




Customer Service Division
Public Works & Utilities Department

 218-730-4050

520 Garfield Avenue
Duluth, Minnesota 55802

Recommendation for Duluth Public Utilities Commission on Flesvig Appeal

City of Duluth Public Works & Utilities (ComfortSystems) recommends denying the appeal asking that we credit all stormwater charges for the property at 7227 Clay St., Duluth, Minnesota, parcel #010-0220-03560. Below are the facts that lead us to this recommendation:

- City Code Section 43-63 authorizes the imposition of just and reasonable utility fees for the use and availability of storm sewer facilities, and the stormwater utility rate structure includes an annual billing rate for properties that have structures but do not have water, sewer, or gas service.
- City Code 43-63 was established in 1998, and the property at 7227 Clay St., Duluth, MN has been charged under this rate fee since that time.
- On February 13, 2023, PW&U Customer Service received a call from Karen Flesvig indicating she had received the annual stormwater bill and that the property had been sold. In conversation, Mrs. Flesvig stated the parcel was bare land and the home that was on the property was torn down.
- PW&U staff researched aerial photos of 7227 Clay St., Duluth, MN, and the structure was torn down sometime after the 2001 photo and prior to the 2002 photo.
- A demolition permit was issued for 7227 Clay St., Duluth, MN, on 12/02/2001, notice of the demolition was never conveyed to PW&U staff by the Flesvigs until February 2023.
- As soon as PW&U staff were made aware of the building being removed from the parcel, the current 2022 stormwater utility charges were removed.
- PW&U policy number 100.16 Billing Errors states that, in the event a customer is overcharged, PW&U must look back at the account for the previous three years and refund all monies paid by the customer that were charged in error.
- The Flesvigs were offered a refund of monies paid for the stormwater charges for the previous three years (2019, 2020, and 2021) per PW&U policy 100.16.
- PW&U followed the City Code and Policy. We cannot look at individual parcels over the entire City of Duluth to catch demolitions that have taken place. We must rely on owners of those parcels to contact us and let us know of changes that would allow us to stop billing for stormwater charges.



The City of Duluth is an Equal Opportunity Employer.