

The regular meeting of the Municipal Utilities Board was held at 1:00 p.m. on Monday, August 10, 2020, via WEBEX with the following members present: Bartels, Carruthers, Hansen, Harvey and Hawley.

ADOPTION OF AGENDA

The agenda was adopted.

UTILITY MINI BOARD WORKSHOP

Marcy Douglas, Missouri River Energy Field Services Manager, conducted a follow-up Mini Utility Board Workshop with the Utility Board. Marcy Douglas was present at the June 10, 2019, Board Meeting and reviewed the action items that were addressed on the evaluation forms that were completed in 2019. No action was taken.

MINUTES

Minutes of the regular meeting held July 13, 2020 and the special meetings held July 27, 2020 were read and approved.

APPROVAL OF BILLS AND CLAIMS

Motion was made by Hawley, seconded by Hansen that the following bills and claims be approved. All members present voted in favor of the motion.

4nu-praxair Dist, Supplies, \$13.80; Active Heating, Repair, \$310.00; A-I Computer Solutions, Supplies, \$39.99; Allegra, Printed Supplies, \$1,067.16; AlphaMedia, Advertising, \$2,250.00; Appeara, Supp, \$365.99; Aramark, Supp, \$197.76; AT & T, Telco Settlement, \$737.29; Aureon Network, Annual Registration, \$521.20; Authorize.Net, Credit Card Proc. Fee, \$158.05; Badger Communications, Unreg Inventory, \$3,823.90; Ball, Michelle, Janitorial Service, \$200.00; Banner Associates, Engineering Consulting, \$8,907.51; Barrett's Flooring, Paint, \$167.99; Bendix, Copier Maint, \$2,207.75; Blooston & Mordkofsky, Legal Service, \$45,496.25; Bluefin Payment Systems, Credit Card Proc. Fee, \$11,237.82; Border States Elec, Supp, \$7,046.25; Border States Elec, Unreg Inv, \$61,492.65; Bowes Construction, Asphalt, \$1,260.30; Bridle Estates, Sewer Charge Reim, \$4,034.00; Brookings County Finance, License, \$21.20; Brookings Credit Bureau, Delinq. Acct Collection, \$96.00; Brookings Municipal Utilities, Office Utility Bill, \$57,297.62; Brookings Utilities, Conserve/Demand Incentive, \$888.24; Brookings Radio, Advertising, \$4,920.00; Brookings Register, Advertising/Legals, \$63.00; BSG Clearing

