

AMENDMENT NO. 1 TO L30753

Contract Start Date:	2/1/2023	Original Total Amount:	\$15,450.00
Original Completion Date:	5/1/2023	As Previously Amended:	\$15,340.00
Amendment Completion Date:	11/1/2026	Current Amendment:	\$49,996.50
Resolution:	23-	New Total Contract Amount:	\$65,446.00

This amendment, effective as of the date of attestation by the City Clerk (the “Effective Date”), by and between the City of Duluth, hereinafter referred to as “City”, and Urban Ecosystems located at 2500 University Avenue West, Suite C8, St Paul, MN 55114, hereinafter referred to as “Consultant”, for the purpose of rendering services to the City.

WHEREAS, on February 1, 2023, City and Consultant entered into an agreement bearing City of Duluth Contract No. L30753 for the development of detailed design drawings and artwork for the construction of Seven Fires Space, Turtle Mound and a plan for the outdoor classroom at Munger Landing, which Contract has not been previously amended, and which Contract is hereinafter referred to as the “Contract”; and

WHEREAS, both parties desire to amend the Contract.

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties hereto hereby agree as follows:

In this Amendment changes in the language of the Contract which delete language will be shown as stricken and language added to the contract language will be underlined.

Revision 1. The Completion Time described in Section II.E.3) of the Contract is hereby amended as follows:

The Design Development Phase shall be completed and report or plan submitted by ~~May 1, 2023~~ June 1, 2024.

Revision 2. The Completion Time described in Section II.F.8) of the Contract is hereby amended as follows:

The Construction Document Phase shall be completed and contract documents submitted by ~~May 1, 2023~~ June 1, 2024.

Revision 3. The Construction Administration Phase described in Section II.I. of the Contract is hereby included and Section II.I.18) is amended as follows:

The construction administration and inspection phase shall be completed by November 1, 2026.

Revision 4. The Basis of Billing described in Section V.A. of the Contract is hereby amended as follows:

% of Contract Amount (per section V.C)	Phase	Description
%	A	Study and Report Phase
%	B	Preliminary Survey Phase
%	C	Public Input Phase
%	D	Schematic Design Phase
<u>45%</u> 50%	E	Design Development Phase
<u>41%</u> 50%	F	Construction Document Phase
%	G	Bidding Phase
%	H	Construction Survey and Layout Phase
<u>14%</u>	I	Construction Administration and Inspection Phase

Revision 5. The Total Not to Exceed described in Section V.C. is hereby amended as follows:

All payments under this Contract are not to exceed ~~Fifteen Thousand, Four Hundred Fifty and 00/100 (\$15,450.00)~~ Sixty-Five Thousand, Four Hundred Forty-Six and 00/100 Dollars (\$65,446.00).

Revision 6. The Special Provisions described in Section VI. is hereby amended as follows:

The following exhibits are attached to and made part of this agreement:

- 1) Exhibit A, Landscape Architect's Hourly Rates and Proposal; and Proposal for Landscape Architectural Services Wabizheshikana Pause Points dated May 30, 2023.

In all other respects the contract, together with all of its terms, covenants and conditions, is hereby confirmed in its entirety.

[Remainder of page intentionally left blank. Signature page to follow.]

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the date of attestation shown below:

CITY OF DULUTH

URBAN ECOSYSTEMS LLC

By:

By:

Mayor

Company Representative

Attest:

Its:

City Clerk

Title of Representative

Date Attested: _____

Date: _____

Countersigned:

City Auditor

Approved as to form:

City Attorney

DRAFT

EXHIBIT A

PROPOSAL FOR
LANDSCAPE ARCHITECTURAL SERVICES
WABIZHESHIKANA PAUSE POINTS

PREPARED BY URBAN ECOSYSTEMS LLC
MAY 30, 2023

Cliff Knettel, Senior Planner
City of Duluth
411 W. 1st Street
Duluth, MN 55802

Hello Cliff,

Please find attached our proposal to develop detailed construction documents and contract drawings for the Seven Fires Space, Mikinaak (Turtle Calendar), and the Outdoor Classroom. We also have included budget to facilitate a conversation with the Fond du Lac Band regarding messaging and visual content. For ease of contracting, I have consolidated all three of these projects into a single contract to streamline billings, site visits, and the creation of project deliverables. Together this project will be the Marten Trail Pause Areas Design. My assumption is that the projects would best be contracted separately from the larger trail construction to reduce conflicts, but could potentially be contracted together so that a single contractor can be selected to complete this specialized project work.

We have now substantively completed the schematic phase design scope for each of these projects with the exception of the artwork and messaging efforts. We are close to having a completed artwork for Mikinaak (Turtle Calendar). This design will need to be refined and adapted so that it gracefully straddles the stonework and will need to be engraved onsite after the monument is built. This pause point has the most clarity of form and intent and builds on an existing cultural concept. For the Outdoor Classroom, our assumption is that our construction plans will need to be integrated with the larger set of construction drawings for the Munger Landing improvements and so have priced this proposal so that we can perform the necessary, additional coordination with the engineering teams and project stakeholders.

