

MINUTES OF THE REGULAR TOWN BOARD MEETING

The Board of Trustees of the Town of Buffalo met at the Town of Buffalo Office at 6:00pm on October 8, 2024. Trustees present: Larry Blankenbaker, Sarah Sabo, Traci Routier, Kelcee Vroman, and Elizabeth Henderson. Employees Present: Ryan Smith, Dusty Ginsbach. Guests Present: Deputy Williams, Randy Routier, Jon Klempel, Colt Floyd, and Greg & Christin Voeller.

President Blankenbaker called the meeting to order at 6:00pm.

APPROVAL OF AGENDA – Motion by Routier, second by Sabo to approve the agenda. Motion carried.

APPROVAL OF BILLS – Motion by Sabo, second by Routier to approve the bills. Motion carried.

September Payroll – Board Members- \$750; Public Works/Finance Office- \$11,674.33 ; Attorney- \$458.33; Dump Attendant- \$1,168.50 ; Rec Center Cleaner- \$ 310.63

Amazon Capital Services- \$700.08 – supplies; Badger Meter- \$245.41 – services; Buffalo Hardware- \$579.44 – supplies; Casey Peterson – 23,765.79 – 2023 audit; Elan Financial Services- \$2169.58 – supplies/travel; Glines Electric – 2564.87 – services; Grand Electric- \$2,420.37 – services; H&L- \$76.26 – supplies; Number 3- \$113.10 – meeting meal; NW SD Regional Landfill- \$3,082.20 – services; Olson Fuels- \$88.87 – supplies; Rapid Rooter- \$11,666.30 – services; Riverside Technology- \$1,786 – supplies; SD Dept of Revenue- \$1,097.15 – taxes; SDRS- \$1,150 – payroll; Town of Buffalo- \$82.75 – clinic utilities; Servall- \$138.44 – services; US Bank Trust – \$12,573.24-debt payment; USPS- \$438 – supplies; WRCTC- \$277.96 – services.

APPROVAL OF MINTUES. Motion by Routier, second by Sabo to approve the September 10th Regular Meeting Minutes and September 17th Special Meeting Minutes with the following corrections to the September 10 minutes- Add “Kelcee Vroman (late)” to the list of Trustees Present and add “Attorney Ginsbach gave a brief discussion on the doctrine of public necessity” under Reclamation. Motion carried.

LAW ENFORCEMENT REPORT. The newly appointed Deputy Williams visited with the board about expectations and areas of concern regarding policing within the Town of Buffalo.

BAR REPORT. None.

OPEN FORM. None.

3rd STREET EAST. A public complaint that had been filed with the finance officer was read regarding the dry and dusty conditions of 3rd Street East. The board agreed that there wasn't much to be done due to the current drought conditions and that watering the street would only last a few hours. Motion by Sabo, second by Henderson to table all discussions regarding dust control for 3rd Street East and Tipperary Street until April 2025. Motion carried.

PICKLEBALL. Tabled.

RECLAMATION OF FIRE LINE. Sabo recused herself from discussion and vote. Two quotes for reclamation of the fire line were received – Olson Construction- \$2000 and Ace In the Hole- \$150/hr. The board received a request for basic reclamation (rolling the dirt back over) of the fire line that was put in around town on July 30th, 2024. Motion by Routier second by Vroman to hire Ace In the Hole to reclaim the entire fire line at \$150/hr, requesting a fire watch if necessary and to be completed by the end of 2024. Motion carried.

UNFINISHED ROADS. Discussion was held about the unfinished streets in town. Discussion will continue next month. Smith was asked to gather more information and to bring a map of the remaining streets to the next meeting.

ORDINANCE 01-2024. Motion by Blankenbaker, second by Henderson to approve third and final reading and to adopt Ordinance 01-2024 "An Ordinance Establishing and Defining Rules and Regulations Governing the Conduct of Business Concerned with the Operation of the Municipal Water System, Public Sewage Disposal System, and the Solid Waste Disposal System. Motion carried.

