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CERTIFICATE

STATE OF IOWA)
) SS.
COUNTY OF MADISON)

I, the undersigned Secretary of the Municipal Water Utility of the City of Winterset, Iowa, do hereby certify that attached is a true and complete copy of the portion of the corporate records of said Municipal Water Utility showing proceedings of the Board, and the same is a true and complete copy of the action taken by said Board with respect to said matter at the meeting held on the date indicated in the attachment, which proceedings remain in full force and effect, and have not been amended or rescinded in any way; that meeting and all action thereat was duly and publicly held pursuant to the rules of the Board and the provisions of Chapter 28A, Code of Iowa, upon advance notice to the public and media as required by said law and with members of the public present in attendance; I further certify that the individuals named therein were on the date thereof duly and lawfully possessed of their respective offices as indicated therein, that no board vacancy existed except as may be stated in said proceedings, and that no controversy or litigation is pending, prayed or threatened involving the incorporation, organization, existence or boundaries of the City or the right of the individuals named therein as officers to their respective positions.

WITNESS my hand and the seal of said Board hereto affixed this 25th day of October, 1979.

CITY SEAL WINTERS. I

Mark J. Mitchell
Secretary of the Municipal Water Utility of the City of Winterset, Iowa

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MARY E. WELTY
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MADISON COUNTY, IOWA
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RULES AND REGULATIONS RESOLUTION

A RESOLUTION PROVIDING FOR THE RULES, REGULATIONS AND CONDITIONS OF SERVICE OF THE WINTERSET IOWA, MUNICIPAL WATERWORKS UTILITY

BE IT RESOLVED BY THE CHAIRMAN AND BOARD:

1. Property owner or his agent, hereinafter called customer, must make written application for water service at the Secretary's office of the municipality, and said application including service received thereunder is unassignable by the customer.

2. All taps and connections to the mains of the municipality shall be made by and/or under the direction and supervision of waterworks personnel and constructed in accordance with the provisions of this resolution.

3. The customer shall install and maintain at its expense the service from the main to his premises, including a stop and waste cock at the end of the house side of his service, the necessary tap, fittings and shut-off valve. The minimum earth cover of the customer's service shall be five (5) feet. The municipality shall determine the size and kind of service to be installed.

4. Application may be cancelled and/or water service discontinued by the municipality for any violation of any rule, regulation or condition of service, and especially for any of the following reasons:

(a) Misrepresentation in the application as to the property or fixtures to be supplied or use to be made of water.

(b) Failure to report to the municipality addition to the property or fixtures to the supplies or additional use to be made of water.

(c) Resale or giving away of water.

(d) Waste or misuse of water due to improper or imperfect service pipes, and/or fixtures, or failure to keep same in suitable state or repair.

(e) Tampering with meter, meter seal, service, or valves, or permitting such tampering by others.

(f) Connection, cross-connection, or permitting same, of any separate water supply to premises which receive water from the municipality.

(g) Non-payment of bills.

5. Any customer desiring to discontinue the water service to his premises for any reason must give notice of discontinuance in writing at the business office of the waterworks system; otherwise, the customer shall remain liable for all water used and service rendered by the municipality until said notice is received by the municipality.

6. Bills and notices relating to the conduct of the business of the municipality will be mailed to the customer at the address listed on the application, unless a change of address has been filed in writing at the business office of the municipality; and the municipality shall not otherwise be responsible for delivery of any bill or notice, nor will the customer be excused from non-payment of a bill or from any performance required in said notice.

7. (a) Bills for water service are due and payable at the business office of the municipality, or to any designated agent, on their date of issue. The past due date shall be the fifteenth (15th) day after the first day of the month following the close of the billing quarter.

(b) All bills not paid on or before the past due date shall be termed delinquent, and the municipality shall serve on the customer a written final notice of said delinquency. If a delinquent bill is not paid within twelve (12) days after date of such final notice, the water supply to the customer may be discontinued without further notice.

(c) Meters will be read quarterly.

8. Where the water supply to a customer has been discontinued for non-payment of delinquent bills, a charge of ten dollars ($10.00) will be made for reconnection of water service, but the reconnection will not be made until after all delinquent bills and other charges, if any, owed by the customer to the municipality have been paid.

9. All meters shall be installed, maintained and renewed by and at the expense of the customer, but the municipality reserves the right to determine the size and type of meter used.

10. Upon the written request of any customer, the meter serving said customer shall be tested by the municipality. Such test will be made without charge to the customer if the meter has not been tested within twelve (12) months preceding the requested test; otherwise a charge of two dollars ($2.00) will be made and then only if the test indicates meter accuracy within the limits of 2%.

11. Where a meter has ceased to register, or meter reading could not be obtained, the quantity of water consumed for billing purpose will be based upon an average of the prior six (6) months consumption, and the conditions of water service prevailing during the period in which the meter failed to register.