Solutions, Telco Settlement, \$55.26; Buffalo Ridge Concrete, Concrete/Supp, \$163.50; Buhls Dry Cleaners, Rug/Supp, \$339.40; Builders First Source, Building Materials, \$9.99; Butler Machinery, Maint/Supp, \$1,773.26; Carquest Auto, Equip Maint, \$393.71; Carrier Mgmt Systems, Subscription, \$900.00; Carus, Chemicals, \$1,974.00; CDW Government, Computers/Monitors, \$109.44; CDW Government, Unreg Inv, \$373.98; Century Business Products, Copier Maint, \$861.13; Century Link, Telephone Exp, \$211.80; Century Link, Interconnections, \$4,800.29; Century Link, Telco Settlement, \$272.22; Chesterman, Bottled Water, \$14.00; CHR Solutions, Software Maint, \$2,054.11; City of Brookings, Contract Fee, \$7,160.89; City of Brookings, Landfill Fee, \$434.30; City of Vermillion, Utility Bill, \$571.81; Connections, EAP Service, \$1,345.68; Core & Main, Supplies, \$1,071.00; Counsel, Maint/Supp, \$12.04; Courtesy Plumbing, Repair/Supp, \$67.75; Credit Collections Bureau, Delinq. Acct Collection, \$643.15; Crescent Electric Supply, Unreg Inv, \$2,050.00; Culligan of Brookings, Bottled Water, \$202.00; Culligan of Watertown, Bottled Water, \$18.75; Dakota State University, Training, \$1,113.75; Dave's Window Cleaning, Window Service, \$75.00; DePauw, Sean, Travel, \$230.58; Dept of the Treasury, Federal Tax, \$5,950.44; DexYP, Advertising, \$871.76; DGR Engineering, Engineering Service, \$519.00; DHE, Maint Fee, \$1,196.63; Directory Resources, Software Maint, \$1,250.00; Ditch Witch of SD, Equip Maint, \$776.33; Ethanol Products, Chemicals, \$889.28; Farmers Implement, Equip Maint, \$2,534.90; Fastenal, Supp, \$1,132.07; Fibercomm, Broadband Service, \$529.86; First Bank & Trust, Bond Pymt Series 2011, \$36,466.25; Flexible Pipe Tool, Sewer Camera Repair, \$1,820.15; Foerster Supply, Supp, \$1,510.90; Fox Scientific, Supp, \$221.37; Fox Sports Net North, Contract Fee, \$7,602.20; Franz Reprographics, Maint/Supp, \$25.00; Freeman, Harvey, Travel, \$33.00; G & R Controls, Equip/Maint, \$124.50; George's Pizza, Meeting Supp, \$101.00; Glander, Carl, Conserve/Demand Incentive, \$25.00; Golden West Tech, Tech Support, \$3,576.00; Graham Tire of Sioux Falls, Maint/Supp, \$66.93; Gray Television Group, Contract Fee, \$10,759.14; Graybar Electric, Fujitsu Annual Support, \$6,601.00; Graybar Electric, Supp, \$786.94; Great Northern Environmental, Supp, \$211.00; Greguson, Paul, Conserve/Demand Incentive, \$250.00; Hach Chemical, Supp, \$394.22; Hauswedell, Brady, Conserve/Demand Incentive, \$30.00; Hawkins Inc, Chemicals, \$2,317.50; Hawkins Inc, Supp, \$2,004.12; H-D Electric, Utility Bill, \$401.17; Helsper, McCarty, & Rasmussen, PC, Legal Service, \$6,187.50; Hibu-West, Advertising, \$344.00; High Point Networks, Software/Maint, \$13,557.76; Homestead Do It Center, Supp, \$90.76; Hy-Vee, Supp, \$160.85; Iconectiv, LNP Fee, \$2,447.68; Iheartmedia, Advertising, \$5,050.00; Incomm Agent Solutions, POS Fees, \$186.00; Independent Communications, Contract Fee, \$4,441.59; Insight Direct USA, License, \$7,377.18; Interstate Tele-Co, Directory Listings, \$464.00; Interstate Telecom, Circuit Lease, \$2,380.00; Interstate Telecom, Tele Exp, \$414.68; iQmetrix USA, Software Fees, \$2,140.00; ITL, LLC, Supp, \$1,493.00; Jackrabbit Tire, Equip Maint, \$963.85; JCL Solutions, Supp, \$90.00; Jimmy John's, Meeting Supp, \$69.31; John Deere Financial, Equip Maint, \$25.72; Johnstone Supply, Supp, \$88.32; Karpen, Nick, Travel, \$115.58; KPHR, Advertising, \$800.00; KXLG-FM, Advertising, \$2,500.00; Lewis Drug, Supp, \$133.86; Lowe's, Supp, \$1,365.99; MacDoctors, Computer Maint, \$425.00; Maguire Iron, 4th St Tower Replacement, \$95,550.00; Malloy Bearing Supply, Repairs/Supp, \$798.73; Martin's Inc, Diesel/Oil, \$1,079.94; Matheson Tri-Gas, Supp, \$191.28; Maximum Promotions, Flags/Repair, \$37.00; Mediacom, Broadband Service, \$195.68; Menards, Supp, \$14.99; Meyer, Steve, Travel, \$63.25; Midamerican Energy, Utility Bill, \$1,411.21; Midcontinent, Broadband Service, \$882.31; Midcontinent, Contract Fee, \$470.25; Midwest Communications, Advertising, \$2,024.00; Moss Adams LLP, Consulting Service, \$250.00; My Cable Mart, Supp, \$141.88;

