

**Order No. 125/19**

**THE RURAL MUNICIPALITY OF OAKVIEW – RAPID CITY  
RAPID CITY WATER & WASTEWATER UTILITY  
REVISED RATES FOR OCTOBER 1, 2019, JANUARY 1, 2020, AND JANUARY 1,  
2021, ACTUAL OPERATING DEFICIT RECOVERY FOR 2016 AND 2017**

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**AUGUST 29, 2019**

**BEFORE: Shawn M<sup>c</sup>Cutcheon, Panel Chair  
Irene Hamilton Q.C., Member**

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## 1.0 Executive Summary

By this Order, the Public Utilities Board (Board) varies the revised water and wastewater rates for the Rural Municipality of Oakview (RM), Local Urban District of Rapid City Water and Wastewater Utility (Utility) and varies the effective dates to be October 1, 2019, January 1, 2020, and January 1, 2021 as shown below.

	<b>Previous Bylaw 2015- 18</b>	October 1, 2019	January 1, 2020	January 1, 2021
Quarterly Service Charge	\$ 29.19	\$ 22.60	\$ 21.14	\$ 19.68
Water (per 1,000 gallons)	\$ 27.49	\$ 34.40	\$ 35.94	\$ 37.48
Wastewater (per 1,000 gallons)	\$ 3.00	\$ 3.77	\$ 3.94	\$ 4.11
Minimum Quarterly Charge*	\$ 120.66	\$ 137.11	\$ 140.78	\$ 144.45
Wastewater Only Customers**	\$ 54.69	\$ 54.65	\$ 54.63	\$ 54.62

\*Based on 3,000 gallons

\*\*Based on 8,500 gallons

The Board also approves the 2016 Actual Operating Deficit of \$27,968 and 2017 Actual Operating Deficit of \$18,073 totalling \$46,041, to be fully recovered from the Utility Accumulated Surplus Fund.

Details of other rates may be found in the attached Schedule A.

Rationale for the Board's decisions may be found under the heading Board Findings below.

## 2.0 Background

The RM owns and operates two water and wastewater utilities. The Rapid City Water and Wastewater Utility, located in the Local Urban District of Rapid City, and the Oak River Water and Wastewater Utility. The RM's Application pertains to the Rapid City Water and Wastewater Utility only.

The Utility system provides water and wastewater services to 183 customers and 8 wastewater only customers or a total of 191 customers. All water customers are metered.

The Utility purchases its water from the Rural Municipality of Minto-Odanah, at the Bulk water rate, as per a signed agreement from November 2014. The Rural Municipality of Minto-Odanah purchases its water, at a wholesale rate, from the Town of Minnedosa and puts it through a second treatment process before selling water to the RM.

Utility rates for the RM's Utility were established on an initial interim basis in Board Order No. 141/15 and approved as final in Board Order No. 123/17 for January 1, 2016, 2017 and 2018.

On August 21, 2019, Board Order 120/19 approved a pass-through water rate increase for the RM of \$0.91 per 1,000 gallons, to be effective October 1, 2019. The increase was a direct result of an increase in the RM's cost of purchasing water from the RM of Minto-Odanah. In the Order, the Board also approved a process whereby the RM may continue to pass-through water rate increases resulting from wholesale water rates for the Utility, on the basis that such rates are passed-through without any price mark-up. The RM's consultant advises this increase has been accounted for in RM's forecasts and projections for revised rates.

### **Water Supply/Distribution**

The water system was built in 1980 and has had various upgrades to date. The plant is situated on top of a 55 m<sup>3</sup> treated water storage reservoir. The distribution system consists primarily of polyvinyl chloride (PVC) with some high-density polyethylene (HDPE).

### **Wastewater Collection/Treatment**

The wastewater system was installed in 1967 and has had various upgrades to date. The lagoon is usually discharged in June and October and is discharged into a nearby field.

Lagoon access is permitted to septic tank haulers who are not billed and currently no contracts are in place.

### **Unaccounted for Water**

The acceptable percentage of unaccounted for water is 10%. If the percentage is above this amount, the applicant is to explain why and provide a plan to remedy.

