



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Minutes - Draft

### Duluth Public Utilities Commission.

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Tuesday, September 17, 2024

5:15 PM

Council Chambers, City Hall, 411 West First Street

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#### CALL TO ORDER

President Ryan called the meeting to order at 5:17 p.m.

#### ROLL CALL

Members Present: Erin Abramson, Andrea Crouse, Councilor Wendy Durrwachter, Councilor Mike Mayou, Derek Medved (arrived at 5:35 p.m.), Carrie Ryan

Members Absent: Councilor Terese Tomanek

Staff Present: Nick Anderson, Jim Benning, Cyndi Falconer, Leanna Gilbert, Chris Ostern, Kerry Venier

#### PUBLIC COMMENT PERIOD

[DPUC134](#) Judy Gibbs public comment

Indexes:

Attachments: [Judy Gibbs public comment 09172024](#)

Judy Gibbs, 2335 Wilkyns Avenue, commented on the Tischer Creek fish kill and asked about training and procedures for City staff.

[DPUC135](#) Izaak Walton League Duluth Chapter public comment

Indexes:

Attachments: [Izaak Walton League Duluth Chapter public comment 09172024](#)

Comments and questions about the Tischer Creek fish kill from Julie O'Leary of the Izaak Walton League Duluth Chapter were read by Judy Gibbs and submitted in writing.

#### APPROVAL OF MINUTES

[DPUC133](#) Aug. 20, 2024 DPUC meeting minutes draft

Indexes:

Attachments: [08202024 DPUC meeting minutes draft](#)

The August 20, 2024 meeting minutes were approved by all present (Commissioners Medved and Tomanek absent).

## **NEW BUSINESS**

### **Water Infrastructure Surcharge discussion**

Jim Benning suggested three options to pay for the debt service required to make improvements to the water infrastructure. One option would be to divide the debt service by the number of users, and every user would pay a flat amount of around \$7.70 to \$7.80. Another option would be to divide the debt service by the units of water used, probably about \$0.84 per CCF. The final option mentioned is to set a surcharge amount for each rate category. City staff should have more detailed numbers by the next meeting. Commissioner Mayou suggested setting a maximum amount. Attorney Anderson will continue looking into the agreements with the municipalities and the difference between rates and fees. Attorney Anderson will look into whether there would be a conflict of interest for the councilors on the Commission to delegate authority to themselves when the ordinance goes to Council.

## **UPDATES FROM STAFF**

Cyndi Falconer reported that the 500th lead service replacement for this year was done today. We expect to complete another 166 services this year. EPA compliance begins October 16th. The lead service inventory is live now and will be linked to the City website soon. Notification letters will be sent out in October.

## **COMMISSIONER QUESTIONS OR COMMENTS**

Commissioner Mayou asked for an update on the Tischer Creek event. Jim Benning replied that we have not heard back from the regulatory agencies yet. Attorney Anderson said that this matter has been designated as an active investigation, so the data will remain confidential until the status changes. Jim Benning said that the mayor posted a video on social media about the event. Commissioner Durrwachter mentioned specifically the questions that were asked during the public comment period. Attorney Anderson responded that we are cooperating with all of the investigative authorities. We encourage people to weigh in and ask questions, but now is not the appropriate time to answer those questions. Leanna Gilbert will email the submitted written comments to Attorney Anderson.

President Ryan mentioned that the 5-year utility CIPs were provided as requested at the last meeting. They can be discussed at the next meeting if anyone has questions.

## **UPCOMING COUNCIL ACTIONS**

Jim Benning mentioned a resolution for the 2025 street improvement project and a resolution for a property vacation.

## **PREVIEW OF UPCOMING BUSINESS**

The next regular meeting is scheduled for Tuesday, October 15, 2024 at 5:15 p.m.

in City Council Chambers. The Commission will continue discussing options for the water infrastructure surcharge. WLSSD representatives will attend the November meeting. Commissioners requested a refresher on WLSSD operations.

### **KNOWN ABSENCES FOR FUTURE MEETINGS**

Vice President Abramson will not be able to attend the October meeting. Commissioner Mayou may or may not be able to attend.

### **ADJOURNMENT**

The meeting was adjourned at 6:01 p.m.