Nexstar Broadcasting, Contract Fee, \$6,891.02; Ningen, Mike, Conserve/Demand Incentive, \$1,365.24; North West Rec, Utility Bill, \$187.21; Northwestern Energy, Natural Gas, \$57.16; Novak Sanitary Service, Shredding, \$62.30; Office Elements, Maint/Supp, \$199.99; Office Peeps, Supp, \$765.67; One Source-Background Check, Employee Verification, \$54.00; OneNeck IT Solutions, Servers and Hard Drives, \$2,679.10; Otter Tail Power, Utility Bill, \$196.11; Outlaw Graphics, Conserve/Demand Incentive, \$276.00; Palm, Dean, Conserve/Demand Incentive, \$250.00; Pederson, Grant, Conserve/Demand Incentive, \$720.00; Perry Electric, Repairs/Supp, \$142.80; Pests B Dead, Pest Control, \$195.00; Peterson AC & Heating, Repairs/Supp, \$259.00; Powell Broadcasting, Advertising, \$3,040.00; Prairie Graphics, Supp/Uniforms, \$260.00; Prunty Construction, 8th St Water Main Replacement, \$146,300.94; Prussman Contracting, Asphalt, \$3,015.38; Prussman Contracting, Main Repairs, \$627.30; RC First Aid, Supp, \$148.00; RDO Equipment, Equip Maint, \$3,408.42; Reed, Jeff, Travel, \$82.50; Resco, Supp, \$784.74; Ron's Auto Repair, Vehicle Maint, \$58.86; Runnings, Supp, \$2,809.46; Rutledge, Dane, Conserve/Demand Incentive, \$250.00; SD Treasurer, Sales/Excise Tax, \$231,818.25; SDN Communications, Circuit Lease, \$76,969.50; Servicemaster, Janitorial Service, \$280.00; Silverback Communications, Supp, \$1,990.64; Sioux Valley Energy, Dispatching Service, \$660.00; Sioux Valley Energy, Utility Bill, \$1,591.92; Sioux Valley Environmental, Chemicals, \$16,707.60; Society for Human Resource Mgmt, Membership Dues, \$219.00; SD One Call, Locate Fee, \$543.90; Southeastern Electric, Utility Bill, \$506.83; Springbrook, Credit Card Proc. Fee, \$1,600.68; Sprint, PCS Phone Service, \$2,116.68; St. Thomas Moore, Conserve/Demand Incentive, \$763.00; Staples, Supp, \$63.29; State of Iowa-Treasurer, Sales Tax, \$3,925.00; Stoebner, Rick, Conserve/Demand Incentive, \$25.00; Stuart C. Irby, Supp, \$4,356.00; Sturdevant Auto, Supp, \$244.72; Swiftel Communications, Office Phone Bill, \$123,630.83; Sioux Falls Shopping News, Employment Advertising, \$316.20; UPS Store, Freight, \$120.07; Thomson Reuters-West, SDCL Publications, \$219.26; Town & Country Shopper, Advertising, \$144.00; Townsquare Media, Advertising, \$3,870.40; Turfguard Lawn Service, Weed Spraying, \$625.00; Uline, Supp, \$212.98; United Parcel Service, Freight, \$260.66; US Postal Service, Postage, \$9,000.00; Universal Service Adm., USAC Contribution, \$91,768.87; University Estates, Water Charge Reim, \$3,445.00; USA Bluebook, Supp, \$601.96; Vantage Point Solutions, Engineering Consulting, \$1,385.00; Vermeer High Plains, Equip Maint, \$2,399.02; Vikor Teleconstruction, PCS Tower Work, \$1,497.47; Wakeman, Alex, Travel, \$16.50; Watertown Municipal Utilities, Utility Bill, \$1,368.55; Wellmark Blue Cross Blue Shield of SD, Benefit Plan Fee, \$204.25; Wells, Miranda, Travel, \$10.35; WW Tire, Equip Maint, \$50.00; Xcel Energy/NSP, Utility Bill, \$3,334.34; Xerox, Copier Maint, \$5.92.

The following are Telephone/Utility Refunds:

Accessible Space, \$22.83; Anderson, Patty, \$28.21; Baker, Riley, \$2.61; Bandt, Joshua, \$54.43; Barber, Shevy, \$65.40; Becker, Emily, \$54.43; Behrend, Tom, \$238.56; Bellefeuille, Benjamin, \$87.02; Bennett, Randi, \$4.32; Bierschbach, Joshua, \$54.43; Bliven, Joseph, \$79.00; Bly, Brandee, \$13.03; Broksieck, Tate, \$48.03; Brown, Thaddeaus, \$13.03; C & R Development/Onaka, \$43.15; Campillo, Mayelin, \$37.48; Carson, Davis, \$4.47; Claeys, Colin, \$5.42; Croatt, Rachael, \$76.30; Cromer, Brady, \$45.86; Eichten, Kendra, \$4.32; Eidem, Courtney, \$16.33; Elsinger, Matt, \$54.59; Epperson, Kaitlin, \$2.45; Ferguson, Joshua, \$13.64; Ferrell, Laurie, \$183.39; Fixsen, Orman, \$59.95; Foss, Kiley, \$68.12; Franker, David, \$143.65; Fraser, Daniel, \$54.25; Fritz, Adam, \$16.33; Garden Village, \$55.89; Garden Village, \$54.23; Garden Village, \$50.04; Gilbert Trust, \$54.63; Gunnare, Allen, \$35.63; Hadley, Logan, \$54.43;