The RM's unaccounted for water is estimated at 42% as of 2017, resulting primarily from a large leak from January through March. A further analysis shows unaccounted for water estimated at 29% from the period of April 1, 2017 to March 31, 2018, resulting from aging infrastructure in need of replacement. The RM advises staff are tracking water purchased versus water billed to better understand the unaccounted for water loss and will be commencing a repair and replacement program for water and wastewater lines.

### **3.0 Application**

A Public Notice of Application was issued on December 27, 2018 allowing for any questions or comments with respect to the proposed rate increase to the Board and/or the RM on or before January 28, 2019. No complaints were received.

When reviewing an application, the Board has at its disposal two approaches, either a paper or a public hearing review. After the publication of the Notice of Application, the Board considers the application and stakeholder responses, and determines which method of review is most appropriate. Whenever reasonable, the Board can review the application using a paper review process, which save the cost of a public hearing process. Given the Board was not advised of any complaints, the Board has chosen a paper review process for this application.

The rates were calculated based on the following projections using an annual inflation rate of 2% in all calculations:

<b>Schedule of Utility Rate Requirements – Rapid City Water and Wastewater Utility 2019 to 2022 Budget Forecasts (\$)</b>				
	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>
	<b>Forecast</b>			
<b>General Expenses</b>				
Administration	12,137	12,380	12,627	12,880
Training	779	795	811	827
Billing and Collection	510	520	531	541
Total General Expenses	13,426	13,695	13,969	14,248
<b>Revenue</b>				
Penalties	2,500	2,500	2,500	2,500
Total General Revenues	2,500	2,500	2,500	2,500
<b>Net Costs General</b>	<b>10,926</b>	<b>11,195</b>	<b>11,469</b>	<b>11,748</b>
<b>Water Expenses</b>				
Purification and Treatment	2,040	2,040	2,081	2,122
Water Purchases	70,080	71,482	72,911	74,369
Transmission and Amortization	71,006	72,426	73,874	75,352
Interest on Long-Term Debt	27,136	30,114	30,114	29,265
Total Water Expenses	6,933	10,909	10,157	9,375
	177,195	186,971	189,137	190,483
<b>Revenue</b>				
Connection Fees	700	700	700	700
Hydrant Rentals	380	380	380	380
Total Water Revenues	1,080	1,080	1,080	1,080
<b>Net Costs Water</b>	<b>176,115</b>	<b>185,891</b>	<b>188,057</b>	<b>189,403</b>
<b>Wastewater Expenses</b>				
Treatment and Disposal	1,020	1,040	1,061	1,082
Lift Station	7,140	7,283	7,428	7,577
Other Wastewater/Disposal	1,020	1,040	1,061	1,082
Amortization	3,552	5,454	5,454	5,454
Total Wastewater Expenses	12,732	14,817	15,004	15,195
<b>Net Costs Wastewater</b>	<b>12,732</b>	<b>14,817</b>	<b>15,004</b>	<b>15,195</b>
<b>Net Operating Costs</b>	<b>199,773</b>	<b>211,903</b>	<b>214,530</b>	<b>216,346</b>

## Working Capital Surplus/Deficit

Board Order No. 93/09 established that utilities should maintain a minimum working capital surplus, in an amount equal to 20% of annual expenses. The working capital surplus/deficit is defined as the Utility fund balance, excluding any capital related items plus Utility reserves.

As per the 2018 audited financial statements, the most recent information available, the working capital surplus for the Utility at December 31, 2018 was:

	2018	2017
Utility Fund Surplus/Deficit	\$869,742	\$861,322
Deduct: Tangible Capital Assets	1,095,235	\$1,110,459
Add: Long-Term Debt	191,249	205,202
Add: Utility Reserves	73,137	52,294
<b>Equals Working Capital Surplus (Deficit)</b>	<b>\$38,893</b>	<b>\$8,359</b>
Operating Expenses	173,112	207,518
<b>20% of Operating Expenses (Target)</b>	<b>\$34,622</b>	<b>\$41,504</b>

The Utility currently exceeds the Board minimum working capital surplus of 20%.