ORDINANCE #02-2024

AN ORDINANCE ESTABLISHING AND DEFINING RULES AND REGULATIONS GOVERNING THE CONDUCT OF BUSINESS CONCERNED WITH THE OPERATION OF THE MUNICIPAL WATER SYSTEM, PUBLIC SEWAGE DISPOSAL SYSTEM, AND THE SOLID WASTE DISPOSAL SYSTEM OF THE TOWN OF BUFFALO

Whereas, the Town of Buffalo desires to allow for the most agile and expedient change for its municipal water rates in order to respond to market changes, monetary inflation, and rising costs;

Whereas, the Town of Buffalo desires to encourage residents and property owners to connect to the Town's Water System for the health and safety of inhabitants of the Town;

Whereas, the Town of Buffalo desires to encourage residents and property owners to connect to the Town's Sewage Disposal System for the health and safety of inhabitants of the Town;

Whereas, the Town of Buffalo desires to discourage the number of disturbances, excavations, or other such interruptions in the Sewage Disposal System while encouraging development of abandoned properties;

Whereas, the Town of Buffalo desires to discourage the number of disturbances, excavations, or other such interruptions in the supply of water while encouraging development of abandoned properties; and

Whereas, the Town of Buffalo finds it in the best interest of the Town to update and consolidate provisions of the Town's Utility System for ease of use and understanding of its citizenry and residents;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF BUFFALO:

I. MUNICIPAL WATER SYSTEM

Section 1: The following rules and regulations are hereby established for the governing of the Water Department of the Town of Buffalo, and the control of all persons plumbing in and upon any of the main connections or appliances appertaining to the municipal waterworks of the Town.

Section 2: Any person applying for and receiving water from the municipal water system belonging to the Town, receives such water subject to all rules, regulations, and penalties provided by the Town for any infraction of such rules and regulations.

Section 3: The rules and regulations prescribed in this ordinance shall not be considered a contract between the Town and any parties affected thereby, nor may said rules and regulations prohibit the Board of Trustees from altering or amending the same, or from establishing such additional and reasonable regulations as may, from time to time, seem necessary.

Section 4: It shall be unlawful for any person to lay any water service pipe or introduce into or about any building or any grounds any water pipes or to do any plumbing work in any buildings or any grounds without first applying for and obtaining written approval from the Public Works Supervisor to do such work. Such approval shall be documented on a form approved by the Board of Trustees. However, a property owner personally doing his or her own plumbing work on their own property for the purpose of connecting such pipes to the Municipal Water System, or making any additions on their premises or buildings, or altering or replacing fixtures, apparatus, supply lines, stop cocks, and other such plumbing works, shall not be required to obtain such approval.

Section 5: All work to be done in laying pipe from the water main or other distribution pipe into said premises and all labor connected therewith shall be done under the supervision of the Public Works Supervisor or his designee.

Section 6: Excavations shall be appropriately benched, sloped, shored, or shielded in accordance with regulations of the Occupational Safety and Health Administration. All excavations left open shall be properly guarded and barricaded in the

daytime. After sunset, in addition to barricades, such excavations shall be further demarcated by reflectors, flares, or red lanterns.

Section 7: The Town of Buffalo will be responsible for service pipes and fixtures on the premises or in the right-of-way between the water main and the curb stop, but only after such service pipes and fixtures have been installed by the owner or person in possession of the premises for which the water shall be provided. All service pipes and fixtures on the premises and up to the most recently installed curb stop shall be installed by and kept in good working order and properly protected from frost and other danger at the expense of the owner or person in possession of the premises served. If such person shall fail to properly repair any leaky service pipe or other apparatus promptly upon receipt of due notice from the Superintendent, his assistants, or any person authorized by him, the water shall be immediately shut off from said premises and remain shut off until the necessary repairs have been made and a fee of fifty dollars paid for turning the water on. No claim shall be made against the Town by reason of the breaking of any of the service pipes or other apparatus or for any damage that may result from shutting off water for any purpose or for any variation in pressure. No reduction will be made from the regular water rates because of leaking pipes or fixtures.