We will need additional art scope to finalize the artwork and make sure that the interpretive messaging is meaningful and the result of an intentional process with the FDL Band. The interpretive content of the Seven Fires Space remains one of the most important and significant aspects of this project, deserving in depth consideration during the 2023 season. We envision an intentional process with the leadership of the Fond du Lac Band to develop a graphic statement that can be engraved on the ground plane of the Seven Fires Space. As of our last discussion with the arts team, we are envisioning something similar to the "Symbolic Petition of Chippewa Chiefs." We are envisioning a visual statement or prompt regarding the future of this landscape and elaborating the need for a new way forward in terms of humanity's relationship with the natural world. It is an important that this statement be authentic and carry the organizational support and blessing of the Fond du Lac Band.

This is an opportune moment for us to initiate this work, as Urban Ecosystems will also be re-engaging the FDL Band soon on the design of a Ceremonial Space at Nagaajiwanaang Jiibayakamigong (Historic Mission Creek Cemetery) in Fond du Lac. That space will be another Pause Point on the trail and contain a spatial monument and gathering space for the community. This work ties into a larger narratives about the Estuary and the conceptualization of a Native American "Cultural Corridor" for Gitchi-Gami -Ziibi,

Thank you for the chance to work on this project with you and to develop this project proposal.

Samuel Geer,
President, Urban Ecosystems

PROJECT TEAM

URBAN ECOSYSTEMS

JOHN KOEPKE

OJIBWE LANDSCAPE ARCHITECT
ASLA, RLA

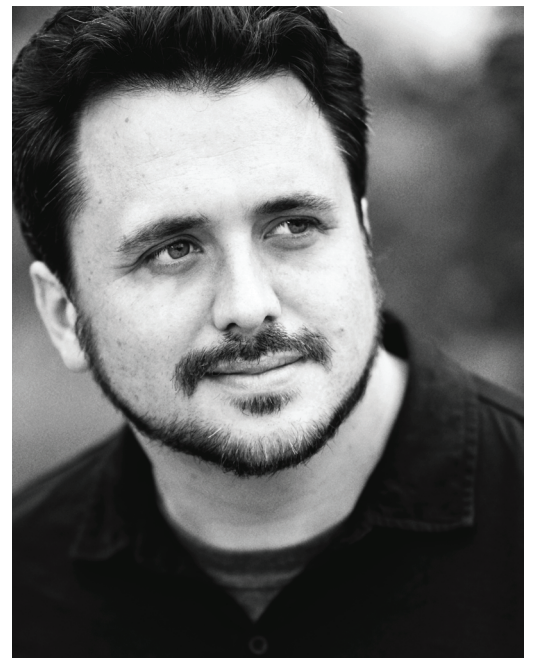
John Koepke is our Principal Landscape Architect and will serve as cultural liaison for this project. He is a Professor of Landscape Architecture in the College of Design at the University of Minnesota and an active member of the Great Lakes Anishinaabe community. He has over 40 years professional experience in urban design, the planning and design of education centers, zoological gardens, interpretative centers for Native American sites, and community design workshops. His research interest and expertise focuses on culture and ecology in Native American communities. He currently oversees the Urban Ecosystems design studio, creating dramatic drawings and visual communications imbued with cultural and ecological meaning. In 2018 John was named a Fellow of the Council of Educators in Landscape Architecture.



SAM GEER

PRESIDENT, PROJECT MANAGER
MLA, MURP, LEED AP

Sam is a design professional and projective thinker dedicated to building urban landscapes that can meet the evolving needs of cities and ecosystems. His knowledge of emerging technologies within stormwater design and geospatial mapping and analysis provide a foundation for our practice. As Director of Operations, Sam coordinates our strategic planning efforts, project delivery, and landscape performance modeling. As President of Urban Ecosystems, Sam will serve as the principle project manager for this project, being the primary point of contact and will be responsible for administration and the delivery of the design products.



SCOPE OF SERVICES / PROJECT TIMELINE

SITE INVENTORY - JUNE 15TH - JULY 30TH

The first stage of this next phase will be the creation of detailed basemaps for the proposed project locations. Our approach assumes that we will establish benchmarks near each construction site and gather detailed. We envision creating these basemaps ourselves to locate specific trees that may need to be removed and to gather detailed topographic information in the areas where construction will take place. As part of this we will also demarcate limits of disturbance and establish benchmarks that can be used to locate the construction. There may be the need for geotechnical exploration, or surveying work to take place during this period which would be engaged as a supplemental service.

- *Basemap Creation (x3):* Field gather essential elevation, vegetation, and soils data for each location.
- *Subcontracted Services:* Coordination of Exploration / Surveying to support project goals if needed as a Supplemental Service

FDL ENGAGEMENT / MESSAGING DEVELOPMENT - JUNE 15TH - SEPTEMBER 30TH

The interpretive messaging around the Seven Fires Space and Mikinaak (Turtle Mound) is a critical first step in establishing the design intent. As we have engaged with this content over the last 6 months, we find that the question underlying the prompt is bigger than what we as a design team have the potential to address without additional engagement efforts with the Fond du Lac band. We are looking to intentionally engage with the Fond du Lac Band to develop a specific set of goals.