Hadsell, Bill, \$74.43; Hanisch, Jace, \$71.06; Hanna, Jordan, \$13.03; Hargens, Jaime, \$291.06; Heiberger, Elijah, \$81.86; Hirko, Mary, \$372.10; Hogen, Benjamin, \$48.97; Howe, Nikolas, \$226.72; Howell, Patricia, \$6.03; Ivarsen, McCade, \$41.23; Johnson, Christopher, \$68.13; Johnson, Laura, \$57.23; Kaminsky, Katie, \$48.03; Kieffer, Caroline, \$137.50; Kruse, Tracy, \$13.03; Lange, Alex, \$45.86; Langland, Shantel, \$70.81; Livingston, Michael, \$363.37; Lorang, Nicholas, \$48.03; Mack, Courtney, \$81.86; Mackintosh, Rio Ann, \$56.41; Madsen, Kendra, \$136.27; Mills Property Mgmt/Onaka, \$161.22; Mills Ridge Apts, \$95.01; Molitor, Jennifer, \$49.89; Murray, Katie, \$41.23; Nemmers, Roman, \$43.39; Noll, Billy, \$142.02; Northern Plains Power Tech, \$129.70; Oakland, Peter, \$28.21; Ofstedal, Raymond, \$56.49; Page, Emily, \$54.43; Palmer, Jennifer, \$68.12; Papa Murphy's Pizza, \$175.89; Putz, Janae, \$43.39; Radoui, Mohamed, \$54.43; Regis, Richard, \$9.51; Rothmeier, Jocelyn, \$43.39; Sand, Dana, \$34.72; Savedra, Miles, \$55.14; Sloat, Clayton, \$14.15; Smith, Amy, \$96.65; Solter, Timothy, \$74.43; Southland Court, \$52.35; Southland Court, \$42.42; Southland Court, \$58.12; Steckelberg, Alayna, \$43.39; Stewart, Bridget, \$43.39; Sudbeck, Scout, \$54.43; Swee, Breanna, \$32.73; Tetrick, Lucas, \$33.09; Thielke, Marcel, \$61.14; Tweet, Melissa, \$136.27; Uher, Melanie, \$68.12; VanderWal, Wayne, \$80.44; Vannelli, Joseph, \$54.43; Village Square Apts, \$53.99; Village Square Apts, \$49.06; Village Square Apts, \$56.34; Village Square Apts, \$49.45; Village Square Apts, \$24.96; Village Square Apts, \$55.12; Village Square Apts, \$51.22; Village Square Apts, \$48.97; Village Square Apts, \$53.38; Village Square Apts, \$48.69; Village Square Apts, \$61.29; Village Square Apts, \$56.31; Village Square Apts, \$46.20; Village Square Apts, \$49.75; Village Square Apts, \$45.54; Village Square Apts, \$48.74; Village Square Apts, \$82.77; Wahle, Jacob, \$81.86; Waldner, Lindsey, \$12.20; Weinberg, Mike, \$54.43; Zinniel, Rebecca, \$45.86.

PERSONNEL INFORMATION

Department Salaries (July): Electric, \$239,183.93; Water, \$119,578.30; Wastewater, \$99,975.19; Telephone, \$531,747.82;

Retirement, \$56,400.43; Social Security, \$71,937.59; Insurance, \$115,514.37; Deferred Comp, \$16,432.23;

Salary Changes: C. Anderson, \$21.71; H. Beynon, \$22.18; J. Borns, \$35.36; K. Briggs, \$42.66; E. Campbell, \$20.78; C. Christy, \$22.11; T. Dahmen, \$40.60; B. Drexler, \$42.66; J. Ekern, \$35.36; H. Freeman, \$38.70; E. Heesch, \$15.07; T. Heldt, \$22.18; J. Horst, \$38.70; K. Jensen, \$28.36; A. Johme, \$22.90; S. Kindt, \$40.60; J. Kleinemas, \$38.70; J. Kriese, \$36.76; D. Kruse, \$36.76; J. Larson, \$36.77; J. Lenander, \$18.83; J. Lounsbery, \$35.36; T. McLaughlin, \$24.42; M. Menken, \$35.36; D. Moe, \$13.02; B. Nelson, \$35.36; C. Oval, \$12.21; J. Owen, \$21.71; D. Patrick, \$22.90; R. Petersen, \$13.02; D. Peterson, \$14.65; M. Platzeck, \$38.70; J. Reed, \$35.36; K. Resmen, \$14.12; T. Reu, \$15.07; S. Riens, \$32.11; C. Strand, \$38.70; L. Swenson, \$32.11; J. Tilden, \$22.90; A. Wakeman, \$13.84;

R. Behlings, \$15.53; D. Denison, \$29.15; D. Felton, \$21.86; J. Gorter, \$24.78; J. Hanson, \$32.11; K. Harvey, \$30.60; T. Hohn, \$34.92; K. Hougland, \$30.60; J. Jensen, \$30.60; T. Koch, \$30.60; M. Kuechenmeister, \$36.76; D. Loban, \$29.15; T. McClain, \$17.18; R. Meyer, \$30.60; S. Minor, \$36.76; D. Nemitz, \$17.18; M. Page, \$29.15; B. Peterson, \$29.15; M. Prussman,

\$30.60; G. Telkamp, \$29.15; N. Vandersnick, \$30.60; M. Volkers, \$32.11; R. Wendland, \$30.60;

J. Axtell, \$32.81; C. Bohlen, \$29.77; T. Bruna, \$27.00; T. Charging, \$23.26; J. Christenson, \$25.20; W. Clark, \$32.81; K. Gerdes, \$22.18; B. Goodfellow, \$15.07; T. Heitpas, \$15.07; M. Jorgensen, \$21.17; C. Koerlin, \$20.09; S. McKeown, \$27.00; J. McKibben, \$24.30; T. Mumby, \$21.07; C. Murphy, \$15.07; A. Nielsen, \$23.26; J. Nielsen, \$20.09; J. Nutter, \$22.18; T. Roach, \$23.26; L. Sebring, \$25.70; A. Skyberg, \$29.77; D. Steege, \$38.57; S. Stulken, \$22.18; S. Thelen, \$22.18; S. Thompson, \$15.07; R. Volkers, \$22.18; D. Wakeman, \$36.76;