12. Water for building or construction purposes will be furnished without meter measurement, only after suitable deposit has been made, the minimum deposit being ten dollars ($10.00); and the amount to be determined by the municipality depending upon the size of the construction work contemplated and all water needed for building purposes based upon the circumstances and customs of the trade. The Final Charge for water so used to be made upon conclusion based on the minimum quarterly charge in effect at that time from total use estimates derived as fixed herein. The deposit will be refunded upon payment of the final charge or will be forfeited if not paid within 30 days of initial billing of the charge.

    Water so supplied shall be discharged through a hose or pipe directly upon the material to be wet, or into a barrel or other container, and in no case upon the ground or into or through a ditch or trench and all use of water by other than applicant or use of water for any purpose or upon any premises not so stated or described in the application must be prevented by the applicant, or water service may be discontinued without notice.

13. The municipality shall make all reasonable efforts to eliminate interruption of service, and when such interruption occur will endeavor to re-establish service with the shortest possible delay. Whenever the service is interrupted for the purpose of working on the distribution system or the station equipment, all customers affected by such interruption will be notified in advance whenever it is possible.

14. The municipality shall in no event be held responsible for claim made against it by reason of the breaking of any mains or service pipe, or by reason of any other interruption of the supply of water caused by the breaking of machinery or stoppage for necessary repairs; and no person shall be entitled to damages nor have any portion of a payment refunded for any interruption of service which in the opinion of the municipality may be deemed necessary.

15. Customers having boilers and/or pressure vessels receiving a supply of water from the municipality must have a check valve on the water supply line and a vacuum valve on the steamline to prevent collapse in case the water supply from the municipality is discontinued or interrupted for any reason, with or without notice.

16. The premises receiving a supply of water and all service lines, meter and fixtures, including any and all fixtures within the said premises shall at all reasonable hours be subject to inspection by duly authorized employees of the municipality.

17. Special terms and conditions may be made where water is used by the municipality or community for public purposes such as fire extinguishment, public parks, etc.

18. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb the waterworks or appurtenances thereof without first obtaining a written permit. Before a permit may be issued, the person applying for such permit shall have executed unto the municipality and deposited with the Secretary, corporate surety in the minimum sum of $1,000.00 conditioned that he will perform faithfully all work with due care and skill, and in accordance with the laws, rules and regulations established under the authority of any ordinances pertaining to plumbing, waterworks or appurtenances. This bond shall state that the person will indemnify and save harmless the municipality and the owner of the premises against all damages, costs, expenses, outlays and claims of every nature and kind arising out of unskillfulness or negligence on his part in connection with plumbing, waterworks or appurtenances as prescribed in this resolution.

19. Such bond shall remain in force and must be executed for a period of minimum of one year except that on such expiration it shall remain in force as to all penalties, claims and demands that may have accrued thereunder prior to such expiration.

There shall be two (2) classes of permit applications; one for residential service, and the second for commercial and industrial service. In either case, the owner or his agent shall make application. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the inspector. A permit and inspection fee shall be subject to the applicable laws of the municipality at the time the permit application is filed.

Service lines and appurtenances shall be constructed in accordance with the State Plumbing Code.

20. If any loss or damage to the property of the municipality or any accident or injury to persons or property is caused by or results from the negligence or wrongful act of the customer, member of his household, his agent or employee, the cost of the necessary repairs or replacements shall be paid by the customer to the municipality and any liability otherwise resulting shall be that of the customer.

21. Water furnished by the municipality may be used for domestic consumption by the customer, members of his household, and employees only. The customer shall not sell or give the water to any other person.

22. Each customer shall grant or convey, or shall cause to be granted or conveyed to the municipality a permanent easement and right-of-way across any property owned or controlled by the customer wherever said easement or right-of-way is necessary for the municipal water facilities and lines, so as to be able to furnish service to the customer.

23. The municipality will construct extensions to its water lines to points within its service area but the municipality shall not be required to make such installations unless the customer pays to the municipality the entire cost of the installation.

All line extensions shall be evidenced by a contract signed by the municipality and the person advancing funds for said extensions, but each contract shall be null and void unless approved by the Farmers Home Administration and other governing bodies.

If refund of the advance is to be made, the following method shall apply: 20% of the total gross revenue of water sales per year for each service connected to the new extension described in the agreement, for a period not to exceed five years, provided that the aggregate payments do not exceed the total amount deposited.

No refund shall be made from any revenue received from any lines leading up to or beyond the particular line extension covered by contract.

All decisions in connection with the manner of installation of any extension and maintenance thereof shall remain in the exclusive control of the municipality and such extension shall be the property of the municipality and no other person shall have any right, title or interest therein.

