



# City of Madison

City of Madison  
Madison, WI 53703  
www.cityofmadison.com

## Master

**File Number: 29787**

**File ID:** 29787

**File Type:** Resolution

**Status:** Passed

**Version:** 1

**Reference:**

**Controlling Body:** BOARD OF  
ESTIMATES

**File Created Date :** 04/09/2013

**File Name:** Brittingham Beach House Agreement

**Final Action:** 04/30/2013

**Title:** To authorize the Mayor and City Clerk to enter into an Operating Agreement between the City of Madison and Brittingham Boats, Inc. covering boat rental and concession operations utilizing certain lands and buildings at Brittingham Park for an eight year period. (ADs 4 & 13)

### Notes:

**Agenda Number:** 22.

**Sponsors:** Sue Ellingson and Michael E. Verveer

**Effective Date:**

### Attachments:

**Enactment Number:** RES-13-00312

**Author:** Eric Knepp

**Hearing Date:**

**Entered by:** eknepp@cityofmadison.com

**Published Date:**

### Approval History

Version	Date	Approver	Action
1	04/10/2013	Tim Fruit	Approve

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Parks Division	04/09/2013	Referred for Introduction				
	<b>Action Text:</b> This Resolution was Referred for Introduction						
	<b>Notes:</b> Board of Estimates						
1	COMMON COUNCIL	04/16/2013	Refer	BOARD OF ESTIMATES		04/22/2013	Pass
	<b>Action Text:</b> A motion was made by Schmidt, seconded by Resnick, to Refer to the BOARD OF ESTIMATES. The motion passed by voice vote/other.						
	<b>Notes:</b>						

1 BOARD OF ESTIMATES 04/22/2013 RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER Pass

**Action Text:** A motion was made by Schmidt, seconded by Clausius, to RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER. The motion passed by voice vote/other.

**Notes:**

1 COMMON COUNCIL 04/30/2013 Adopt Pass

**Action Text:** A motion was made by Schmidt, seconded by Resnick, to Adopt. The motion passed by voice vote/other.

**Notes:**

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## Text of Legislative File 29787

### Fiscal Note

Under the terms of the operating agreement, and in addition to the permit fee required, revenue of \$14,000 is anticipated over the term of the agreement. These revenues will be recognized in future years Parks Division Operating Budgets as follows: \$1,000 in each of the years 2014 through 2016, \$2,000 in 2017, and \$3,000 in each of years 2018 through 2020. Under this agreement the permittee will also be obligated to invest a minimum \$45,000 into the building and grounds over the term of the agreement, including all initial capital infrastructure costs necessary to get the building prepared for operation. These improvements will become City property. The permittee will also pay for utilities, as well as for the accessible portable toilet at the facility during the operating season. Operating lease payments shall be made in full by July 1st of each year. All permits shall be paid pursuant to the issuing agency's policies. No appropriation is required.

### Title

To authorize the Mayor and City Clerk to enter into an Operating Agreement between the City of Madison and Brittingham Boats, Inc. covering boat rental and concession operations utilizing certain lands and buildings at Brittingham Park for an eight year period. (ADs 4 & 13)

### Body

#### PREAMBLE

The City of Madison issued RFP #8266-0-2013/SK seeking proposals for the right to conduct rental, instructional services, and concession activities at select City Parks. Brittingham Boats responded to this RFP with a proposal for Brittingham that includes providing rental, instructional and concession services at the Brittingham Beach House. The Parks Division has determined that this operating agreement at this location would be beneficial to all park users and will have a positive impact on the park and neighborhood. It is determined that the grant of such an operating agreement is in the public interest as it will facilitate Madison area residents with public boating access to Monona Bay and Lake Monona.

NOW THEREFORE BE IT RESOLVED that the Mayor and City Clerk are authorized to sign an Operating Agreement with Brittingham Boats, Inc. (the "Permittee) to utilize park area and the Brittingham Beach House building in Brittingham Park, as more particularly described and depicted in the Agreement, to maintain and operate a boat rental and concession/café, to include the following terms, and subject to the conditions contained in the Operating Agreement.:

1. The Operating Agreement shall be for a term of eight (8) years, and run from May 1, 2013, to December 31, 2020.
2. The Permittee shall pay to the City annual rent according to the payment schedule in the Operating Agreement. Payments shall be made no later than July 1st each year.

3. The Permittee shall contribute to the Capital infrastructure on the premises pursuant to the conditions in the Operating Agreement.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized to execute any and all additional documents that may be required to complete this transaction.

BE IT FINALLY RESOLVED, that all such agreements shall be in a form approved by the Risk Manager and the City Attorney, and shall only be effective upon authorization of this agreement by the Board of Park Commissioners.