Section 8: All water used for air-cooling systems, street, lawn, or garden sprinkling is subordinate to domestic use for fire protection, and may be restricted at any time, should the Public Works Supervisor declare a scarcity of water or should an emergency of any kind require as much.

Section 9: In cases where the water meter may fail to register the amount of water passing through it by being impeded or otherwise malfunctioning, the quantity used shall be calculated based on the amount used during the same billing cycle the previous year. If figures for the preceding year are not available, the quantity used shall be estimated as being equal to the average amount used during the time period immediately following the repair or replacement of the meter.

Section 10: No service pipes installed within the Town shall contain lead or copper and any such pipes shall be replaced when they structurally fail. The expense of such replacement shall be paid by the owner of the property on which such service pipes are laid.

Section 11: In the case of a breakage or stoppage or any other irregularity in the meter installed by the Town, the person identifying such irregularity shall immediately contact the Public Works Supervisor.

Section 12: The Town will not be responsible for damages caused by the breakage of meters, accidents caused by the variation in water pressure, or the ram of water in the water mains.

Section 13: The Town Board shall proscribe rates to be charged for accessibility and use of the Municipal water System.

A. The minimum monthly Water System charges shall be set by resolution of the Town Board which shall be based on a metered rate in increments of 1,000 gallons.

B. All water meters shall be read on the 5th day of the month, each month, and water charges shall be remitted to the Finance Officer not later than the 20th day of each month. Payments for water charges received after the 20th day of each month shall be subject to a charge of 20% of the past due bill.

C. If any availability charges, connection charges, surcharges, deposits, or new account fees are not paid within 30 days of the billing date, the Public Works Supervisor or their authorized agent shall discontinue access to the Municipal Water System by closing the valve at the curb stop.

1. Prior to discontinuing access to the Municipal Water System, the Public Works Supervisor or his authorized agent shall provide a notice of intent to discontinue the service by first class mail, return receipt requested, or by personal service to the owner or occupant of the premises, along with procedures by which the discontinuation may be contested.

2. The owner or occupant will have fifteen calendar days from the date of mailing of the notice to appeal to the Board of Trustees.

3. The Board of Trustees will hold a hearing at which evidence may be presented by the Public Works Supervisor and the owner or occupant of the premises and will make a final determination to take or not take action to discontinue access to the Municipal Water System.

4. Once a determination has been made to discontinue access to the Municipal Water System, access will not be continued until all current and delinquent charges for all municipal utilities are paid in full, together with a service call charge in an amount determined by resolution of the Board of Trustees.

D. If it is necessary to excavate and expose the curb stop, corporation stop, or otherwise discontinue access to the Municipal Water System, the cost of the labor and materials will be added to the water bill or, alternatively, the costs for the performance of said discontinuation shall be provided for by the Town and defrayed by a special tax bill to be assessed in favor of the Town of Buffalo and against the property on which the alterations were made. Such special tax bill shall become a lien against said property.

E. The Town Board shall, by resolution, amend the rates for Water System charges, as described in Section A and C, at the first regular meeting of the calendar year. However, until such changes are made by resolution, the preceding fees shall remain in effect indefinitely.

Section 14: No person except as authorized by the Public Works Supervisor, The President of the Town Board, or the Fire Department, shall open or take water from any fire hydrant belonging to the Town. No person shall interfere with, injure, break, tamper, or deface any fire hydrant.

Section 15: Any person damaging a fire hydrant, water main, or service line shall notify the Public Works Supervisor at once. The person responsible for the damage shall pay the cost or repair or replacement.

Section 16: The Town shall be responsible for the parts of the town waterworks described as the tap, tapping saddle, corporation stop, service pipe between the corporation stops and the curb shut-off, curb shut-off (otherwise known as the curb stop), meter, and shut-off valve below the meter.

Section 17: No person shall open any valve or otherwise provide access to the Municipal Water System without the express authority from the Public Works Supervisor or his authorized agent.

All provisions of revised ordinance number 107-11, ordinance number 114, ordinance number 149, ordinance number 205, ordinance number 09-2021, revised ordinance 107-22, ordinance number 152, and ordinance number 168 are replaced in their entirety upon adoption of this ordinance.