## Operating Deficits

By law, Manitoba utilities are not allowed to incur deficits. In the event a deficit does occur, the Utility is required by *The Municipal Act* to obtain Board approval for both the deficit and recovery methodology. The Board is therefore duty bound to approve the reasonable rates based on reasonable expense projections.

The RM has incurred actual operating deficits of \$18,073 in 2017 and \$27,968 in 2016 or a total two-year actual operating deficit of \$46,041. The RM has requested the deficits be fully recovered from the Utility's working capital surplus fund.

## **Cost Allocation Methodology**

The Board requires all municipal governments to review the costs shared between its general operations and the Utility, and to allocate appropriate and reasonable costs to the Utility, based on a policy known as a Cost Allocation Methodology. This allocation must be submitted to the Board for approval and cannot be changed without receiving approval from the Board. The Board's requirements regarding cost allocation methodologies can be found in Board Order No. 93/09.

The administration cost allocation is currently composed of 20% of the Rapid City Administrative Assistant position, 25% of the Rapid City Public Works Foreman position, and any part-time staff time required for the Utility along with one half of the public works phone bill as follows:



<b>Rural Municipality of Oakview – Rapid City Water and Wastewater Utility                      Allocation Plan for Non-Direct Shared Services (see Note 1)                      as at November 2018</b>			
Category	Sub-category	Options	
1.0	Administrative Staff		20% of the Rapid City Administration Officer.
	1.1 Billing services – meter reading to receipting and collection.		Meter reading is done by Utility customers.
	1.2 Accounting/ auditing/ including By-Law making and enforcement.		Nothing at this time.
	1.3 Common office space		Nothing at this time.
	1.4 Office overheads (telephone, photocopier, computer, etc.)		Nothing for overhead costs. Any direct costs related to advertising and insurance are charged directly to the Utility.
2.0	Operating, construction and maintenance costs		
	2.1 Vehicle – fuel, maintenance, lease costs, capital costs		There is no charge to the Utility for vehicle costs.
	2.2 Labor – full time, part time, on call, sick time, vacation (see Note 2)		25% of the Public Works Foreman salary plus any direct staff time for overtime or part-time.
	2.3 Public works building and property.		50% of the public works shop telephone bill is paid by the Utility.
	2.4 Road repairs and alike (see Note 3)	Based on actual costs	-
3.0	Major projects		
	Interest/ financing		N/A
	Labor	Based on actual costs	-
	External costs	Direct charge (dedicated consulting)	-

Note 1 – Allocation must be updated periodically to reflect impacts of inflation.

Note 2 – Including salaries and benefits.

Note 3 – If a project involves work benefitting both the Utility and general operations the costs may be shared (i.e. If reconstructing a road and replacing services at the same time, a portion of the roadwork costs may be allocated to the Utility.)

## Contingency Allowance and Utility Reserves

As per the Board's Water and Wastewater Rate Application Guidelines, a yearly allowance equal to 10% of the variable operating costs is recommended for a contingency allowance.

The contingency allowance equates to \$15,076 for water and \$974 for wastewater or a total contingency allowance of \$16,050.

The RM has included an annual transfer of \$10,000 to the Utility Reserve to commence a repair and replacement program for the water and wastewater lines.

### 4.0 Board Findings

The Board has reviewed the application and projections presented by the RM in its Rate Application and finds them to be acceptable. The Board, however, does not accept the RM's request for four years of revised rates and varies the rates as requested by the RM to be reduced to three years in duration to be in keeping with the Board approved Guidelines. The Board also varies the effective dates of the water and wastewater rates to October 1, 2019, January 1, 2020, and January 1, 2021.

The Board approves the Shared Cost Allocation Methodology and reminds the RM this methodology must be used consistently and requires Board approval should any changes be considered.

The Board requires the RM to review its water and wastewater rates for adequacy and file a report with the Board, as well as an application for revised rates, if required, on or before December 31, 2021.

The Board is concerned with the percentage of unaccounted for water losses and commends the RM for its commencement of a repair and replacement program for the Utility water and wastewater lines attempt to reduce these losses to within acceptable levels.

The Board approves the recovery of the 2017 actual operating deficit of \$18,073 and the 2016 actual operating deficit of \$27,968 to be recovered from the Utility's Accumulated Surplus Account, effective the date of this Order.

