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Title

PROPOSED Amendment to the Operating Agreement with Brittingham Boats, LLC

Body

**History of the Brittingham Boats Operating Agreement**

The operating agreement with Brittingham Boats, LLC. 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 positive activity, reduced crime, and brought vitality and recreation to a previously underutilized part of Brittingham Park.

The Parks Division received significant positive feedback on the operation of Brittingham Boats and has recognized the strong support of the neighborhood. Brittingham Boats made a significant commitment to the park and community investing \$46,500 in 2013 and \$12,500 in 2014 for a two year total of \$59,000. This is well above the planned \$30,000 investment contemplated by the 8 year contract.

The Board of Park Commissioners and the City Council authorized an Amendment to the agreement in 2014, but since the motorized boats were not able to move forward in 2014, the Amendment was never executed. Due to the constraints of the Olin site (lake bed rocks), the option to conduct a motorized rental operation at Olin is not practical. The three following amendments to the operating agreement are proposed based on the positive experience of the last two seasons and the requests of members and guests. It is proposed these three amendments be included in the Brittingham Boats Operating Agreement to allow Brittingham Boats to continue to expand the services offered through this positive downtown park program. They provide for additional services and raise additional income for the city.

## 1) Brittingham Low-power Motorized Boat Rental Program

The addition of motorized watercraft serves the community in ways paddle craft cannot and continues Brittingham Boats mission to provide public access to our lakes. Specifically, pontoon boats will serve the elderly and physically challenged people by providing access to the lake in a safe and secure watercraft. Pontoon boats also support family and other group activities. Currently Brittingham Boats' largest craft can fit 3-4 adults whereas a pontoon boat would hold 10-12 and support business outings, senior center and hospice activities, birthday parties, convention visitors, or groups of any kind looking for a group activity to enjoy our lakes. The ability of small groups to enjoy the lake together would also support outdoor education programs provided through camp programs and Science Thursdays.

Motorized watercraft have been part of Brittingham Boats proposed services from the beginning, are a vital part of the financial health of the business, and was a major reason for the expansion to Brittingham Park. In 2014 a proposal was made to include motorized watercraft and the transfer of the private boat storage to Brittingham Boats. The Alder and the Parks Department conducted public meetings and requested public input on these subjects. In 2014 there was support from Alder Ellingson and Alder Verveer, and general support from the public. There was some concern over use, safety and storage. The Park Commission reviewed these issues at the 3/12/14 meeting and approved the amendment. The amendment was never added to the contract, however, because the services were never implemented in 2014. Brittingham Boats has now developed the following operational plan and is requesting that the Operating Agreement for the Brittingham Beach House be amended to include these services.

### Motorized Watercraft Operational Plan from Brittingham Boats

- Brittingham Boats, LLC may add the use and rental of motorized watercraft to the general public in their approved services.
- A written "Motorized Watercraft Safety and Operations Plan" will be submitted to the Parks Department identifying any and all equipment, services, and operations of this new service. This plan must be approved in writing by the Parks Department before rental services of motorized watercraft can begin.
- Brittingham Boats, LLC. is approved for 3 larger motorized watercraft in 2015. Brittingham Boats can apply to the Parks Division for up to a total of 5 larger motorized watercraft and 4 smaller motorized watercraft after 2015.
  - Larger motorized watercraft is defined as boats with a capacity over 4 people such as pontoon boats. Smaller motorized watercraft is defined as 4 or fewer people- most likely Jon boats intended for fishing.
- Brittingham Boats is NOT approved for personal watercraft (example would be Jet skis) or boats designed for the primary purpose for pulling waterskies, wake boards, or towing tubes.
- No Alcohol is allowed on any of Brittingham Boats watercraft including the motorized boats.
- No motorized watercraft may be introduced without the approval of the Parks Superintendent.
- The pontoon boats will be stored and operated out of Brittingham Boats' main location, 701 West Brittingham Place, Madison, WI 53715.

- For maximum safety, Brittingham Boats will provide communication devices with all motorized watercraft to allow tracking, alerts of dangerous weather, or contact in the even of any problems.

**Financial Considerations:**

- Due to intended increase use, Brittingham Boats, LLC, will pay an additional \$250 for each larger boat in 2015; and will pay an additional \$500 for each larger boat and \$250 for each smaller boat in 2016 through the end of the agreement.

Additional Information: Brittingham Boats has requested the no alcohol policy and provides a positive, family friendly business. Brittingham Boats is committed to protecting the environment and is actively evaluating electric motors like the Minkota, Torqueto, and Ray electric motors to power the motorized boats. At this time these motors are not sufficiently proven but Brittingham Boats plans to experiment with these and other motors to find a possible replacement for the 4 stroke motors they will be using. Four Stroke gas motors are quite efficient, getting about 1.5-2 gallons per hour (loosely comparable to about 35 mpg); they are also relatively quiet and very reliable.

**2) Brittingham Park Private Boat Storage**

In recognition of the successful watercraft storage arrangement in place at Wingra Park with Wingra Boats, the City of Madison Parks transfers the service of providing storage for personal watercraft, including canoes, kayaks and stand up paddle boards, to Brittingham Boats. The existing racks owned by the City Parks were removed and installed at other Parks to meet demand. The existing 5 racks were place in other parks and are still collecting the fees that would have been collected in Brittingham Park.

Brittingham Boats purchased new racks to continue the services, agreeing to honor the existing park policies, contracts, and pricing through 2014.

The transition went very well and Brittingham Boats intends to continue the service of offering private boat storage as the exclusive provider of boat storage services for Brittingham Park.

**Financial Considerations:**

- Brittingham Boats agrees to pay \$300 per season for the first 40 boat storage facilities either on land or on the water. A payment of \$10 per season shall be added for each additional boat storage space above 40. Payment for the boat storage shall be made at the same time as the regular use fee payment.

**3) Special Events and Activities**

As stated in the initial proposal of services, special events and activities are a part of the business model for Brittingham Boats and are part of bringing high quality services and desired activities to Brittingham Park. This amendment clarifies that under the current agreement Brittingham Boats is permitted to host 8 special events each year with attendance of between 250 and 1,000 people at no additional cost. Events with a planned attendance of over 250 people will still need to be submitted to the Parks Superintendent for approval but no additional fee will be assessed. Brittingham Boats will still have to apply for any necessary permits including sound, alcohol other permits needed to be in compliance with all fire, health or other codes, and pay any additional fees to any other city department or regulatory office.