S. Anderson, \$34.83; N. Axtell, \$38.70; M. Beynon, \$33.59; C. Carpenter, \$32.11; M. Collins, \$40.60; D. DesLauriers, \$38.70; L. Dickey, \$38.70; A. Egeberg, \$27.75; D. Eidsness, \$34.83; R. Foster, \$38.70; C. Haakinson, \$38.70; A. Haberman, \$28.79; B. Halvorson, \$27.75; E. Henningsen, \$31.82; S. Hinricher, \$27.75; I. Kruse, \$38.70; N. Maher, \$25.20; R. Meyer, \$14.75; J. Millard, \$38.70; C. Nutter, \$38.70; B. Pedersen, \$38.70; R. Perry, \$29.03; L. Reed, \$40.60; T. Rymerson, \$21.07; T. Smith, \$35.36; B. Steffen, \$31.85; T. Swanson, \$43.51; T. VanderWal, \$43.51; V. Voegeli, \$38.70; J. Volkers, \$38.70; M. Vrchota, \$38.70; A. Zaug, \$27.75.

New Hires: J. Siekmann, \$37.15; C. Grimsley, \$13.41.

EXECUTIVE SESSION

Motion was made by Bartels, seconded by Hawley to adjourn to executive session for the purpose of discussing competitive service offerings, consulting with legal counsel and review communications from legal counsel about proposed or pending litigation or contractual matters and discuss marketing or pricing strategies. All members present voted in favor of the motion.

The Board reconvened in open session.

QUARTERLY FINANCIAL REVIEW

Laura Julius, Finance & Accounting Manager, presented a quarterly financial review of second quarter 2020.

REVIEW OF 2021 CAPITAL IMPROVEMENT PROGRAM

Steve Meyer and Laura Julius presented the proposed 2021 Capital Improvement Program for all funds.

AMENDMENT TO BMU RULES AND REGULATIONS – RATES AND CHARGES – CRDIT AND DEPOSIT POLICY

Motion was made by Carruthers that the following Resolution No. 12-20 be approved.

RESOLUTION NO. 12 - 20

RESOLUTION AMENDING BMU RULES AND REGULATIONS
GOVERNING THE RATES AND CHARGE – CREDIT AND DEPOSIT POLICY

BE IT RESOLVED by the Brookings Municipal Utilities Board that the Utilities Board Rules and Regulations governing the Article IV, Rates and Charges, Credit and Deposit Policy, Section 5, be amended to read as follows:

RATES AND CHARGES

Section 5

Credit and Deposit Policy

Section 5-1. Credit Policy.

Payment Information.

Bills shall be mailed as close to the last working day of each month as possible. Bills shall become delinquent on the 15th day of the month. Failure to receive a bill shall not exempt the customer from prompt payment of his or her account.

Nondiscriminatory credit policy required

The Brookings Municipal Utility shall fairly, and without discrimination, administer a credit policy that is easily understandable and that extends Electric, Water and Wastewater service to as many applicants as possible.

A credit value will be established and maintained for each account based on a numeric scoring system of points accumulated based on account activity. New accounts will be established with a score of 0. Activity on accounts will change that score as follows:

Reminder notice	+ 1 point
Disconnect notice	+ 1 point
Returned Payment	+ 1 point

~~—— Credit rating shall be designated as follows:~~

- ~~1. “A” Tax exempt or government consumers paying on a monthly basis and requiring no treatment;~~
- ~~2. “B” Consumers with unknown credit, or established good credit who normally pay before the 20th of the month;~~

3. ~~“D”~~ Consumers with established bad credit who normally pay after the 20th of the month;

Tax exempt or government agencies paying on a monthly basis and requiring no treatment will be established as exempt from collection treatment, and, therefore, have no credit value assigned to their accounts.

~~Credit ratings are reviewed monthly for advancement or demotion. However, an account will not advance to the next higher rating unless a designated time has elapsed since the last credit change for that consumer and accumulated treatment action values are acceptable.~~

Penalty point values will be assigned to treatment action as follows:

Reminder notice	= 1 point
Disconnect notice	= 2 points
Hand-Delivered notice	= 4 points
Insufficient fund check	= 7 points
Disconnection of service due to Non payment	= 8 points

~~The schedule for advancement is:~~

~~D advances to B = twelve months w/no more than three (3) penalty points accumulated within the prior 12 months.~~

~~Timing for demotion is:~~

~~B demotes to D = the billing month after the penalty points total seven (7) accumulated in the prior 12 months.~~

Establishment of credit for applicants for new service or return of service

The Brookings Municipal Utility shall designate a credit rating ~~“B”~~ of 0 to all new applicants for service ~~except those applicants who qualify for an “A” credit rating or those applicants who have had prior service.~~

The Brookings Municipal Utility shall determine the credit standing of an applicant who has had prior service with the Brookings Municipal Utility by referring to past payment history and establishing the credit rating as ~~B or D~~ score accordingly.

