

DULUTH PUBLIC UTILITIES COMMISSION

Tuesday, November 18, 2014

City Council Chambers

AGENDA

1. Roll call
2. Carl Green appeal
3. Approval of previous meeting minutes
4. New business
 - 4.1 2015 meeting schedule
 - 4.2 14PUC-004 - RESOLUTION OF THE DULUTH PUBLIC UTILITIES COMMISSION RECOMMENDING THAT THE CITY OF DULUTH ADOPT A NO-LOSS POLICY FOR WETLANDS.
5. Updates from staff
6. Upcoming Council actions
7. Commissioner questions or comments
8. Preview of upcoming business



City of Duluth Public Works and Utilities
Utility Appeal Form

Please provide all the information listed below and return form to Director, Duluth Public Works and Utilities Department, 211B City Hall, 411 West First Street, Duluth, MN 55802 with a copy to the Duluth City Clerk's Office, 330 City Hall.

Name of person filing this appeal must match the name on the utility account.

Name Carl Green for Prosperity House, LLC Account # 191018905-003
Service Address 611 East 6th Street Mailing Address PO Box 3190 Duluth, mn 55803
Daytime Phone 218-464-8686 Alternate Phone
E-mail (optional)

Description of dispute or issue (attach additional sheets and any documentation, if needed):

This property was condemned and somehow the city of Duluth, Public works or Comfort system, alleged services were used and I am responsible for them. I made payment arrangement. Some time there after Comfort systems state that the old meter that was broken and which was removed required, they charge the balance is \$3,000 for water use. I never used that water and Comfort system refused to turn off the water or remove the equipment. I assigned the lease or had applicant assign the lease to

Description of any action you are requesting or expected outcome of appeal: Have the lease agreement assigned for payment of rent why I address the three thousand dollar bill in small claims court for starters. I want to make payment, the defaulted. Now I am trying to have the lease by the current section 8 tenant assigned while I file litigation in conciliation court.

I certify that the information I have given is true and accurate to the best of my knowledge.

Carl Green Carl Green 10/23/14
(Signature) (Print Name) (Date)

Office Use Only- Date form received by Director's Office 10/23/2014
Hearing date and time Nov 18 @ 5:15 PM
Received by Leanna Cobble
Appeal results: Accepted Denied

Response to Carl Green Appeal

Mr. Green appears to be appealing the amounts owed at 611 East Sixth Street, Duluth, MN 55805. The above named location was condemned and no request for service shut off was brought to Comfort Systems. As a result, we did not shut off the water to the dwelling.

In March 2014, we replaced the meter and frozen pipe in the basement of the dwelling and informed owner he needed to get heat into the basement in order to keep pipes from freezing. Subsequently, the ERT (Electronic Read Transmitter) was not operable, and, in July 2014, we replaced that unit as well. At the time of replacement, we read the meter manually and discovered there had been usage from March to July. We billed Mr. Green for the usage as shown on the meter (see attached work orders).

At the time, there were tenants in the dwelling and we were unaware the dwelling had been condemned. Mr. Green did make payment arrangements with Jim Benning; however, he did not meet the commitments of that arrangement and the arrearages remain on the bill.

I have attached copies of all work orders associated with this dwelling for the time period in question.



METER TRUCK

General Workorder

[Reset]

General Meter Truck Water

Created by: FSWEDE

3/4/2014 9:55:53 AM

Appt Date/Time: 3/4/2014 Select Release WO#: 2014-00003928 Job Number:

Account #: 191010905-003 19- 10- 10905 5102

Customer Name: PROSPERITY HOUSE LLC

Access Instructions:
CALL WHEN ON WAY 464-8686

611 E 6TH ST

Key Number: Owner: Y

Apt: 1ST FL

Complaint:
SIG 7M POSS FROZE

Duluth MN 55805

Customer Phone:

Mailing Info: PO BOX 3190

Assigned To: SHUPE, ERIC

Duluth MN 55803

Status: Closed Priority: Low

Comments:

