

Proposed Amendments to the Use Agreement with Brittingham Boats, LLC

The use agreement that was approved in 2013 allows Brittingham Boats, LLC to operate a boat rental and concession operation in Brittingham Park and at the Brittingham Beach House. This agreement led to increased activity within the Park in 2013. The Parks Division received significant positive feedback on the operation of Brittingham Boats. With the support of the neighborhood, Alder and users, the Parks Division is interested in modifying the agreement to enhance services at this location for 2014.

Brittingham Small Motorized Boat Rental Program

The addition of motorized watercraft serves the community in ways that paddle craft cannot. Specifically pontoon would serve groups like elderly, and physically challenged people to access the Lake in a safe and secure watercraft. Pontoon boats also support family-group fun. Currently, the largest craft at Brittingham Boats can fit 3-4 adults, where as a pontoon boat would support birthday parties, business brainstorming, visiting professionals, or groups of any kind looking to enjoy the water. The ability to take more people on the lake together would also support outdoor education programs like the Kids camps and Science Thursdays.

Overall Pontoon Boats will help Brittingham Boats continue to meet our mission of providing access to the Lakes, to outdoor education and recreation in ways that are not possible with paddle craft alone. The proposal is to store the motorized watercraft at the pier leased by the Lake Monona Sailing Club off of Olin Park (the lease renewal will be before the Park Commission in April). The

If the Parks Commission approves the use of Brittingham and the pier at Olin Park, the agreement will be amended via City Council action and executed by the Mayor and City Clerk.

A formal Motorized Watercraft Operation Plan, which includes Rental Policies, will be submitted to the Parks Superintendent annually for approval. Any changes to equipment, services or operations must be approved by the Parks Superintendent.

Draft 2014 Motorized Watercraft Operation Plan

2014 Rental Policies of motorized watercraft from Brittingham Boats

- NO ALCOHOL. Participants are not allowed to bring or consume beverages for the entire duration of the rental. This includes both on and off the boat.
- NO TOWABLES. Our Pontoon boats are equipped with 20-40 hp motors which are not designed or strong enough to pull tubs, skiers, wakeboards or anything else. Any renter found to be violating this will be fined.

- **MOTOR OFF WHEN SWIMMING.** Safety is critical and you **MUST** Turn off the boat and come to a complete stop before swimming from the boats. Remember, although the boat is stopped wind and current may cause the boat to drift so always stay close to the boat.
- **PERSONAL FLOTATION DEVICE POLICY.** By law there must be PFD's on board for each person.. We require persons under 13 years of age to wear a PFD at all times. Persons 13-17 may remove their PFD only if their Parent or Guardian has provided written permission. Persons 18 and over may remove their PFD but must have it within easy access and we **STRONGLY** encourage all persons to wear their PFD at all times.
- Renters must be over 25 years old or 20 years old with a certification of completing the Boater Safety Course. Safety is critical and each new captain of the boat will be required to be instructed by staff on the correct operation of the boat, the rules of the water, the importance safe boating, and right a-ways.

2014 Operational Plan for the Rental of a motorized watercraft from Brittingham Boats

- The addition of 3 pontoon boats with motors no greater than 40 hp. The Pontoon boats must be able to accommodate wheelchairs.
- The pontoon boats will be stored off of the Brittingham Boat piers for 2014 but will have the ability to load and unload at the Brittingham Boats pier and the Lake Monona Sailing Club pier at Olin Park. Additionally, with approval of the Parks Superintendent, loading or unloading may occur at Law Park.
- Pontoons boats will be equipped with a GPS tracker and two way communications to ensure safe tracking, alerts to impending weather, or be alerted immediately to any problems.
- Brittingham Boats proposes the addition of 3 pontoon boats for 2014. A maximum of 5 pontoon boats and 4 small fishing boats would be included in the amendment for the duration of the agreement. Any addition above the three pontoon boats for 2014 must be reviewed and approved by the Parks Department before being placed in service.

Additional Information: Brittingham Boats has expressed an interest in looking for alternative power methods for these rental boats, including electric motors like the minkota, torqueto, and ray electric motors. At this moment these motors are not proven to be commercially viable but we plan to experiment with these and other motors to find a possible replacement to the 20-40 hp 4 stroke motors we will be using. These gas motors are quite efficient, getting about 1.5-2 gallons per hour (loosely comparable to about 35 mpg), and quiet.