Establishment or re-establishment of credit for a ~~present consumer current~~ customer

~~Consumers assigned a “B” credit rating shall be treated in the following manner as necessary: Reminder notices will be mailed on approximately the 22nd of the month to those consumers with a balance due of \$50.00 or more. If no payment has been made by the last day of the month, a telephone contact will be made or a disconnect notice mailed giving seven (7) days to pay. Should a consumer not pay a bill within seven (7) days of notification, he/she will be subject to disconnection.~~

~~_____ If a “B” consumer has more than seven (7) points accumulated in the prior twelve months, he will be reclassified as a “D” consumer.~~

~~_____ Consumers assigned a “D” credit rating will be treated in the following manner as necessary: A telephone contact will be made or a disconnect notice mailed on approximately the 22nd of the month giving seven (7) days to pay. If a consumer fails to pay a bill within seven (7) days of notification he/she will be subject to disconnection.~~

~~_____ If a “D” consumer accumulates no more than three (3) points in the previous twelve-month period, he will be reclassified as a “B” consumer.~~

~~_____ In the event that actual disconnection of service is necessary due to non-payment of a bill, one additional attempt will be made to contact the consumer by telephone or hand delivered notice prior to disconnection of service. There will be a \$25.00 fee billed to any consumer’s account when a notice is hand delivered to the service address.~~

Customers account activity will be reviewed monthly, looking at the most recent twelve-month period, with credit scores increased or decreased based on the activity since the previous review.

~~_____ A service charge of \$50.00 for reconnection of service, after a disconnect for non-pay, will apply if the service is reconnected during regular business hours. If the service is reconnected during non-duty hours, an additional service charge will apply (see Section 4-6 of Electrical System Rules). Currently, that additional charge is \$50.00, plus tax.~~

Reminder Notices

Reminder Notices shall be sent 5-7 days after the 15th, to customers with a past-due balance over \$50.00.

Reminder Notices shall contain the following information:

1. The amount past due.
2. Who they can contact if they have questions about the account.

Disconnect Notices

Disconnect Notices shall be sent 5-7 days after the Reminder notice, to customers with a remaining past-due balance over \$50.00.

Disconnect Notices shall contain the following information:

1. The particular grounds upon which the proposed disconnection is based.
2. The Utility’s intention to discontinue service on <a stated date> unless the customer takes

corrective action.

3. The corrective action which the customer must take to avoid disconnection.
4. The charges required to reconnect if disconnected.
5. Notice of right to appeal and where to appeal.

Disconnect Notices may be sent by regular or certified mail at the discretion of the Collection Department. Also, a telephone call may be made instead of a written notice at the discretion of the Collection Department.

~~In the event that an actual disconnection of service is necessary due to non-payment of a bill, one additional attempt will be made to contact the consumer by telephone or hand-delivered notice prior to disconnection of service. There will be a \$25.00 fee billed to any consumer's account when a notice is hand-delivered to the service address.~~

Section 5-2. Deposit Policy

Current Subscribers Customers

A deposit may be required from Residential and Commercial ~~subscribers~~ customers in an amount equal to two months' average billing in the event that:

1. Service has been disconnected for non-pay; or
2. Payment has been delinquent for each of the four previous consecutive months.

An additional deposit amount may be requested to bring the total deposit held equal to two month's average billing (if that average has increased during the past nine months), if:

1. Service has been disconnected for non-pay; or
2. Payment has been delinquent for each of the four previous consecutive months.

If a current customer moves from one location to another in the Utility service area, and has had a deposit on account, the Utility may require a deposit for service at their new location.

New Subscribers Customers

Residential

A deposit will be required in an amount equal to two months' average billing for the service address in the event that:

1. An unpaid balance remains on record for prior service with Brookings Municipal Utilities; or
2. An unpaid balance remained on record for a prior service with BMU after the final billing was rendered and due; or
3. Records indicate a poor credit history, ~~defined as a “D” customer,~~ for prior service with BMU.

Commercial

A deposit will be required in an amount equal to two months’ average billing for the service address. Commercial is defined as non-residential customers.

1. If transfer of ownership of an existing business occurs, the deposit will be calculated on prior owner’s usage history.
2. If a new business opens, Brookings Municipal Utilities will calculate deposit on any available data, include similar-type businesses.
3. An unpaid balance remains on record for prior service with Brookings Municipal Utilities; or
4. An unpaid balance remained on record for a prior service with BMU after the final billing was rendered and due; or
5. Records indicate a poor credit history for prior service with BMU.