Memo:

Billing CLATOUR 3/10/2014 9:59:49 AM

201400018015-CREDIT-09/09/2014-4480	201400013041-GENERAL -07/08/2014-2419
201400015039-CREDIT	201400007524-CREDIT-04/30/2014-780
201400014333-CREDIT-07/23/2014-2419	201400007277-CREDIT-04/28/2014-2419
201400013201-GENERAL -07/29/2014-	201400004847-GENERAL -03/19/2014-2419

changed froze and burst meter.has water to meter.has burst copper elbow after meter.told party to get heat down there.

Gas Meter:

Water Meter:

Set Date: 6/26/2009 Size: 275

Set Date: 8/8/2014 Size: 5/8"

Serial #: R15605426 Reading:

Serial #: B44337708 Reading: 0524

Rem/ERT: 56177313 Reading:

Rem/ERT: 26129555 Reading:

Comments:

Comments:

Billing Pressure Existing New

Orifice Size Existing New

Regulator Existing New

New Meter Set:

Size: Serial #: New Meter Set: Reading:

Size: Serial #: Reading:

Rem/ERT:

5/8" B44337757 0064

Rem/ERT:

Rem/ERT: 26523112

Excess Flow Valve Model: Installed: Size:

Box Ties: 36.5OUT 11.8EWL 609- EB W/611 NOT JOIN

CGI Reading: Inside: 0 Out: 0

Sup. From:

Arrival Time/Date: 10:33:00 AM 3/4/2014

Depart Time/Date: 10:50:00 AM 3/8/2014

[Save]



METER TRUCK

[Reset]

Credit Workorder

Credit Shut Off Water

Created by: GBENSON

4/28/2014 8:12:07 AM

Appt Date/Time: 4/28/2014 PM(5) [Release](#)

WO #: 2014-00007277

Job Number:

Customer Name: PROSPERITY HOUSE LLC

Account #: 191010905-003

19-10-10905 5102

611 E 6TH ST

Access Instructions: VACANT

Apt: 1ST FL

Duluth MN 55805

Key Number:

Owner: Y

Customer Phone:

Assigned To: RASMUSSEN, DALE

Note:

Mailing Info: PO BOX 3190

Status: Closed

Priority: Low

Duluth MN 55803

Amount Needed: 1421.14

Cancelled by:

\$

Authorized

Billing

Remarks:

Closed

shut off at curb

[201400018015-CREDIT-09/09/2014-4480](#)
[201400015039-CREDIT](#)
[201400014333-CREDIT-07/23/2014-2419](#)
[201400013201-GENERAL -07/29/2014-](#)

[201400013041-GENERAL -07/08/2014-2419](#)
[201400007524-CREDIT-04/30/2014-780](#)
[201400004847-GENERAL -03/19/2014-2419](#)
[201400003928-GENERAL -03/08/2014-810](#)

Requested Action: **Gas Meter:**

Set Date: 6/26/2009 Size: 275
 Serial #: R15605426 Reading:
 Rem/ERT: 56177313 Reading:

Comments:

New Meter Set:

Size: Serial #: Reading:

Rem/ERT:

Excess Flow Yr 0 Size:
 Valve Model:

CGI Reading: Inside: Out:

Requested Action: **Water Meter:**

Set Date: 8/8/2014 Size: 5/8"
 Serial #: B44337708 Reading:
 Rem/ERT: 26129555 Reading: 0064

Comments:

New Meter Set:

Size: Serial #: Reading:

Rem/ERT:

Box Ties: 36.5OUT 11.8EWL 609- EB W/611 NOT JOIN
 Sup. From:

[Arrival Time/Date]

[Depart Time/Date] 1:44 PM 4/28/2014

[Save]



METER TRUCK

Credit Workorder

[Reset]

Credit Turn On Water

Created by: TFREDRIC

4/30/2014 11:25:08 AM

Appt Date/Time: 4/30/2014 [Select] Release WO #: 2014-00007524 Job Number: []

