

**FIRST AMENDMENT TO
AGREEMENT TO PRODUCE, PROMOTE, COORDINATE, AND MANAGE EVENTS
AT BAYFRONT FESTIVAL PARK
BETWEEN THE CITY OF DULUTH AND DULUTH ENTERTAINMENT
CONVENTION CENTER AUTHORITY**

THIS FIRST AMENDMENT TO OPERATION AND MANAGEMENT AGREEMENT (this “First Amendment”) is by and between the CITY OF DULUTH, a municipal corporation and political subdivision organized under the laws of the State of Minnesota (“City”), and DULUTH ENTERTAINMENT CONVENTION CENTER AUTHORITY, an authority of the State of Minnesota, created and existing under the Laws of Minnesota, 1963, Chapter 305, as amended (“DECC”). The City and DECC are collectively referred to in this First Amendment as the “Parties.”

WHEREAS, the City and the DECC entered into an Agreement to Produce, Promote, Coordinate, and Manage Events at Bayfront Festival Park on or about February 4, 2025, City Contract No. L 31129, (the “Agreement”); and

WHEREAS, the Agreement provides that the City and DECC shall establish a multi-year fee structure; and

WHEREAS, the City and DECC have agreed upon a multi-year fee structure and wish to incorporate it into the Agreement.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree as follows:

In this First Amendment, deleted terms will be ~~struck out~~ and added terms will be underlined.

I. That Section VII. B. 1. of the Agreement is amended as follows:

All DECC Events shall be charged all applicable facility use fees and applicable deposits (collectively, the “Event Rental Fees”). The Event Rental Fees in 2025 have been established by the City Council and are posted on the City’s fee schedule, which can be found on the City’s website. ~~Ahead of 2026, DECC shall meet and confer with City to establish a multi-year fee structure that shall include the creation of a Bayfront Preservation Fee. Said fee structure will be equal to or greater in value than the 2025 Fee Schedule. In the event no agreement regarding the new fee structure can be reached, the fee structure will revert to the 2025 fee schedule.~~ Event Rental Fees for 2026-2029 shall be according to those in Exhibit F, attached hereto and incorporated by reference. Approval of fee structure is at the sole discretion of the City. All DECC events will incur the same standard Event Rental Fees for park use.

- II. That in all other respects, the Agreement, together with all of its terms, covenants, and conditions is hereby confirmed in its entirety.

[Remainder of this page is intentionally left blank]

IN WITNESS WHEREOF, the Parties have hereunto set their hands the day and year of the last signature affixed below.

CITY OF DULUTH, MINNESOTA

By: _____
Mayor

ATTEST:

City Clerk

Dated: _____

COUNTERSIGNED:

City Auditor

APPROVED AS TO FORM:

City Attorney

**DULUTH ENTERTAINMENT
CONVENTION CENTER AUTHORITY**

By: _____

Its: _____

Printed Name: _____

Dated: _____