for which such application is made, and every such person by taking water, or by virtue of their ownership of the land for which application is made, shall be considered to express his assent to be bound. This ordinance shall supersede all other utility ordinances from the past.

#### **CUMULATIVE EFFECT OF ORDINANCE**

The provisions of this ordinance shall be cumulative to other ordinances not in conflict with it and shall not operate to repeal any such other ordinances.

**REPEAL OF CONFLICTING ORDINANCES**

All ordinances and parts of ordinances in conflict with this ordinance are repealed.

**SEVERABILITY OF INVALID PROVISIONS**

If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provision of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are declared to be severable.

Dated at Buffalo Gap, Custer County, South Dakota this      day of      , 2018.

**APPROVED:**

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

\_\_\_\_\_  
Trustee

**ATTEST:**

\_\_\_\_\_  
Heather J. Besco  
Financial Officer  
Town of Buffalo Gap

(SEAL)

# Affidavit of Publication

State of South Dakota )

)ss.

County of Custer )

Charles W. Najacht of said county, being duly sworn, on oath says that he is publisher of the Custer County Chronicle, a weekly newspaper printed and published in Custer City, said County of Custer and has full and personal knowledge of all the facts herein stated; that said newspaper is a legal newspaper and has a bona-fide circulation of at least two hundred copies weekly, and has been published within said County for fifty-two successive weeks next prior to the publication of the notice herein, mentioned, and was and is printed wholly or in part in an office maintained at said place of publication: that the

Town of Buffalo Gap  
Resolution No. 2019-01  
Adjust Water Rates

a printed copy of which, taken from the paper in which the same was published, is attached to this sheet, and is made a part of this Affidavit, was published in said newspaper at least once each week for one successive week(s), on which said newspaper was regularly published, to wit:

Aug 7, 2019, \_\_\_\_\_, \_\_\_\_\_;

\_\_\_\_\_, \_\_\_\_\_; \_\_\_\_\_, \_\_\_\_\_;

\_\_\_\_\_, \_\_\_\_\_; \_\_\_\_\_, \_\_\_\_\_;

\_\_\_\_\_, \_\_\_\_\_; \_\_\_\_\_, \_\_\_\_\_;

\_\_\_\_\_, \_\_\_\_\_; \_\_\_\_\_, \_\_\_\_\_;

the full amount of the fees for the publication of the annexed notice is \$ 21.31.

Charles W. Najacht

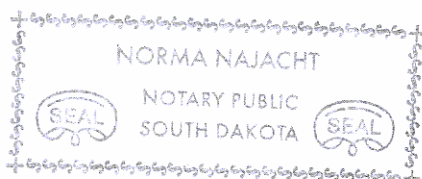
Subscribed and sworn to me before this 7<sup>th</sup>

of August, 20 19;

Norma Najacht

NOTARY PUBLIC

MY COMMISSION EXPIRES: May 5, 2024



## TOWN OF BUFFALO GAP RESOLUTION NO. 2019 - 01 RESOLUTION OF THE TOWN OF BUFFALO GAP TO ADJUST WATER RATES

WHEREAS, the Town of Buffalo Gap purchased new water meters;

WHEREAS, the Town of Buffalo Gap anticipates additional future water system costs;

WHEREAS, the Town of Buffalo Gap Utility Ordinance requires the Board of Trustees to review Water Rates annually;

WHEREAS, the Town of Buffalo Gap Utility Ordinance provides that the Board of Trustees may adjust water rates as needed; and

WHEREAS, the Board of Trustees of the Town of Buffalo Gap find that the costs of the new water meters and future water system maintenance and repair costs necessitate higher water rates.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of the Town of Buffalo Gap, Custer County, South Dakota, that in addition to the current Water Rates adopted by the Town of Buffalo Gap Utility Ordinance, the Board of Trustees adopts by this Resolution an additional \$5.00 monthly surcharge water rate for each water meter in the Town, whether deemed a user of water or a non-user of water pursuant to the Town of Buffalo Gap Utility Ordinance, as necessary for the preservation of an efficient and effective water system for the Town. The necessity of the surcharge shall be reviewed annually.

BE IT FURTHER RESOLVED that the revenue generated by the surcharge shall be deposited into the Water Improvement Fund that may be utilized for the benefit of the water system by Motion of the Buffalo Gap Board of Trustees.

Dated at Buffalo Gap, Custer County, South Dakota this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

APPROVED:

Trustee

Trustee

Trustee

ATTEST:

Heather J. Besco  
Financial Officer Town of  
Buffalo Gap  
(SEAL)  
Published once at an approximate cost of \$21.31.