

**RESOLUTION NO. 173**

**A RESOLUTION RESCINDING RESOLUTION NO.158, “ESTABLISHING  
RATES AND CHARGES FOR THE USE AND SERVICE OF THE  
PETERSBURG, IOWA WASTEWATER TREATMENT FACILITY” AND  
ADOPTING NEW RATES AND CHARGES FOR THE SEWER SYSTEM**

Be It Resolved by the Board of Commissioners of the Eastern Iowa Regional Utility Service Systems (EIRUSS):

Resolution No. 158, adopted by the EIRUSS on January 24, 2024 is hereby rescinded and replaced with the provisions of Resolution No. 173, and

WHEREAS, EIRUSS will operate a sewer system in the Community of Petersburg in Delaware County, Iowa, and

WHEREAS, adequate rates must be established to provide funds for the payment of debt and for operation of the system, and

WHEREAS, procedures must be established for the collection of bills, and

WHEREAS, these procedures will be performed with the cooperation and for the benefit of the Delaware County, Iowa Board of Supervisors,

THEREFORE, BE IT HEREBY RESOLVED by EIRUSS as follows:

SECTION 1. Purpose. EIRUSS is adopting rates and charges with the purpose of providing revenues to support the sewer system operating in the community of Petersburg, Delaware County, Iowa as follows:

SECTION 2. UTILITY DEFINED. For use in this Resolution, Sewer System is a sanitary sewer utility owned and operated by EIRUSS for the benefit of the unincorporated area in Delaware County known as Petersburg under a 28E Agreement with Delaware County.

SECTION 3. APPLICATION FOR SERVICE. Applications for sewer system service shall be filed with EIRUSS upon a form to be supplied by EIRUSS.

1. New Connection. For buildings, including residences and businesses, not previously connected to the sewer system, a permit and inspection fee of \$150.00 and a connection fee of \$600.00 shall be required. The funds shall be transferred to EIRUSS in conformance with the 28E Agreement between the County and EIRUSS.

The owner of the premises served and, in the case of a tenant, the occupant thereof and the user of the sewer system shall be jointly and severally liable for the sewer system service provided to said premises subject to the provisions of State law.

#### SECTION 4. ACCOUNTING PROCESS

1. All revenues and moneys derived from the operation of the sewer system shall be paid to and held by EIRUSS, separate and apart from all other funds of EIRUSS.

2. EIRUSS shall maintain a 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 sewer system for such funds received. EIRUSS shall be required annually to prepare and adopt a budget of the sewer system to show the required revenues and expenses. If necessary, user charge rates will be adjusted to produce adequate income to retire the indebtedness, meet operation, maintenance and replacement needs, and establish required reserves of the sewer system.

#### SECTION 5. BILLING, PENALTY.

1. Sewer system bills shall be mailed by EIRUSS on or about the first day of each month. They shall be due upon receipt. Payment shall be made to EIRUSS. Bills shall become delinquent after the twentieth of the month in which due and bills paid after said day shall have added a penalty of \$15.00 per month to the amount of the bill for sewer service. When the twentieth falls on a Saturday, Sunday or holiday, the EIRUSS shall accept payment on the next business day without penalty.

2. Insufficient Check. There shall be a \$25.00 fee for any insufficient check returned. A returned check is the same as non-payment of the sewer service bill. This amount shall be retained by EIRUSS.

3. Delaware County shall indemnify EIRUSS and reimburse EIRUSS for any User Fees which have been delinquent for sixty (60) days, within thirty (30) day of receiving notice of such delinquency from EIRUSS.

## SECTION 6. DISCONTINUING SERVICE, FEES.

1. If any account is not paid within thirty days from the end of any given period, the service to such owner or person so supplied with the sewer system service shall be discontinued after the following procedures have been complied with:

a. The EIRUSS shall send a disconnect or discontinuance notice by ordinary mail providing the following notice to customers: "You are advised that you may request a hearing on this matter to EIRUSS by noon on the day preceding the scheduled shut-off date or discontinuance of service."

b. When a hearing is requested by a customer, EIRUSS or a EIRUSS designee shall conduct a hearing within three (3) days following the request. The customer shall have the right to present evidence or propose a payment plan. The decision of EIRUSS or the EIRUSS designee is final.

2. If sewer system service is discontinued for nonpayment of fees and charges, or for the violation of any Ordinance, a fee of \$150.00 shall be paid to EIRUSS in addition to the rates or charges then due before such service is restored. If any such service charge is not paid within sixty (60) days from the date it is due, the same shall constitute a lien upon the premises served by said municipal sewer system, which said lien shall be collected in the same manner as taxes. When reconnection to the sewer system is made there shall be a \$25.00 fee to be paid EIRUSS.

3. A lien shall not be certified to the County Treasurer for collection unless thirty (30) days prior written notice by ordinary mail of the intent to certify a lien is given to the account holder of the delinquent account. If the account holder is a tenant, and if the owner or property lessor of the property has made a written request for notice, the notice shall also be given to the owner.

4. If the property in which there are delinquent utilities owing is sold before the County certifies the lien to the County Treasurer, the County may certify the delinquent utilities against another property located in this state owned by the delinquent user.

SECTION 7. SEWER RATES.

1. The minimum charge shall be \$72.00 per unit per billing month. A \$1.00 discount will be awarded for use of "Auto Pay".

2. Service to establishments with more than the normal household use will have rates based upon multiples of household usage. The following specific rates are hereby established:

- A. Lawrence Investments, LLC \$72.00 (1 equivalent with additional equivalents added when residential units are occupied.)
- B. Current Establishment at 3001 160<sup>th</sup> Street \$144 (2 equivalents)

3. Service to industrial establishments may be by contract if the EIRUSS deems this to be in its best interest.

SECTION 8. RESCINDER. All Resolutions or parts of Resolutions in conflict with the provisions of this Resolution are hereby rescinded.

SECTION 9. EFFECTIVE DATE. This Resolution shall be in full force and effect upon its passage.

Passed and approved by the Board of Commissioners of the Eastern Iowa Regional Utility Service Systems the \_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Nin Flagel, Board Chairperson

Attest: \_\_\_\_\_  
Steve Stoffel, Board Secretary