II. CONNECTION TO THE MUNICIPAL WATER SYSTEM

Section 1: The owner of any house or building within 200 feet from public waterline or to which a public waterline is available, shall connect such house or building to a public waterline. The connection to the public waterline must be constructed so as to comply with the rules and regulations of the Town of Buffalo, as well as superseding state and federal rules and regulations. The connection must be inspected and approved by the Public Works Supervisor or his designee.

Section 2: No person shall make any connection with any public waterline, either inside or outside the corporate limits of the Town of Buffalo, without first applying for and obtaining written approval from the Public Works Supervisor to do such work. Such approval shall be documented on a form approved by the Board of Trustees. All availability charges, connection charges, surcharges, deposits, and new account fees must be paid within thirty days after the permit is issued and prior to any connection with any public waterline is made.

Section 3: No waterline work shall be covered until it has been inspected and approved by the Public Works Supervisor or his designee. Excavations shall be appropriately benched, sloped, shored, or shielded in accordance with regulations of the Occupational Safety and Health Administration. All excavations left open shall be properly guarded and barricaded in the daytime. After sunset, in addition to barricades, such excavations shall be further demarcated by reflectors, flares, or red lanterns.

Section 4: All water connections from the Municipal Water System to the user's property will be constructed at the expense of the owners of the premises, including dwellings, buildings, hydrants, or other such terminus.

A. Any person or entity owning or occupying premises to be connected to the Water System shall pay a connection charge in an amount determined by resolution of the Town Board, the actual cost of all parts, and the actual cost of the labor of all contractors to the Finance Officer for a new or additional connection to the Town's water system.

B. Any connection for which no payment of the monthly surcharge pursuant to Resolution #03-2015 has been paid for a cumulative 12 months shall be considered dormant. A connection will also be considered dormant if the owner or occupant of the premises has expressed an intent to let the connection lay dormant or not to pay the monthly surcharge pursuant to Resolution #03-2015. Payment of a monthly surcharge pursuant to Resolution #03-2015 shall be deemed to prevent a connection from being considered dormant. Once a connection is considered dormant, it will be indefinitely disconnected from access to the water main. The account may be brought current and service to the connection may be continued upon payment of all payments under Resolution 03-2015 which are in arrears. No arrearage may have a calculated total more than \$6,000 (six thousand dollars).

C. All new, dormant, or additional connections to the Town's water system shall be performed by a licensed and insured contractor approved by the Public Works Supervisor prior to any work being performed. All proposed new, dormant, or additional connection plans to the Town's water system shall also be approved by the Public Works Supervisor prior to any excavation. All new, dormant, or additional connections to the water system shall be inspected by the Public Works Supervisor at the time such connections are made and must be approved by the Public Works Supervisor.

Section 5: It shall be the duty of the Public Works Supervisor or his authorized representative to inspect water service to any connection of the Municipal Water System as is necessary to secure compliance with this ordinance. If any violation is found, the Public works Supervisor or his authorized representative shall give written notice to the owner or occupant of the property on which the violation occurs. If the provisions of this ordinance have not been complied with within 30 days of written notice of the violation, the Town shall have the right to make or have such alterations performed in order to meet the requirements of this ordinance. All costs for the performance of said alterations shall be provided for by the Town and defrayed by a special tax bill to be assessed in favor of the Town of Buffalo and against the property on which the alterations were made. Such special tax bill shall become a lien against said property.

Section 6: The owner of any dwellings, buildings, hydrants, or other such termini which is connected to the Municipal Water System shall utilize a plastic or copper line which is a minimum of one inch in diameter and rated for no less than 160 pounds of pressure per square inch.

All provisions of revised ordinance number 107-21, ordinance number 113, ordinance number 121, ordinance number 142, ordinance number 177, and ordinance number 200 are replaced in their entirety upon adoption of this ordinance.

A violation of this ordinance is a Class 2 misdemeanor.

