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Title: RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH ENTERTAINMENT AND CONVENTION AUTHORITY FOR THE OPERATION AND MAINTENANCE OF THE NORTHWEST PASSAGE SKYWALK BRIDGE, AT NO COST TO THE CITY.

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Attachments: 1. Exhibit 1.pdf

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RESOLUTION AUTHORIZING A THREE-YEAR AGREEMENT WITH THE DULUTH ENTERTAINMENT AND CONVENTION AUTHORITY FOR THE OPERATION AND MAINTENANCE OF THE NORTHWEST PASSAGE SKYWALK BRIDGE, AT NO COST TO THE CITY.

CITY PROPOSAL:

WHEREAS, the City constructed, owns, and operates a skywalk system providing enclosed pedestrian passageways within downtown Duluth and the surrounding area to facilitate indoor pedestrian traffic and connect numerous buildings to one another (the "Skywalk System");

WHEREAS, there is an enclosed pedestrian passageway connecting downtown Duluth to and from the Duluth Entertainment and Convention Center Authority's ("DECC") main attraction complex and associated facilities (the "Northwest Passage");

WHEREAS, because of its relation to the DECC's other facilities, the city and DECC agree that the Northwest Passage should be deemed part of the "arena auditorium" for purposes of Laws of Minnesota, 1963, Chapter 305 and, as such, a facility that can be operated by the DECC pursuant to said legislation; and

WHEREAS, the DECC and the city also agree that the DECC should operate and maintain the Northwest Passage for the benefit of the City, the DECC and the general public, and desire to enter into an agreement to formalize each party's respective roles and obligations toward the operation and maintenance of the Northwest Passage.

NOW, THEREFORE, BE IT RESOLVED, that the proper city officials are hereby authorized to execute a three-year agreement, substantially the same as the agreement attached as Exhibit 1, with the DECC for the operation and maintenance of the Northwest Passage, at no cost to the city.

STATEMENT OF PURPOSE: This resolution authorizes an agreement with the Duluth Entertainment and Convention Center Authority ("DECC") for the operation and maintenance of the pedestrian passage within the Skywalk System more commonly known as the "Northwest Passage." The Northwest Passage starts at the DTA's Multimodal Center, spans over I-35 and connects to the DECC's facilities and provides ingress and egress between the DECC and downtown Duluth. This agreement provides for the DECC to maintain and operate the Northwest Passage, at no cost to the city.

Under the terms of the agreement, the DECC is responsible for the following items in the Northwest Passage at its sole cost and expense: (i) maintain in good order and condition and safe and reasonable state of repair;

(ii) provide and operate utilities; (iii) collect litter and other waste; (iv) ensure cleanliness in accordance with certain minimum standards; and (v) perform other tasks as shall reasonably be directed by the City (e.g., replacement of floor tiles, drywall, light bulbs and ballasts). The City shall be responsible for all capital improvement, major repairs, and non-routine maintenance to the Northwest Passage, all of which may be performed at the city's sole discretion.

The minimum hours of the Northwest Passage are 6:00 a.m. to 10:00 p.m., seven days a week (the "Skywalk Hours"). The Skywalk Hours may be extended during events held at the DECC's facilities or upon reasonable request by the City.

Although this is the first written agreement between the parties regarding the Northwest Passage, the city and DECC have operated the Northwest Passage for a number of years under the terms and conditions stated in the agreement. This agreement now formalizes the existing roles and responsibilities of the parties.