Customer Name: PROSPERITY HOUSE LLC Account #: 191010905-003 19- 10- 10905 5102

611 [E] 6TH [ST] Access Instructions: SOMEONE THERE OR BACK DOOR OPEN

Apt: 1ST FL

Duluth [MN] 55805

Customer Phone: []

Key Number: [] Owner: [Y]

Assigned To: KUPCZYNSKI, KEVIN []

Note: []

Status: Closed [] Priority: Medium []

Mailing Info: PO BOX 3190

[]

[]

Duluth [MN] 55803

Amount Needed: []

Cancelled by:

\$

Authorized

Billing CLATOUR 5/23/2014 2:53:18 PM

Remarks:

Closed

T/O WTR RD MTR FOUND GAS OFF & SEALED GAS BOILER IN BASEMENT IS BYOND REPAIR DO NOT RESTORE GAS UNTIL BOILER REPLACED

201400018015-CREDIT-09/09/2014-4480
201400015039-CREDIT
201400014333-CREDIT-07/23/2014-2419
201400013201-GENERAL -07/29/2014-

201400013041-GENERAL -07/08/2014-2419
201400007277-CREDIT-04/28/2014-2419
201400004847-GENERAL -03/19/2014-2419
201400003928-GENERAL -03/08/2014-810

Requested Action: [Select]

Requested Action: [Restore]

Gas Meter:

Water Meter:

Set Date: 6/26/2009 Size: 275

Set Date: 8/8/2014 Size: 5/8"

Serial #: R15605426 Reading: []

Serial #: B44337708 Reading: 0077

Rem/ERT: 56177313 Reading: []

Rem/ERT: 26129555 Reading: []

Comments: []

Comments: []

New Meter Set:

New Meter Set:

Size: [] Serial #: [] Reading: []

Size: [] Serial #: [] Reading: []

[] [] []

[] [] []

Rem/ERT: [] []

Rem/ERT: [] []

Excess Flow Valve Yr: 0 Size: []

Box Ties: 36.5OUT 11.8EWL 609- EB W/611 NOT JOIN

Model: [] []

Sup. From: []

Arrival Time/Date: 1:31 PM 4/30/2014

CGI Reading: Inside: [] Out: []

Depart Time/Date: 2:02 PM 4/30/2014

[Save]



METER TRUCK

General Workorder

[Reset]

General Meter Truck Water

Created by: CNIESEN

7/3/2014 2:44:41 PM

Appt Date/Time: [Select] [] Release WO#: 2014-00013041 Job Number: []

Account #: 191010905-003 19-10-10905 5102

Customer Name: PROSPERITY HOUSE LLC

Access Instructions:
***SNAG ORDER ***

611 [] E 6TH [] ST []

Apt: 1ST FL

Key Number: [] Owner: Y

Duluth [] MN 55805

Complaint:

Customer Phone: []

CHANGED WATER METER IN MARCH, NO WATER USE SINCE MARCH WHEN WE CHANGED WATER METER. APRIL NOTES SAY 2 ADULTS AND 2 CHILDREN IN UPSTAIRS PLEASE VERIFY VACANT OR OCCUPIED? STRAIGHT BUILDING?

Mailing Info: PO BOX 3190

Assigned To: RASMUSSEN, DALE

Duluth [] MN 55803

Status: Closed [] Priority: Low []

Comments: []

Memo: []

Billing AHRON 7/10/2014 3:21:39 PM

201400018015-CREDIT-09/09/2014-4480	201400007524-CREDIT-04/30/2014-780
201400015039-CREDIT	201400007277-CREDIT-04/28/2014-2419
201400014333-CREDIT-07/23/2014-2419	201400004847-GENERAL -03/19/2014-2419
201400013201-GENERAL -07/29/2014-	201400003928-GENERAL -03/08/2014-810

knocked on door and was granted access,... down stairs has about 10 people there with mattresses on the floor in every room,... checked water meter,... meter shows usage when water is ran,... left credit notes on both front doors upstairs apartment and lower apartment asst by ET