Refund Upon Disconnection

After disconnection of service, the Brookings Municipal Utilities will promptly and automatically apply the deposit amount to the customer’s final bill, and refund the balance of the ~~subscriber’s~~ customer’s deposit or send a billing for the remaining unpaid balance due for service. ~~A transfer of service from one premise to another within the service area of the Utility shall not be deemed a disconnection within the meaning of these rules, and an additional deposit will not be required as long as the original deposit is a sufficient balance to be used on the second account.~~

If a customer moves from one residence to another within the service area of the Utility, any deposit on the account will be applied to the balance due, and:

- a refund check will be issued for a credit balance, or
- a credit balance may be transferred to their new account if requested, or
- a bill will be sent for a remaining balance due.

If the customer requests, an existing deposit may be transferred *in full* to the customer's new account. The amount of the deposit required at their new residence will be calculated, with additional deposit monies collected if needed.

Refund During Service

When the ~~subscriber~~ customer has not been delinquent in payment of bills for service for twelve (12) consecutive months, the Utility will promptly and automatically refund the deposit to the ~~subscriber~~ customer in the form of a deposit refund check or a credit to the ~~subscriber's~~ customer's bill.

Section 5-3. Refusal of Utility Service

Reasons for refusal - - Utility service may be refused for one or more of the following reasons:

1. ~~An Applicant~~ The customer is indebted to the Brookings Utility for past bills incurred and refuses to liquidate the debt for the same class of service;
2. An applicant refuses to pay a reasonable deposit, advance payment, or installation charge;
3. An applicant, although he is not personally liable to the utility, is attempting to return service to an indebted household and no arrangements have been made to liquidate the debt of that household;
4. An applicant is unwilling to provide their Date of Birth, and correct information about at least one ~~any or all~~ of the following:
 - (a) Social Security Number
 - (b) Driver's License/State Issued ID number
 - (c) Passport Number
 - (d) ~~Past utility service;~~
 - (e) ~~Previous employment;~~
 - (f) ~~Previous address~~

An applicant is in violation of state statutes or utility rules concerning ~~evation~~ evasion of payment, use of service for unlawful purposes, interference with or destruction of service facilities, or violation of service regulations.

Section 5-4. Disconnection of Utility Service

Indiscriminate disconnection or reconnection prohibited. The Utility Company will not make indiscriminatory disconnections or reconnections.

Nonpayment of past due bill is reason for disconnection. Following is a list of conditions, all of which must be satisfied before a customer may be disconnected for nonpayment of a bill:

1. Only the class of service for which payment is past due can be disconnected.
2. The customer has received a payment period of not less than 15 days from billing transmittal date to due date and an additional notice period of not less than 5 days during which the particular bill has been owing. The payment period may be shortened if the customer has been properly placed on an early payments list. The payment period may also be waived in cases of customer fraud or illegal use or when it is clear that the customer has left or is preparing to leave without paying a past due bill.
3. The customer has received written notice of the utility's intention to disconnect as stated in Article IV Section 5-1 "Credit Policy".
4. The customer, especially if he or she claims inability to pay or extenuating circumstances, is unwilling to enter into a reasonable agreement with the utility to liquidate the debt.
5. There is no bona fide and just dispute surrounding the bill. A bona fide and just dispute is one that is appealed to the Brookings Utility Board. A dispute shall not be defined as bona-fide and just if a ~~subscriber~~ customer does not pay the undisputed portion.

Other reasons for disconnection. A utility may disconnect a customer after reasonable notice for any of the following:

1. Violation of Article IV Section 5-3 "Reasons for Refusal - - Use" numbers (3) and (5);
2. Failure to comply with an agreement to liquidate a continuing debt as described in Article IV Section 5-4 "Nonpayment of past due bills as reason for disconnection" number (4);
3. Failure to pay an increased deposit or a deposit as described in Article IV Section 5-2 "Deposit Policy";
4. Failure to grant the utility access to read meters, inspect the utility's facilities and conduct investigations for hazardous conditions.

The notice of disconnection. The notice of disconnection sent to the customer shall contain a specific explanation as explained in Article IV Section 5-1 "Credit Policy".

The disconnecting act. Service shall not be disconnected on any Friday, Saturday, Sunday, legal holiday, or at any time when the utility's business offices are not open to the public.

Last minute payments. The customer shall have the right to pay any delinquent bill at any time prior to disconnection in order to preserve uninterrupted service. ~~If~~ The utility representative who enters the customer's premises to disconnect does not have the authority to

~~collect bills receive payments or make payment arrangements. he~~ The representative will refer the customer to office staff with that authority, may arrange for payment and service may not be disconnected with their approval.

Reconnection of Service. In the event service has been disconnected for valid cause, Brookings Utilities will charge a \$75.00, plus tax, reconnect fee based on the cost of reconnection as stated in Article V Section 4-6. If service is reconnected during non-duty hours, an additional charge of \$50.00, plus tax, will apply.