The Board reminds the RM, by law Manitoba utilities are not allowed to incur deficits. Should utility operating deficits materialize in any year the RM must file a Deficit Application and proposed method of recovery as soon as it is known.

The Board strongly encourages the RM to work closely with its auditor(s) to ensure the Public Utilities Board Note to the Consolidated Financial Statements is complete and correct. If this note is omitted, incomplete, and/or incorrect, it inhibits the Board's ability to assess the Utility's financial position and the RM's ability to set appropriate rates to sustain the Utility and its operations.

## **5.0 IT IS THEREFORE ORDERED THAT:**

- 1) The revised water and wastewater rates for the Rural Municipality of Oakview, Rapid City Water and Wastewater Utility, BE AND IS HEREBY VARIED in accordance with the attached Schedule A, effective October 1, 2019, January 1, 2020, and January 1, 2021.
- 2) The cost allocation methodology for shared services as submitted by the Rural Municipality of Oakview BE AND HIS HEREBY APPROVED.
- 3) The actual operating deficits, when calculated for regulatory purposes, of \$18,073 in 2017 and \$27,698 in 2016 incurred in the Rural Municipality of Oakview, Rapid City Water and Wastewater Utility, is HEREBY APPROVED to be recovered through a transfer from the Utility's Accumulated Surplus Account, effective the date of this Order.
- 4) The Rural Municipality of Oakview is to provide notice of the decisions found in this Order to its customers as soon as possible, with a copy provided to the Public Utilities Board.

- 5) The Rural Municipality of Oakview amend its water and wastewater By-Law to reflect the decisions in this Order and submit a copy to the Public Utilities Board once it has received third and final reading.
- 6) The Rural Municipality of Oakview review water and wastewater rates for the Rapid City Water and Wastewater Utility for adequacy and file a report with the Public Utilities Board, as well as an application for revised rates if required, by no later than December 31, 2021.

Board decisions may be appealed in accordance with the provisions of Section 58 of *The Public Utilities Board Act*, or reviewed in accordance with Section 36 of the Board's Rules of Practice and Procedure. The Board's Rules may be viewed on the Board's website at [www.pubmanitoba.ca](http://www.pubmanitoba.ca).

Fees payable upon this Order - \$650.00

THE PUBLIC UTILITIES BOARD

"Shawn M<sup>c</sup>Cutcheon"  
Panel Chair

"Frederick Mykytyshyn"  
Assistant Associate Secretary

Certified a true copy of Order No. 125/19 issued  
by The Public Utilities Board

  
Frederick Mykytyshyn  
Assistant Associate Secretary

## SCHEDULE A

### RURAL MUNICIPALITY OF OAKVIEW RAPID CITY WATER AND WASTEWATER UTILITY WATER AND WASTEWATER UTILITY RATES BY-LAW NO. 2018-08

#### SCHEDULE OF QUARTERLY RATES

1. Schedule of Commodity Rates & Quarterly Service Charge October 1, 2019

Rates per 1,000 Gallons	<u>1,000 Gallons per quarter</u>		
	Water	Wastewater	Water & Wastewater
	\$34.40	\$3.77	\$38.17
Quarterly Service Charge	\$22.60		

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

**a) Water & Wastewater Customers**

<u>Meter Size</u>	<u>Water Included Gallons</u>	<u>Customer Service Charge</u>	<u>Water Commodity Charge</u>	<u>Wastewater Commodity Charge</u>	<u>Water &amp; Wastewater Total Quarterly Minimum</u>
5/8 inch	3,000	\$22.60	\$103.20	\$11.31	\$137.11
3/4 inch	6,000	\$22.60	\$206.40	\$22.62	\$251.62
1 inch	12,000	\$22.60	\$412.80	\$45.24	\$480.64
1 ½ inch	30,000	\$22.60	\$1032.00	\$113.10	\$1,167.70
2 inch	75,000	\$22.60	\$2,580.00	\$282.75	\$2,885.35

**b) Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

**c) Wastewater Only for Residential Customers**

The wastewater only charge is based on average quarterly consumption of 8,500 gallons plus the quarterly customer service charge.