Gas Meter:

Water Meter:

Set Date: 6/26/2009 Size: 275

Set Date: 8/8/2014 Size: 5/8"

Serial #: R15605426 Reading: []

Serial #: B44337708 Reading: 0196

Rem/ERT: 56177313 Reading: []

Rem/ERT: 26129555 Reading: 0064

Comments: []

Comments: []

Billing Pressure Existing [] New []

Orifice Size Existing [] New []

Regulator Existing [] New []

New Meter Set:

Size: Serial #: New Meter Set: Reading:

Size: Serial #: Reading:

[] [] [] []

Rem/ERT: []

Rem/ERT: []

Box Ties: 36.5OUT 11.8EWL 609- EB W/611 NOT JOI

Excess Flow [] 0 Size: []

Sup. From: []

Valve Model: Installed: []

Arrival Time/Date: [] []

CGI Reading: Inside: 0 Out: 0

Depart Time/Date: 9:41:00 AM 7/8/2014

[Save]



METER TRUCK General Workorder

[Reset]

Gen Change Water Meter

Created by: CNIESEN

7/8/2014 1:03:47 PM

Appt Date/Time: [Select] [] Release WO#: [2014-00013201] Job Number: []

Account #: [191010905-003] [19-10-10905 5102]

Access Instructions:

Customer Name: [PROSPERITY HOUSE LLC]

*** SNAG ORDER ***

[611] [E] [6TH] [ST]

Key Number: [] Owner: [Y]

Apt: [1ST FL]

Complaint:

[Duluth] [MN] [55805]

METER 0196 AND ERT 0064 READS DO NOT MATCH.
PER 7/8 WKO, METER OK.
PLEASE REPLACE ERT AND PROGRAM TO MATCH METER

Customer Phone: []

Mailing Info: [PO BOX 3190]

Assigned To: [Select]

[Duluth] [MN] [55803]

Status: [Closed] Priority: [Low]

Comments: []

Memo: []

Billing CLATOUR 8/22/2014 4:01:05 PM

<u>201400018015-CREDIT-09/09/2014-4480</u>	<u>201400007524-CREDIT-04/30/2014-780</u>
<u>201400015039-CREDIT</u>	<u>201400007277-CREDIT-04/28/2014-2419</u>
<u>201400014333-CREDIT-07/23/2014-2419</u>	<u>201400004847-GENERAL -03/19/2014-2419</u>
<u>201400013041-GENERAL -07/08/2014-2419</u>	<u>201400003928-GENERAL -03/08/2014-810</u>

CHANGED WATER METER AND ERT - COULD NOT CK 4 OP OR LEAKS - WATER IS OFF 4 CREDIT? ATT.

Gas Meter:

Water Meter:

Set Date: [6/26/2009] Size: [275]

Set Date: [8/8/2014] Size: [5/8"]

Serial #: [R15605426] Reading: []

Serial #: [B44337708] Reading: []

Rem/ERT: [56177313] Reading: []

Rem/ERT: [26129555] Reading: [0218]

Comments: []

Comments: []

Billing Pressure Existin [] New []

Orifice Size Existing [] New []

Regulator Existing [] New []

New Meter Set:

Size: [] Serial #: [] Reading: []

Size: [5/8"] Serial #: [B44337708] Reading: []

Rem/ERT: []

Rem/ERT: [26129555] [0191]

Rem/ERT: []

Box Ties: [36.5OUT 11.8EWL 609- EB W/611 NOT JOIN]

Sup. From: []

Excess Flow [] 0 Size: []

Arrival Time/Date [11:37:00 AM] [7/29/2014]

Valve Model: [] Installed: []

Depart Time/Date [11:39:00 AM] [7/29/2014]

CGI Reading: Inside: [0] Out: [0]

[Save]

DULUTH PUBLIC UTILITIES COMMISSION
Meeting Minutes
October 21, 2014

Members Present: Councilor Zack Filipovich, Councilor Jennifer Julsrud, Rob Prusak, Jim Ramnes, Linda Sellner, Councilor Joel Sipress

Members Absent: Jason Thorsell

Staff Present: Bob Asleson, Jim Benning, Leanna Gilbert, Howard Jacobson, Glenn Strid

Call to Order: The meeting was called to order at 5:17 p.m. by President Prusak.