- *A Facilitated Conversation about the Seven Fires Prophecy:* (Engagement with Natural Resources, Tribal Elders, Historians, and Language Experts) This task will involve the assembly of a small task force of people selected by the Fond du Lac Band to provide guidance on the content, style, and creation of the art piece which will occupy the ground plane of the Seven Fires Space. This group would assume responsibility for developing the messaging and graphic content and would facilitate the larger conversation.
- *Presentation to FDL Natural Resources / RBC:* We intend to develop a new presentation that outlines the collective intent of the Waabizheshikana Interpretive Pause Points, present the proposed designs for each one, and request the formal support of the Fond du Lac Band for these installations.

QUARRY VISIT & STONE SELECTION - AUGUST

The design team will need to visit the quarry to review the stone that has been harvested for the selected project. Similarly, the team will need to review the stone salvaged by the city. This will involve building mock-ups, and tagging specific stones for construction. It will involve a full day at the quarry and overnight lodging.

- *Quarry Visit:* Our team will need to conduct a visit to the quarry to inspect the stone that has been pulled for the various components for these projects. We will be working with the Quarryman to build mockups, select pieces, and coordinate logistics.

DESIGN DEVELOPMENT - CONSTRUCTION DOCUMENTATION - JULY 1ST - JANUARY 2023

We will continue to develop the designs and produce contract documents for each of the three project areas. This line item covers the time spent developing the detailed plans for each. Our assumption is that these installations be contracted separately from the larger trail construction and will be built either prior to or after the rest of the trail construction. Each individual project will be its own standalone construction document that will contain the following design sheets, and specifications. However, we assume that there will be ongoing integration and coordination with the Waabizheshikana Trail Redesign and the Munger Landing

- Title Sheet
- Layout Plan / Reference Plan
- Survey / Existing Conditions
- Site Protection / Erosion Control Plan
- Demolition Plan
- Sections / Elevations / Profiles
- Construction Details
- Grading Plan
- Materials Plan
- Soil Plans
- Planting & Seeding Plans
- Project Specifications

Urban Ecosystems will produce a set of stamped and signed drawings and specifications to fully realize the design of the project. This work will involve coordination with the relevant city staff, engineering contractors, and state agencies as needed to design and contract the work and get full approval on the design. This may result in certain portions of the project being contracted separately or integrated into the larger process. This proposal assumes intentional communication with the trail designer and project engineer to integrate these drawings with those larger adjacent efforts.

STRUCTURAL ENGINEERING REVIEW - CONCURRENT WITH DD+CD

Urban Ecosystems will incorporate a structural engineer onto our team to review the base design for the stonework. This will be based on soil borings and analysis to be provided by the City of Duluth's geotechnical consultant outside of this scope of work. The engineering review will happen concurrently with the DD+CD design work.

CONSTRUCTION ADMINISTRATION - 2024-2025

This phase will involve assisting the city during the contracting and construction phase of the project. Our scope for this phase includes the creation of change orders, requests for information, inspecting / approving materials, and conducting site visits during construction at key intervals. This also will include project closeout and punch list items as well and assumes a specific number of site visits described in the reimbursible expenses below.

FEE PROPOSAL

SITE INVENTORY	\$7,400.00
- DOES NOT INCLUDE SURVEYING / ENGINEERING / TESTING	
FDL ENGAGEMENT / MESSAGING DEVELOPMENT	\$8,500.00
QUARRY VISIT & STONE SELECTION	\$2,900.00
DESIGN DEVELOPMENT - CONSTRUCTION DOCUMENTATION	\$18,800.00
STRUCTURAL ENGINEERING REVIEW - CONSTRUCTION DOCUMENT	\$1,600.00
CONSTRUCTION ADMINISTRATION	\$7,200.00
SUBTOTAL	\$46,400.00
+ REIMBURSIBLE EXPENSES	\$3,596.00
PROJECT TOTAL	\$49,996.00

REIMBURSABLE EXPENSES

Reimbursable expenses are those that are accrued in the delivery of the project that will be tracked and reported via invoice as they are accrued. Our team anticipates 5 distinct visits to Duluth as well as a visit to the Quarry in Biwabik.

- Travel Meals: \$575.00
- Lodging: \$1,640.00
- Mileage: \$964.00
- Printing: \$420.00

SUPPLEMENTAL SERVICES

Supplemental services are those that are not covered within the contract and can be entered into at the discretion of the client. Urban Ecosystems will make recommendations as to when supplemental services may be necessary, and the client will choose if it will bear the associated costs for activities such as additional consultants and project management activities. All services not explicitly identified within this proposal shall be considered supplemental services that will be undertaken if requested in writing by the client representative at a billing rate of \$150/hour. The following items may readily be added to the scope if so requested by the City of Duluth.

- *Site Surveys*: If the City requires a stamped survey prepared by a professional surveyor, we can procure these services for the



Samuel Geer, President