The quarterly charge for wastewater only customers is  $(8.5 * \$3.77) + \$22.60 = \$54.65$

1. Schedule of Commodity Rates & Quarterly Service Charge

January 1, 2020

Rates per 1,000 Gallons

1,000 Gallons per quarter

	Water	Wastewater	Water & Wastewater
	\$35.94	\$3.94	\$39.88
Quarterly Service Charge	\$21.14		

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a) **Water & Wastewater Customers**

<u>Meter Size</u>	<u>Water Included Gallons</u>	<u>Customer Service Charge</u>	<u>Water Commodity Charge</u>	<u>Wastewater Commodity Charge</u>	<u>Water &amp; Sewer Total Quarterly Minimum</u>
5/8 inch	3,000	\$21.14	\$107.82	\$11.82	\$140.78
3/4 inch	6,000	\$21.14	\$215.64	\$23.64	\$260.42
1 inch	12,000	\$21.14	\$431.28	\$47.28	\$499.70
1 ½ inch	30,000	\$21.14	\$1,078.20	\$118.20	\$1,217.54
2 inch	75,000	\$21.14	\$2,695.50	\$295.50	\$3,012.14

b) **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

c) **Wastewater Only for Residential Customers**

The wastewater only charge is based on average quarterly consumption of 8,500 gallons plus the quarterly customer service charge.

The quarterly charge for wastewater only customers is  $(8.5 * \$3.95) + \$21.14 = \$54.63$

1. Schedule of Commodity Rates & Quarterly Service Charge

January 1, 2021

Rates per 1,000 Gallons

1,000 Gallons per quarter

	Water	Wastewater	Water & Wastewater
	\$37.48	\$4.11	\$41.59
Quarterly Service Charge	\$19.68		

2. Minimum Charges per Quarter

Notwithstanding the rates set forth in paragraph 1, all customers will pay the applicable minimum charges per quarter set out below, which includes the water allowance as listed.

a) **Water & Wastewater Customers**

<u>Meter Size</u>	<u>Water Included Gallons</u>	<u>Customer Service Charge</u>	<u>Water Commodity Charge</u>	<u>Wastewater Commodity Charge</u>	<u>Water &amp; Wastewater Total Quarterly Minimum</u>
5/8 inch	3,000	\$19.68	\$112.44	\$12.33	\$144.45
3/4 inch	6,000	\$19.68	\$224.88	\$24.66	\$269.22
1 inch	12,000	\$19.68	\$449.76	\$49.32	\$518.76
1 ½ inch	30,000	\$19.68	\$1,124.40	\$123.30	\$1,267.38
2 inch	75,000	\$19.68	\$2,811.00	\$308.25	\$3,138.93

b) **Water Only Customers**

The minimum charge will be the same for each meter size as shown above but the Sewer Commodity Charge will be excluded.

c) **Wastewater Only for Residential Customers**

The wastewater only charge is based on average quarterly consumption of 8,500 gallons plus the quarterly customer service charge.

The quarterly charge for wastewater only customers is  $(8.5 * \$4.11) + \$19.68 = \$54.62$

**The following clauses take effect October 1, 2019:**3. Billings and Penalties

Accounts shall be billed quarterly based on water used. A late payment penalty charge of 1.25% compounded monthly shall be charged on the dollar amount owing after the billing due date. The due date will be at least fourteen (14) days after the mailing of the bills.

4. Disconnection and Reconnection

The Public Utilities Board has approved the Conditions Precedent to be followed by the Municipality with respect to disconnection of service for non-payment including such matters as notice and the right to appeal such action to The Public Utilities Board. A copy of the conditions precedent is available for inspection at the Municipality's office.

Any service disconnected due to non-payment of account shall not be reconnected until all arrears, penalties and a reconnection fee of \$40.00 have been paid.

5. Liability for Charges

Pursuant to Section 252 (2) of *The Municipal Act*, the amount of all outstanding charges for water and sewer services, including fines and penalties, are a lien and charge upon the land serviced, and may be collected in the same manner in which ordinary taxes upon the land are collectible, and with like remedies.