Record to be kept. A record of all service disconnections which continue to have bad credit with the Utility Company made under the provisions of Article IV Section 5-4 “Nonpayment of past due bill as reason for disconnection” shall be kept by the Utility Company for a period of not less than one year.

Landlord and tenant rule. If service is provided at an address different from the mailing address of the bill or if the utility has reason to know that a landlord and tenant relationship exists and the landlord, as a customer of the service, the utility may not disconnect service until the following actions have been taken:

1. The utility, after providing notice as required in this chapter, shall offer the tenant the opportunity to apply for service in his or her own name if it is economically feasible to provide such service. If the tenant declines to apply for service, or is refused service under Section 5-3 of this chapter, the utility may disconnect service pursuant to this chapter;
2. A utility shall not attempt to recover from a tenant, or condition service to a tenant upon, the payment of any outstanding bill or other charges of the landlord.
3. Likewise, if a tenant does not, or cannot, put service in their own name, and the landlord chooses to, the landlord may put services into their own name. The landlord is then fully and solely responsible for the payment of that account.
4. The utility shall not attempt to recover from a landlord, or condition service to a landlord, the payment of any unpaid bill or other charges of the tenant.

Residential winter disconnection. Notwithstanding the provisions of Article IV Section 5-4 “Nonpayment of past due bills as reason for disconnection” and “Other reasons for disconnection”, a utility may not disconnect residential service from November 1 to March 31 without adding to the time periods of subdivision “Nonpayment of past due bills as reason for disconnection” number (3) an additional 30 days before disconnecting that service. The utility shall give an additional 30 days until disconnection.

In the event of unexpected circumstances, the General Manager/Executive Vice President may recommend to the Utility Board that this provision be temporarily implemented for a stated period of time. The intention will not be to forgive any customer debts, but to allow additional time to pay bills.

Residential medical emergency condition. Notwithstanding the provisions of Article IV Section 5-4 “Nonpayment of past due bills as reason for disconnection” and “Other reasons for disconnection”, a utility shall postpone the disconnection of utility service to a residential customer for 30 days from the date of a physician’s certificate or a notice from a public health or social service official which states that disconnection of service will aggravate an existing medical emergency to condition of the customer, a member of his family, or other permanent resident of the premises where service is provided. Such extensions are limited to a single 30-day period.

Section 5-5. Adjustments of Overbilling or Underbilling Charges

When a metering or billing error occurs and the error results in overbilling for usage of electric, water or wastewater, the customer shall be reimbursed the full amount that said customer was overbilled. In determining the amount overbilled, calculations will start from the proven date the error first occurred to the date that the error was corrected using the rates in effect at the time the error occurred. No interest will be paid on monies owed to customers for overbilling.

When a metering or billing error occurs and the error results in underbilling for usage of electricity, water or wastewater, the customer shall pay Brookings Municipal Utilities the amount that said customer was underbilled. In determining the amount underbilled, calculations will start from the proven date the error first occurred to the date that the error was corrected, not to exceed three years using only the cost of purchased power, the water rate, or the wastewater rate ~~the cost of water treatment or the cost of wastewater treatment~~ in effect at the time the error occurred. The customer shall be allowed to pay the amount underbilled over the same time period as the error occurred, provided such time period does not exceed three years. No interest will be collected on monies owed to Brookings Municipal Utilities for underbilling.

If, in the opinion of the Utility, the circumstances of a situation warrant an alternate resolution, the Utility may propose a solution different than the standard described above.

This section shall not apply in cases of fraud, abuse or when other proven violations of these Rules and Regulations occur.

Section 6

Section 6. Definitions

The following words and phrases used in this Article IV shall have the following meaning:

Billing Cycle shall mean the period of time from one billing date to the next.

Billing Date shall mean the date billing computation is done and the individual accounts are updated with the amount due.

Billing Period shall mean the period of time from one meter-reading date to the next.

Adopted this 10th day of August, 2020.

ATTEST:

Seth Hansen, Secretary

Tim Harvey, President

The motion was seconded by Hawley. All members present voted in favor of the motion.

APPLICATION FOR EXTENSION OF WATER MAIN AND CONNECTION INTO
THE CITY WATER SYSTEM – PRAIRIE HILLS ADDITION

Motion was made by Bartels, seconded by Carruthers that the application for extension of water main and connection into the city water system requested by Prairie Hills, LLC along Main Avenue South – Prairie Hills Addition be approved. All members present voted in favor of the motion.

EXECUTIVE SESSION

Motion was made by Hawley, seconded by Hansen to adjourn to an executive session to discuss personnel matters. All members present voted in favor of the motion.

The Board reconvened in open session.

ADJOURNMENT

The meeting adjourned.

ATTEST:

Seth Hansen, Secretary

Tim Harvey, President