

**MEMORANDUM OF UNDERSTANDING REGARDING THE PRESERVATION OF
THE LEVEL OF SERVICES IN THE DOWNTOWN WATERFRONT SPECIAL
SERVICE DISTRICT**

This Memorandum of Understanding Regarding the Preservation of the Level of Services in the Downtown Waterfront Special Service District (“Memorandum”) is made by and between the Greater Downtown Council, a non-profit Minnesota corporation and civic organization (“GDC”) and the City of Duluth, a Minnesota municipal corporation (“City”) and is effective as of January 1, 2020.

RECITALS

A. The City has received a petition (the “Petition”) from property owners in the Downtown Waterfront who want to improve the safety, cleanliness, and economic vitality of the Downtown Waterfront area by establishing a Special Service District in accordance with Minn. Stat. §§ 428A.01-428A.101 (the “Act”). The Petition has been signed by owners of more than 50% of the net tax capacity of property that will be subject to service charges and by owners of more than 25% of the land area of property that will be subject to service charges.

B. The City Council, by Ordinance Number 9688, adopted on September 13, 2004, established a district pursuant to the Act and also, by Resolution Number 04-0595R, adopted on September 13, 2004, assessed service charges (“Service Charges”) against certain property within that district on the basis of net tax capacity.

C. The City Council, by Ordinance File No. 19-037 adopted on August 26, 2019 reestablished the district with expanded boundaries (the “District”) from January 1, 2020 through December 31, 2024, and, by Resolution No. 19-0526 adopted on August 26, 2019, imposed new Service Charges.

D. Minn. Stat. § 428A.01, subd. 3, provides that “special services” may not include a service that is ordinarily provided throughout the City from general fund revenues of the City unless an increased level of the service is provided in the Special Service District. In addition, Minn. Stat. § 428A.03, subd. 1, provides that service charges may not be imposed to finance a special service if the service is ordinarily provided by the City from its general fund revenues unless the service is provided in the district at an increased level.

E. The purpose of this Memorandum is to set forth the existing level of City services being provided within the District and to obtain City’s agreement not to decrease the level of services being provided in the District except to the extent that a similar decrease in services is being imposed throughout the City.

UNDERSTANDINGS

1. Attached hereto as **Exhibit A** is a description of the municipal services City is currently providing within the Special Service District (the “Established Level of Services”).

2. City agrees that it will not reduce services to the District below the Established Level of Services except where there is a proportionate reduction in services throughout the City.

GREATER DOWNTOWN COUNCIL

CITY OF DULUTH

By: _____
Its: _____

By: _____
Its: Mayor

By: _____
Its: City Clerk

By: _____
Its: City Auditor

By: _____
Its: City Attorney

BBQ Grill Maintenance		As Needed
Boardwalk Maintenance	All Year	As Needed
Skating Rink Maintenance		As Needed
Mutt Mitts	All Year	As Needed
Grade Parking Lot		As Needed
Gravel Parking Lot		As Needed
Animal Control	May - September	As Needed
Washout Repairs		As Needed

Gichi-ode' Akiing, Sisters
Cities Park,
Lakewalk/Carriage Trail

Sweeping	May - September	1-2/week
Snow Shoveling		As Needed
Flower Gardens		Daily
Graffiti Removal	All Year	As Needed
Garbage Pick-Up (Cans/Dumpsters)	All Year	Daily
Litter Pick-Up	May - September	Daily
Grass Cutting		Weekly
Maintain Irrigation Systems	May - September	Daily
Trees - Pruning and Removal	All Year	As Needed
Picnic Table Maintenance	All Year	As Needed
Bench Maintenance		As Needed
Boardwalk Maintenance	All Year	As Needed
Grade Carriage Trail		As Needed
Gravel Carriage Trail		As Needed
Storm Clean-Up		As Needed
Maintain Bathrooms	All Year	Daily
Washout Repairs		As Needed

In park spaces, Lakewalk and carriage trail.