6. Meter Reading

All customers will be required to read their own water meters for a three day period between the 12th and 15th of March, June, September and December and phone, email or text in the meter readings to the municipal office. If there is a change in property ownership or tenants, final meter readings are taken on the last day of ownership or tenancy and given to the office for billing purposes. All meters shall be readily accessible to be read quarterly by municipal staff, if requested.



If a customer fails to provide a meter reading within the time required, the meter reading shall be estimated based on the average consumption per quarter in the previous year, or in the case of a new customer the estimate shall be based on the average quarterly residential consumption.

7. Hydrant Charges

The RM of Oakview, or any other hydrant owner, will pay to the Utility a fee of \$95 per hydrant for the purpose of maintaining and repairing all fire hydrants connected to the system which shall include the cost of water used for firefighting.

8. Water Allowance Due to Line Freezing

That in any case where, at the request of Council, a customer allows water to run continuously for any period of time to prevent the water lines in the water system from freezing, the charge to that customer for the current quarter shall be the average of the billings for the last two previous quarters to the same customer, or to the same premises if the occupant has changed.

9. Wastewater Surcharges

a) There may be levied annually, in addition to the rates set forth above, a special surcharge on sewage having a Biochemical Oxygen Demand in excess of 300 parts per million, to be set by Resolution of Council.

b) A special surcharge for substances requiring special treatment shall be charged based on the actual costs of treatment required for the particular sewage or industrial waste.

10. Water Meters

Water meters are owned by the Rural Municipality but are the responsibility of the utility customer to maintain. If the water meter is broken, frozen, etc., the utility customer will be billed for a new meter at the current cost of replacement.

11. Mobile Homes

Water meters that are under mobile homes should be brought up to the main level for easier access to read the meter and to prevent the meter from freezing.

12. Service To Customers Outside Utility's Limits

The Council of the Rural Municipality of Oakview may sign Agreements with customers for the provision of water and sewer services to properties located outside the boundaries of the Local Urban District of Rapid City. Such Agreements shall provide for payment of the appropriate rates set out in this Schedule, as well as a surcharge, set by Resolution of Council, which shall be equivalent to the frontage levy, general taxes, and special taxes for the Utility purposes in effect at the time or may be in effect from time to time, and which would be levied on the property concerned if it were within the LUD of Rapid City boundaries. In addition, all costs of connecting to the Utility's mains, and installing and maintaining service connections, will be paid by the customer.

13. Meter Testing

That in any case where a utility customer requests that a meter be tested for accuracy, the customer will provide the Rural Municipality with a deposit of \$100.00. The Rural Municipality will then remove the subject meter and send it to an independent lab for testing. If the meter is found to be faulty, all costs associated with the testing process will be borne by the Municipality and the deposit will be refunded to the customer and the customer's account will be adjusted for the preceding four (4) months. If the meter is found to be in proper working order, all costs associated with the testing process will be borne by the customer and the customer will be billed or refunded any balance owing.

14. Cross Connections

No customer or person shall connect, cause to be connected or allow to remain connected any piping, fixture, fitting, container or appliance in a manner which under any circumstances may allow water, wastewater or any harmful liquid or substance to enter the Rural Municipality's water system.

If a condition is found to exist which, in the opinion of the Rural Municipality, is contrary to the aforesaid, the Rural Municipality may either:

Shut off the service or services; or

Give notice to the customer to correct the fault at his or her own expense within a specified time period.

15. Conditions of Disrepair

In the event that there are conditions of disrepair in the sewer and water works on a property that detrimentally affects the system as a whole and, upon the failure of the owner of the property to correct the condition within a reasonable time, the Municipality, or its agents, may enter the property, effect repairs and charge the cost thereof against the subject property as ordinary taxes.

16. Authorization For Officer To Enter Upon Premises

The Public Works Supervisor, or other employee authorized by the Rural Municipality in the absence of the Public Works Supervisor, shall be authorized to enter upon any premise for the purpose of:

Affixing to any pipe, wire or apparatus connected with any such utility, a meter or any other measuring or testing device; or taking readings from, repairing, inspecting or removing any meter or apparatus belonging to the Rural Municipality.