24. The municipality may refuse service to persons, not presently customers, when in the opinion of the municipality the capacity of the facilities will not permit such service.

25. These rules may be changed or amended.

26. This resolution shall take effect and be in force from and after its passage, approval and posting as required by law.

PASSED AND APPROVED, this 25th day of October, 1979.

CITY OF WINTERS

William J. Roark
Chairman

ATTEST:

Mark J. Nitchals
Secretary

A RESOLUTION ESTABLISHING RATES, CHARGES AND RULES FOR THE USE AND SERVICE OF THE MUNICIPAL WATER UTILITY OF WINTERSET, MADISON COUNTY, IOWA

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MADISON COUNTY, IOWA
Fee 12.00

BE IT RESOLVED BY THE CHAIRMAN AND BOARD:

SECTION 1. That there shall be and there are hereby established rates and charges for the use of and for the service supplied by the Municipal Water Utility based upon the meter readings of the amount of water consumed as follows:

First 600 cu. ft.	$6.00 per quarter (minimum quarterly bill)
Next 900 cu. ft.	$1.50 per 100 cu. ft.
Next 1,500 cu. ft.	$1.40 per 100 cu. ft.
Next 3,000 cu. ft.	$1.20 per 100 cu. ft.
All over 6,000 cu. ft. per quarter	$1.00 per 100 cu. ft.

The minimum charge shall be $6.00 per customer per billing quarter.

SECTION 2. Bills for the rates and charges as herein established shall be sent quarterly. All bills shall be due and payable on the first day of the month following the close of the billing quarter and shall be paid at the office of the Secretary. Any charge for the services of the system not paid by the 15th day of the month in which it becomes due and payable shall be deemed delinquent and a delayed payment charge of five percent (5%) of the amount of the bill shall be added thereto and collected therewith. If the delinquent date is a Saturday, Sunday or holiday, an additional day will be allowed before application of the delayed payment charge. If any bills for

the service of the water system shall remain unpaid after thirty (30) days following the date on which the quarterly billing becomes due and payable, the water supply for the lot, parcel of land, or premise affected shall be cut off pursuant to the applicable Board rules and regulations and shall not be turned on again except on payment in full of all delinquent charges and amounts therefor.

SECTION 3. Applications for water service shall be filed with the Board upon a form to be supplied by the Municipality. The application shall state the name, address and telephone number of the applicant and the premises to be served. All such applications filed requiring new service connection into the water main shall be accompanied by a fee pursuant to the following schedule payable to the Municipality for the connection charge:

3/4" copper service tap	-	$25.00
1" copper service tap	-	$25.00
1¼" copper service tap	-	$50.00
1½" copper service tap	-	$50.00
2" copper service tap	-	100.00

In addition, the applicant shall pay the Board for the cost of materials used to install the service to the premises, which payment shall be due at the time the materials are furnished.

SECTION 4. The owner of the premises served and the occupant thereof and the user of the water service shall be jointly and severally liable for the water service provided said premises. A deposit of $15.00 shall be required from all applicants. Such deposit shall be applied to any bill for

water service delinquent more than thirty (30) days. All such deposits shall be refunded at the request of the customer after twelve (12) consecutive months of prompt payment, or, without such request by customer, after twenty-four (24) consecutive months of prompt payment unless the municipality has evidence to indicate that the deposit is necessary to insure payment of bills for service. The deposit shall be refunded when the customer has paid the final billing upon termination of this service. Any final billing not paid within thirty (30) days of its due date shall cause forfeiture of the deposit.

SECTION 5. It is hereby made the duty of the Board to render bills for water service and all other charges in connection therewith and to collect all moneys due therefrom.

SECTION 6. All revenues and moneys derived from the operation of the water system shall be paid to and held by the Municipality separate and apart from all other funds of the Municipality and all of said sums and all other funds and moneys incident to the operation of said system, as may be delivered to the Municipality, shall be deposited in a separate fund designated the "Waterworks Operating Fund" and said Board shall administer said fund in every respect in a manner provided by the Code of Iowa and all other laws pertaining thereto.

SECTION 7. The Municipality shall establish a proper system of accounts and shall keep proper records, books and accounts in which complete and correct entries shall be made of all transactions relative to the water system and at regular

annual intervals the Board shall cause to be made an audit by an independent audit concern of the books to show the receipts and disbursements of the water system.

SECTION 8. All resolutions and parts of resolutions in conflict herewith are hereby repealed in so far as the conflicting portions thereof are concerned.

SECTION 9. This Resolution shall be in full force and effect upon its passage and publication according to the law of the State of Iowa.

PASSED AND APPROVED this 25th day of October, 1979.

William J. Roach
Chairman

ATTEST:

Mark J Mitchell
Secretary

CITY SEAL
WINTERSET