



# City of Duluth

411 West First Street  
Duluth, Minnesota 55802

## Minutes - Final

### Duluth Public Utilities Commission.

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Tuesday, November 19, 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 5:15 p.m.

#### ROLL CALL

**Members Present:** Andrea Crouse, Councilor Wendy Durrwachter, Councilor Mike Mayou, Derek Medved, Carrie Ryan, Councilor Terese Tomanek

**Members Absent:** none

**Staff Present:** Nick Anderson, Jim Benning, Cyndi Falconer, Leanna Gilbert, Chris Ostern, Howie Smith

The Commission paused for a moment of silence in honor of former Vice President Erin Abramson.

#### PUBLIC COMMENT PERIOD

Linda Herron, resident of 2617 E 5th St, said that the Duluth Energy & Climate Network sends their condolences to the Commission on the loss of Commissioner Abramson. She voiced concerns about the acquisition of Allete by out-of-state private investors and mentioned the opportunity for public comment to the Minnesota Public Utilities Commission by the Duluth Public Utilities Commission or City administration.

#### APPROVAL OF MINUTES

[DPUC138](#) Oct. 15, 2024 DPUC meeting minutes draft

**Indexes:**

**Attachments:** [10152024 DPUC meeting minutes draft](#)

The October 15, 2024 meeting minutes were approved unanimously.

#### NEW BUSINESS

##### WLSSD budget

Marianne Bohren, Executive Director of WLSSD, gave a presentation explaining WLSSD history, operations, and the 2025 budget and answered questions from commissioners.

## **UNFINISHED BUSINESS**

### **Water Infrastructure Surcharge discussion**

Chris Ostern gave an updated water infrastructure surcharge presentation with examples of customers in each rate class. Attorney Anderson can provide written advice to the Commission if they have any concerns. The Commission should determine which method is most proportional to the cost of service.

Commissioner Mayou asked if there are any red flags for options three and four. Jim Benning stated that the surcharge ordinance will be on the City Council agenda for its first read on Monday with a second read on December 9. It would become effective 30 days after that. The ordinance creates the fund and gives the DPUC authority to determine the method and rates. Commissioner Mayou requested the statute and what it entails. The updated presentation will be sent to commissioners as requested.

## **UPDATES FROM STAFF**

Jim Benning stated that a decision was made on the Moline versus City of Duluth stormwater case. The judge granted the City's motion, and the ruling is available to read in the Duluth News Tribune. The litigation is still not final. Jim Benning contacted Hermantown, Rice Lake, and Proctor about the water infrastructure surcharge and will be meeting with each of them. He also reported that, due to increased workload, our water plant staff will no longer be doing water testing for the municipalities. The EPA's administrative order of consent should go to City Council in December. City staff have been working on items from the EPA's inspection list and have taken care of about half of that list. The items that are left are the high dollar items that will be funded by the water infrastructure surcharge.

Howie Smith reported on various utility projects, including the water main across the Northland Country Club, plans for next year's projects, and lead service replacement projects. Cyndi Falconer reported that 14,000 letters were sent out to properties with known lead or unknown service material. There has been a lot of feedback and interest from the public.

## **COMMISSIONER QUESTIONS OR COMMENTS**

Commissioner Mayou asked for an update on the sewage at Chester Bowl. Some constituents were concerned about smells in the area. Howie Smith mentioned that two sections were lined this fall, and three or four sections will be lined next year. The smells are most likely due to open holes in castings, but those castings should be replaced soon if they haven't been already.

## **UPCOMING COUNCIL ACTIONS**

Jim Benning mentioned resolutions for a consultant to help us with commercial and industrial grants, a grant from the Minnesota Department of Commerce for benchmarking large buildings, culvert repairs on Buckingham Creek, and ordinances for the water infrastructure surcharge and a PFA loan for the Woodland Pump Station.

### **PREVIEW OF UPCOMING BUSINESS**

The next regular meeting is scheduled for Tuesday, December 17, 2024 at 5:15 p.m. in City Council Chambers. The Commission will continue discussing options for the water infrastructure surcharge

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

No absences were mentioned.

### **ADJOURNMENT**

The meeting was adjourned at 6:45 p.m.