Approval of previous meeting minutes

Old business:

Review proposed utility budgets

Notes explaining the cash projection worksheets were included in the meeting packets. Glenn Strid mentioned some changes that had occurred recently, handed out a revised sanitary sewer cash projection, and answered a few questions from commissioners.

New business:

14PUC-003 - RESOLUTION APPROVING AND RECOMMENDING 2015 UTILITY BUDGET.

Commissioner Sipress motioned to approve resolution 14PUC-003. The resolution was unanimously approved.

Updates from staff

Jim Benning reported that the West Duluth Reservoir is back online. Commissioner Sellner inquired if Spirit Mountain would be using city water to make snow again. Jim Benning said that they would probably start mid-November. Commissioner Sipress said that their new system should be ready for next season. They should see some significant cost savings from that system.

Upcoming Council actions

Jim Benning mentioned an increase of about \$400,000 to the blanket contract for extra work, including upgrades to the system and additional new services.

The budget presentation to Council is on November 10th at 5:30 p.m. Commissioners are welcome to attend.

Commissioner questions or comments

Commissioner Julsrud mentioned a dinner for Energy Leadership on October 28th and a follow-up meeting on October 29th. She may extend an invitation to other DPUC members.

Commissioner Sellner stated that she will be researching wetland protection within the city and will be bringing forward a resolution in the future.

Preview of upcoming business

The next regular meeting is scheduled for Tuesday, November 18, 2014, at 5:15 p.m. in City Council Chambers. Commissioners should think about the 2015 meeting schedule. They should also think about whether there is anything that they want staff to work on.

Adjournment: The meeting was adjourned at 5:45 p.m.

2015 DPUC Meeting Schedule

All meetings will be held on the 3rd Tuesday of the month at 5:15 PM in City Council Chambers unless otherwise noted

January 20

February 17

March 17

April 21

May 19

June 16

July 21

August 18

September 15

October 20

November 17

December 15

RESOLUTION NO. 14PUC-004

**RESOLUTION OF THE DULUTH PUBLIC UTILITIES
COMMISSION RECOMMENDING THAT THE CITY OF
DULUTH ADOPT A NO-LOSS POLICY FOR WETLANDS.**

WHEREAS, the Minnesota State Pollution Control Agency's General Permit to Discharge Stormwater Associated with small Municipal Separate Storm Sewer System (the "MS4 Permit") authorizing the City of Duluth (the "City") to discharge stormwater to waters of the State requires non-degradation of water quality; and

WHEREAS, wetlands slow, store and clean stormwater before releasing it to into the City's stormwater utility system; and

WHEREAS, the City's historic practices, while mitigating or replacing wetlands, sometimes in other watershed, have often not prevented destruction of wetlands as part of land development work; and

WHEREAS, wetlands in Duluth, because of its geography, are generally limited to relatively level lands above the escarpment, which constitutes a comparatively small proportion of lands within the City; and

WHEREAS, an increase in severe precipitation events is expected to occur with impending climate change that may surpass conveyance capacity and lead to flooding; and

WHEREAS, there is a need to preserve Duluth's existing wetlands in order to effectively control and treat stormwater run-off in the City.

RESOLVED, that the Duluth Public Utilities Commission hereby recommends that the City of Duluth recognize and implement the following policies and practices for addressing stormwater run-off in the City of Duluth:

1. The City recognizes a multifaceted approach to managing stormwater flow.
2. The City commit to incorporating requirements for incorporating "Green Infrastructure" as the same is defined in the MS4 Permit into its process for reviewing and approving projects within the City, which Green Infrastructure includes no loss of existing wetlands in the City.
3. The City establish a "no-loss" policy with regard to existing wetlands in the City of Duluth.

