

C.O.W.  
8-4-08

AMENDMENT NO. 2

472

TO

MANITOWOC FAMILY AQUATIC  
FUNDRAISING AGREEMENT

WHEREAS, the City of Manitowoc ("City"), a municipal corporation located at 900 Quay Street in the City of Manitowoc, Manitowoc County, Wisconsin 54220, and the Friends of the Manitowoc Family Aquatic Center ("Friends), a non-profit non-stock corporation with its principal office located at 930 North 18<sup>th</sup> Street in the City of Manitowoc, Manitowoc County, Wisconsin 54220 have previously entered into Agreement dated the 27<sup>th</sup> of November 2006, and Amendment Number One to the Agreement dated the 21<sup>st</sup> of May 2007; and,

WHEREAS, both parties agree that the terms of the initial agreements referred to above need to be amended to reflect change of circumstances to the terms and obligations of each party; and,

WHEREAS, the initial agreements referred to above shall be amended as follows:

1. Paragraph I entitled "Purpose" of the November 27, 2006, agreement shall be amended to state the following: "The purpose of this Agreement is to provide an agreement for funding a Family Aquatic Center for the citizens of Manitowoc, visitors and tourists, which may consist of a zero depth entry, an interactive play area, handicap accessibility, a drop slide, a water flume slide, an inner tube flume slide and a lazy river."

2. Paragraph III entitled "Fundraising" of the November 27, 2006, agreement and Paragraph 2 of the May 21, 2007 Amendment No. 1 to the agreement shall be amended to reflect the resolution passed by the Common Council of the City of Manitowoc dated July 21, 2008, which is attached hereto and incorporated herein as Exhibit A, and supersedes and replaces any Fundraising provisions contained in the prior agreements of November 27, 2006 and May 21, 2007.

Paragraph III (a) shall be amended from the Friends Group raising \$6,000,000, to the Friends group raising a minimum of \$1,700,000 to provide for the costs of design, construction, completion and operational costs of the Manitowoc Family Aquatic Center.

Paragraph III (d) shall be amended to read as follows: "Upon completion of the fund drive, Friends shall transfer all but \$250,000 to the City managed Special Reserve Fund Account entitled "Manitowoc Aquatic Center" for the use of the City to pay for costs associated with the design, construction and completion of Manitowoc Family Aquatic Center at its sole discretion."

Paragraph III (e) shall be created to read as follows: "The Friends Group shall retain \$250,000 in a Special Fund to be used to assist in future operational and capital improvement costs of the Aquatic Center as stated in Exhibit A."

The budgeted operational costs of not more than \$55,000 per year as stated within Exhibit A is intended to be used for the net operational costs of the Aquatic Center after revenues and expenses have been taken into consideration.

The parties agree to review and discuss the status of the operation of the Aquatic Center and the Operational Costs every five (5) years from the year the pool is opened.

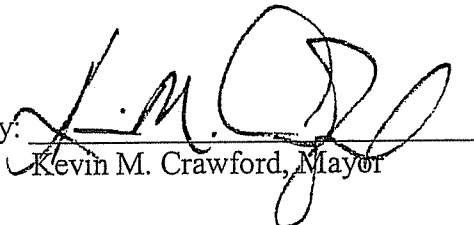
3. The planned opening of the Manitowoc Family Aquatic Center is the summer of 2010.

4. In all other respects the Agreement of November 27, 2006 and Amendment Number One of the Agreement dated May 21, 2007, shall remain in full force and effect.

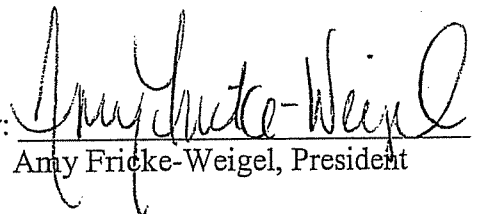
In Witness Whereof the parties have executed this Second Amendment to the Agreement.

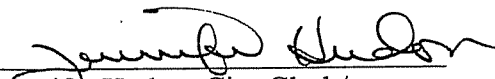
Dated this 6<sup>th</sup> day of August, 2008

**CITY OF MANITOWOC**

By:   
Kevin M. Crawford, Mayor

**FRIENDS OF THE MANITOWOC  
FAMILY AQUATIC CENTER**

By:   
Amy Fricke-Weigel, President

By:   
Jennifer Hudon, City Clerk/  
Deputy Treasurer

C.O.W.  
7-21-08

RESOLUTION

441

WHEREAS, the Common Council of the City of Manitowoc recognizes the value to recreational and educational opportunities for the citizens and visitors in the City of Manitowoc; and

WHEREAS, the development of an Aquatic Center within the City of Manitowoc would create a recreational and educational opportunity benefitting the community; and

WHEREAS, the construction of an Aquatic Center is currently estimated to be at the approximate cost of \$3.1 million dollars; and

WHEREAS, the Common Council agrees to designate \$2 million dollars to fund the Aquatic Center; and

WHEREAS, upon the City of Manitowoc designating \$2 million dollars for the Aquatic Center, the Friends of the Manitowoc Family Aquatic Center desire to donate approximately \$1.7 million dollars which they raised toward the project; and

WHEREAS, the City Parks and Recreation Department budgeted \$100,000 held in the City's General Fund to pay for the general operational costs of the Aquatic Center; and

WHEREAS, the City of Manitowoc shall provide for yearly general operation costs of the Aquatic Center at a maximum of \$55,000, which costs are equivalent to the cost of the yearly general operations of a swimming pool, and said operation and costs shall be reviewed every five (5) years; and

WHEREAS, the Friends of the Family Aquatic Center agree to set aside \$250,000 of the approximate \$1.7 million dollars they have raised towards the construction in a Special Fund to be used to assist in the Operational and Capitol Improvement Costs of the Aquatic Center in the future. The money in the Friend's Special Fund will be made available only after the City's yearly budgeted operational costs of not more than \$55,000, and the City's budgeted Reserve Fund amount of \$100,000 have been exhausted. The Special Fund shall be held by the Friends group and requests by the Parks and Recreation Department are limited to a \$50,000 grant per year.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Manitowoc that the City designate \$2 million dollars to construct a Family Aquatic Center.

BE IT FURTHER RESOLVED that the Common Council provide for yearly operational costs of the Aquatic Center at a maximum of \$55,000 per year which is equivalent to the costs of the general operational costs of a swimming pool;

BE IT FURTHER RESOLVED by the Mayor and Common Council of the City of

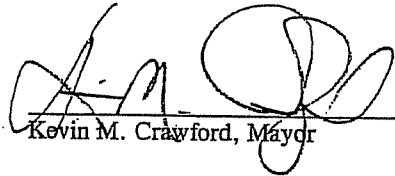
Manitowoc that the City accepts with gratitude the funds donated by the Friends of Manitowoc Aquatic Center for the construction of the Aquatic Center, and for the Special Fund for operational and capital improvement costs, and extends a thank you to the Friends of Manitowoc Aquatic Center and all the volunteers responsible for their time, effort and donations.

Introduced 7-21-08 

JUL 21 2008

Adopted \_\_\_\_\_

Approved 7.21.08 \_\_\_\_\_

  
Kevin M. Crawford, Mayor

This Resolution was drafted by  
Juliana M. Ruenzel, Acting City Attorney