Special Events

Gichi-ode' Akiing	May - September	As Needed	Sweep, flush, post signs, barricades & cones, planters, permitting
Bayfront Festival Park	May - September	As Needed	Sweep, flush, post signs, barricades & cones, planters
Lake Superior Plaza West	May - September	As Needed	Sweep, flush, post signs, barricades & cones, planters, permitting
Lakewalk	All Year	As Needed	Sweep, flush, post signs, barricades & cones, planters, permitting
Cold Front	January	As Needed	Set-up, permitting
Race Events	All Year	As Needed	Sweep, flush, post signs, barricades & cones, planters, permitting
Sisters Cities Park	May - September	As Needed	Sweep, flush, post signs, barricades & cones, planters, permitting



MEMO

August 7, 2019

TO: Noah Schuchman, CAO

FR: Mike Tusken, Chief of Police

RE: Current Special Service District Police Services

The Police Department provides many services in the area identified by the Greater Downtown Council as the Special Service District. This area is part of two distinct policing districts in the city, including Police District 26 and 27. The following services have been identified as baseline services provided by the Department in that area.

District Stations

- Duluth Transit Center

Patrol District

Five – six police officers patrol the special service district 24 hours per day, seven days per week. These officers' primary duties involve response to calls for service the area. They also take proactive enforcement of events occurring in their presence and/or identified by district community oriented policing officers.

One patrol lieutenant and three police sergeants supervise police activities in each of these police districts and respond as needed to these areas 24 hours per day, seven days per week.

Three police officers work at the Duluth Transit Center seasonally. These officers work eight-hour shifts (10:00 a.m. – 6:00 p.m.), five days per week from June through early September. They patrol downtown and Canal Park on foot, bicycles, and marked patrol units.

Community Oriented Policing Services (COPS)

The area commander and one COP sergeant direct the work of two problem-oriented police officers and a civilian support position. These officers work to reduce or eliminate habitual or predictable problem incidents and offenders. One COP is specifically assigned to the current special service district. Twelve uniformed Park Rangers work within the downtown and waterfront districts. The rangers all have interest in law enforcement and provide a recognizable presence while on foot, bike, or ATV to our citizens and tourists from May – October. Not only do they assist tourists with directions, they provide patrol officers and community officers assistance by detecting, reporting, and preventing nuisance incidents. They also support officers at larger events such as Grandma's marathon and music festivals with their presence.



MEMO

Mental Health Unit

The mental health unit consists of two embedded social workers, one funded through St. Louis County Health and Human Services and the other by the Center for Alcohol and Drug Treatment. These social workers partner with two sworn officers. This unit works to reduce calls for service involving the police department and partner agencies by providing those experiencing mental health crises with immediate services. Immediate responses also help to improve the quality of life for these individuals.

Investigative Support Services

Investigators from the Department's investigative unit provide follow up investigation on crimes as needed or requested including:

- Violent crimes - including all death investigations, robbery, physical assaults, sexual assaults, firearms crimes, and crimes involving terroristic threats
- Family crimes - including domestic assault, child abuse and neglect, and child sexual abuse
- Drug crimes
- Property crimes
- Financial crimes
- Crime scene investigations on all major crimes

Special Events

The area commander, one police sergeant, and one police officer spend 15% of their time planning, coordinating, and executing special events occurring in the special service district. Some of these events include:

- Grandma's Marathon
- In-line skating marathon
- Several running races
- Downtown sidewalk days
- Christmas City of the North parade
- Street dances and parades
- Tall ships
- Bentleyville
- Kids, Cops and Cars
- Bayfront events
- DECC events
- Dignitary protection
- Other community and city sponsored events

The Department hires police officers on an overtime basis to staff these events. The Duluth Police Reserves, a volunteer unit, works most of these events in a traffic control capacity. The Duluth Police Explorer Post also assists with events.



MEMO

Parking Services

The parking services division serves to enhance public safety and fair, consistent parking access through parking education and enforcement. Parking services employs six full-time parking services agents working primarily Monday – Friday, but with some evening and weekend duty as needed. Administrative staff includes a parking manager and clerical support technician, as well as one full-time sworn police officer whose duties also include downtown community relations. The parking services division are dispatched via 911 and other sources to respond to parking and related items on an as-needed basis. Parking services agents look for concerns such as parking within mandated setback distances from crosswalks, driveways, and traffic control devices, abuse of ADA-signed parking zones, expired meters and time limit violations, alternate side parking, and expired license plates. Parking services agents also devote time to maintenance and administration of the city’s various permit systems, public outreach efforts, parking studies, and recommendations for improvement to Duluth’s public parking system.

Please let me know if you have any questions.