Brittingham Park Watercraft Storage Program

Currently the City of Madison permits watercraft storage on City owned racks adjacent to the Beach House. In recognition of the successful watercraft storage arrangement in place at Wingra Park with Wingra Boats, the City and Brittingham Boats are interested in converting the storage program at Brittingham to be managed by Brittingham Boats. This will allow a continuity of service for boat storage and rental activities at Brittingham Beach House. Additionally, the City can utilize the existing racks at other locations to provide increased access at high demand locations without purchasing or manufacturing new racks.

The conditions that will be added to the agreement:

- Brittingham Boats will keep the prices the same for 2014
- Parks will work with Brittingham Boats to coordinate a communication plan to existing users.
- All City Racks will be removed and relocated by April 15th.
- Brittingham Boats will provide racks to accommodate at least the same number of storage location as was available in 2013.
- Currently there are 3 racks that occupy an area of approximately 1,400 sq ft. on the southeast side of the Beach House. Under this agreement, Brittingham Boats may occupy this same area with comparably sized racks. Additional racks or square footage would be approved by the Parks Superintendent in writing.
- Financial considerations are above.

Beach House Modifications

The first planned facility change for 2014 is to remove the partition wall on the northwest side of the building. Parks staff has reviewed this portion of the facility and are supportive of its removal, as this will allow a more accessible facility. It will also create better site lines that enhance security in the area when Brittingham Boats is not open. Parks will eliminate the electrical service to this partition and approve the plans to remove the wall by Brittingham Boats. As a part of the accessibility changes for 2014, Brittingham Boats will be creating a ramp on to the deck, with appropriate kick rails and landscaping to create a buffer. The goal is to have this work completed by May 1st.

The Brittingham Beach House does not include sufficient space for the current uses. Brittingham Boats has struggled in 2013 to have adequate space for the Kids Camps and storage. Parks staff is supportive of enclosing the North Overhang, which will expand space for Kids Camps. Parks staff will review the building plans. Brittingham Boats will secure the permits required for the construction.

Brittingham Boats will also be painting the Beach House as a part of a community building paint party scheduled with the Monona Bay Neighborhood Association for May 17th. Brittingham

Boats will propose a painting plan to Parks. Parks will work with Brittingham Boats to have the proposed plan reviewed by the staff to the Urban Design Commission.

Funding for these improvements will be provided by Brittingham Boats, LLC and will be a considered a part of the investment in the facility. Brittingham Boats is responsible for obtaining any and all permits and approvals required to complete the Beach House modifications.

Signage

Brittingham Boats will meet with the City Zoning to determine what signage would be allowed under the City's Sign Ordinance. Brittingham Boats will then submit a signage plan to the Parks Superintendent for approval prior to installing permanent signage. All signage will need to be consistent with the general aesthetic of the facility and park, as well as to scale.

Modifications to the Financial and General Terms of the Use Agreement

The following modifications will be made to the Use Agreement to accommodate the proposed changes above:

- Recognize additional capital investment
 - Increase the capital investment required by the contract to a total of \$65,000 from \$45,000. These are minimum contributions and may be exceeded. The new amounts will be:
 - \$45,000 in 2013; \$5,000 in 2014; \$5,000 in 2015; \$2,000 for years 2016-2020
- Pontoon operation – Increase base rental payment by \$300 for year 1 and \$500 for year 2. Additional increase of \$150 for each additional motorized watercraft placed in service if the boats are stored away from Brittingham Boats. If the Boats are stored on the Brittingham Piers, the increased fee will be \$600 per boat total.
- First 40 storage slips will add \$300 to the annual rental payment. \$100 per each additional ten boats, or \$12 per each additional boat per year above 40.
- Special Events and Activities will need to be approved in advance by the Parks Superintendent. The existing agreement will be amended to include rights for up to five annual events on the premises covered by the Use Agreement. No additional normal Park Event Fees will be charged for these events. Brittingham Boats will be required to repair any damage caused by the events.
- Brittingham Boats will be required to meet all insurance requirements set by the City Risk Manager.