Approved by the DPUC:

(date)

Submitted to City Council
(where appropriate)

(date)

ATTEST:

Director
Public Works and Utilities
City of Duluth

STATEMENT OF PURPOSE

Historical development in wetlands has followed a sequence of avoidance, then minimization of impact and finally, municipal approval for replacement of impacted wetlands. This has left Duluth with a net-loss in wetland area despite the No-Net-Loss State policy.

The Natural Resources Overlay of the Duluth Comprehensive Plan promotes protection of watershed function for water quality through regulatory changes by ordinance. Five of 16 DNR designated trout streams within the city are currently "Impaired" and the St. Louis River Estuary is an EPA "Area of Concern" for polluted condition.

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Minnesota communities look for ways to adapt to climate change

By Elizabeth Dunbar, MPR.org/100.5 FM on Nov 5, 2014 at 11:04 p.m.

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News Alerts

In an effort to cope with heavier rains and higher temperatures that climate change brings, some communities are beginning to grapple with ways to help people adapt to the inevitable, even as they work to cut greenhouse gas emissions.

That means creating more spaces for storm water to flow to ease flooding, and mapping sites where people can cool off during heat waves.

Earlier this week, a panel of scientists studying climate change for the United Nations laid out a monumental task for humanity: reduce greenhouse gas emissions to zero by the end of this century. But they also said we've already put enough carbon in the atmosphere to cause significant change, so we have to learn ways to deal with it.

"It took a long time for enough people to understand that there really was an issue," said Faye Sleeper, interim director of the Water Resources Center at the University of Minnesota.

The WRC is bringing together government officials, academics and others at a conference today to discuss ways to adapt to climate change in Minnesota.

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Weather observers have documented increased temperatures and more frequent big rain events in the state, and climate scientists expect the trends to continue.

The message that we need climate adaptation is gaining steam now that experts working across a wide range of fields have started talking about it, Sleeper said. “I think the public starts to understand that it will impact their lives.”

Climate adaptation work already is underway on a small scale in Minnesota as a response to here-and-now problems like changes in rainfall. Some cities and transportation planners have begun using new precipitation data to make sure roads and storm-water systems can handle heavier rains. Some forest managers are experimenting with different tree species expected to be more resilient to the changing climate.

Farmers have long been finding ways to be more resilient to year-to-year weather changes. But now that the climate trends are clearer, some are advocating changes in what we grow. Diversifying the agricultural landscape is one of the best ways to make it more resilient to climate change, said Nick Jordan, a University of Minnesota researcher who studies the ecology of agriculture. He said the trick is to find crops that could both benefit the soil and farmers’ pocketbooks.

“We have not had a business model to really move that kind of climate-smart agriculture forward,” Jordan said.

Jordan sees opportunity in the emerging bioeconomy: biofuels, biomaterials and biochemicals. Right now, only a small percentage of farmers are planting perennials or cover crops alongside corn and soybeans. The idea has been to leave the cover crops in the soil to boost organic material, which in turn can help the field absorb heavy rains. But Jordan said giving farmers an additional incentive to plant these lesser-known crops still could benefit the soil even if parts of the plants were harvested.

“A lot of the very same crops that would provide bioproducts are also the very crops that we need to put on the landscape to bring that diversification,” Jordan said. “So it’s really that coincidence that makes this all possible.”

Even individual homeowners can do things that will help both themselves and their communities adapt to climate change, said Paul Moss, who oversees climate adaptation efforts at the Minnesota Pollution Control Agency.

“For example, look at planting trees near your home,” Moss said. “Trees can help cool your home when we’re having hot weather. Also, trees can help intercept heavy precipitation and break the fall of the rain as well as absorb and purify the rain.”

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