APPROVED: _____

President, Board of Trustees

ATTEST:

Finance Officer

(S E A L)

Placed upon its 1st reading:

Placed upon its 2nd reading:

Approved:

Published:

ORDINANCE 02-2024. Motion by Sabo, second by Henderson to adopt Ordinance 02-2024 "An Ordinance Revising Ordinance No. 182, Section 2 and Section 4, Providing for the Connection of Any House or Building to a Public Sewage Disposal System". Motion carried.

ORDINANCE #03-2024

AN ORDINANCE REVISING ORDINANCE NO. 182, Section 2 and Section 4, PROVIDING FOR THE CONNECTION OF ANY HOUSE OR BUILDING TO A PUBLIC SEWAGE DISPOSAL SYSTEM

Whereas, the Town of Buffalo desires to encourage residents and property owners to connect to the Town's Sewage Disposal System for the health and safety of inhabitants of the Town,

and

Whereas, the Town of Buffalo desires to discourage the number of disturbances, excavations, or other such interruptions in the Sewage Disposal System while encouraging development of abandoned properties,

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF BUFFALO:

That Ordinance 182, Section 2 be amended as follows:

Section 2: The following rates, charges, and rentals are hereby established:

(a) Each owner or occupant to be connected to the sewage disposal system shall pay a connection charge in an amount determined by resolution of the Town Board. No connection shall be made to any premises for which any utility bill for any service owed to the Town of Buffalo remains unpaid, irrespective of current ownership.

(b) All monthly sewer service charges, for residential users, duplex and commercial users, motels and apartment complexes, and any other types of connections to the sewage disposal system, shall be determined by resolution of the Town Board.

(c) For the purpose of this ordinance, an apartment complex shall be defined as a building containing three or more apartments.

(d) The rates, as determined by resolution, shall be assessed on the availability of connections and not upon the volume of use.

NOW THEREFORE, BE IT ALSO ORDAINED BY THE TOWN OF BUFFALO:

That Ordinance 182, Section 4 be amended as follows:

Section 4: The Town Board shall, by resolution, amend the rates for connection and service charges, as described in Section 2, at the first regular meeting of the calendar year. However, until such changes are made by resolution, the preceding fees shall remain in effect indefinitely.

APPROVED: _____

President, Board of Trustees

ATTEST:

Finance Officer

(S E A L)

Placed upon its 1st reading:

Placed upon its 2nd reading:

Approved:

Published:

CHARGES FOR SEPTIC DUMP & ROCK SALES. Discussion was held about the charges for when septic tanks are dumped into the lagoon. The current charge is \$100 per household per use. Either the homeowner or the contractor needs to notify the office of the use.

PLAYGROUND. Discussion was held about the playground equipment at Slim Miller Park. The wooden playground set has reached the end of its life and needs to be replaced. Motion by Routier, second by Sabo to surplus the wooden playground set at no value. Motion carried.

Motion by Sabo, second by Vroman to advertise for the removal of the surplus playground equipment. The wooden play system is available free of charge to the first person to contact the finance officer and claim it. Interested party has seven (7) calendar days to remove the equipment or it will go to the next person in line. Area must be clear of any debris or a cleaning cost will be charged. Motion carried.

SIGN. Smith asked if the board was interested in adding an additional digital speed sign to the south end of town. There are currently two on the north end and one on the south along highway 85. The board agreed this would be a good idea and Smith will investigate the cost.

FINANCE OFFICER REPORT. The audit for 2023 was accepted by the Department of Legislative Audit.

PUBLIC WORKS REPORT. Smith discussed the HVAC needs on the gym side of the rec center. He will get a few more quotes on different options for next month.

MISCELLANEOUS. Motion by Routier, second by Sabo to accept with regret Larry Blankenbaker's resignation for the Buffalo Town Board of Trustees, effective at the end of the October 8, 2024 meeting. Motion carried. Thank you to Larry for his service to the board and the Town of Buffalo. The board will advertise the open position until the next meeting. Anyone interested is encouraged to apply.

Vice President Sabo declared the meeting adjourned at 7:46pm.

Signed: _____
Sarah Sabo, Board Vice President

Attest: _____

Elizabeth Henderson, Board Trustee

seal