



Legislation Details (With Text)

**File #:** 81961      **Version:** 1      **Name:** Authorizing the Mayor and the City Clerk to execute the Third Amendment to Use Agreement for the Warner Park Stadium with Madison Mallards LLC and Northwoods League Inc. to expand the use of the Ballpark at Warner Park for women’s college summer softball

**Type:** Resolution      **Status:** Passed

**File created:** 2/6/2024      **In control:** Parks Division

**On agenda:** 3/5/2024      **Final action:** 3/5/2024

**Enactment date:** 3/13/2024      **Enactment #:** RES-24-00182

**Title:** Authorizing the Mayor and the City Clerk to execute the Third Amendment to Use Agreement for the Warner Park Stadium with Madison Mallards LLC and Northwoods League Inc. to expand the use of the Ballpark at Warner Park for women’s college summer softball and make certain capital improvements for the years of 2024-2035 (District 12).

**Sponsors:** Charles Myadze, Amani Latimer Burris, Yannette Figueroa Cole

**Indexes:**

**Code sections:**

**Attachments:** 1. Mallards Use Agreement for Warner Park Ballpark (Third Amendment) (02.06.23).pdf, 2. 030524\_CC\_public\_comment.pdf

Date	Ver.	Action By	Action	Result
3/5/2024	1	COMMON COUNCIL	Adopt Unanimously	Pass
2/26/2024	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
2/14/2024	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
2/13/2024	1	FINANCE COMMITTEE	Referred	
2/13/2024	1	COMMON COUNCIL	Referred	
2/6/2024	1	Parks Division	Referred for Introduction	

**Fiscal Note**

The proposed resolution authorizes an amendment to the agreement with Madison Mallards, LLC (Mallards) and extends the agreement for an additional 7 years, through 2035. The original agreement was adopted via RES-10-00849 (Legistar #20096) on October 19, 2010. The first amendment to the agreement was adopted via RES-17-00254 (Legistar #46225) on March 21, 2017. The second amendment to the agreement was adopted via RES-20-00766 (Legistar #61885) on November 17, 2020. The proposed third amendment will alter the agreement to enable the use of the Ballpark for women’s summer collegiate softball. Mallards will agree to fund the furnishing and installation of a new turf infield with the City of Madison providing other portable equipment needed to facilitate the dual use of the playing surface. The existing rent credit provisions will be adjusted upward to account for the additional capital investment being provided by Mallards under this amendment, which also accounts for future City of Madison capital investments. Annual rental fees from 2024 through 2035 will be a total of \$1,057,000, with up to \$850,000 being offset by the Madison Mallards, LLC Capital Improvements, for a minimum rental fee contribution of \$207,000. Under the proposed third amendment, rental fees will increase: \$4,000 in 2025, \$1,000 in 2026, \$6,000 in 2027, and \$4,000 in 2028. For years 2029-2035, rental fees will increase by \$3,000 per year, starting at \$87,000 in 2029 and ending at \$105,000 in 2035. Projected revenues related to this contract are included in the 2024 Parks Division

Operating Budget and will be included in future Parks Division Operating Budgets (Munis 51110-43522). No additional appropriation is required.

### Title

Authorizing the Mayor and the City Clerk to execute the Third Amendment to Use Agreement for the Warner Park Stadium with Madison Mallards LLC and Northwoods League Inc. to expand the use of the Ballpark at Warner Park for women's college summer softball and make certain capital improvements for the years of 2024-2035 (District 12).

### Body

WHEREAS, on November 4, 2010, the City, Madison Mallards LLC, and Northwoods League Inc. (the "Parties") entered into the "Use Agreement Between the City of Madison, Madison Mallards LLC And Northwoods League, Inc. For the Use of Warner Park Stadium During the 2011-2020 Baseball Seasons" (the "Agreement") which Agreement set forth the terms and conditions upon which the Mallards could use the City's baseball stadium located at Warner Park (the "Ballpark") for Northwoods League (NWL) summer collegiate baseball; and,

WHEREAS, the Agreement had an initial term of 10-years that expired on December 31, 2020, with three one-year renewals (through 2023) available upon the Mallards' request; and,

WHEREAS, pursuant to the November 4, 2010 "Agreement to Undertake Improvements to Warner Park Stadium Between the City of Madison and Madison Mallards LLC" (the "Improvement Agreement"), the Mallards and the City have made significant capital improvements to the Ballpark which improvements have benefited the facility and the City, and which Agreement expired on February 12, 2021; and,

WHEREAS, on November 7, 2017, the Parties entered into the First Amendment to the Agreement (the "First Amendment"), under which, among other things, the City allowed the Mallards to use the renovated Duck Blind area of the Ballpark for public and private uses year-round; and,

WHEREAS, on February 12, 2021, the Parties entered into the Second Amendment to the Agreement (the "Second Amendment"), which, among other things, added five additional one-year renewals (extending the agreement through 2028), adjusted the annual Game Rental Fee to account for the impacts of the COVID-19 pandemic, and updated the capital improvement provisions; and,

WHEREAS, under the Agreement, the Improvement Agreement, the First Amendment, and the Second Amendment, the Ballpark has been greatly improved and its use by the Mallards and the League for summer baseball and other events has provided a family-friendly and community oriented entertainment option that has been very successful, drawing over 6,000 fans to Warner Park and the Ballpark for each game, and over 200,000 fans each year of the Agreement, allowing the Mallards to lead the League in annual attendance every year; and,

WHEREAS, in the summer of 2024, the League will be starting Northwoods League Softball (NWLS), the first for-profit women's summer collegiate softball league, with the purpose of the League being to develop women softball players for their college, Olympic and future professional play, similar to the experiences available to college baseball players through the NWL; and,

WHEREAS, the Mallards will operate one of the founding teams in the NWLS, which will necessitate certain improvements to the Ballpark, including the installation of an artificial turf infield, a portable mound, and a state-of-the-art movable outfield fence, and other adjustments to the Use Agreement; and,

WHEREAS, the City is supportive of the expanded use of the Ballpark and the introduction of women's college summer softball to the area and desires to continue its successful relationship with the League and the Mallards at the Ballpark; and,

WHEREAS, given the additional investments to be made by Mallards at the Ballpark to enable NWLS use of the facility and the expanded use of the Ballpark, the Parties find it necessary to amend the Use Agreement, which Amendment will include the following changes:

- Extended the Agreement for another seven years, through 2035, with corresponding adjustments to the annual rental fee;
- Mallards will agree to fund the furnishing and installation of a new turf infield, with the City providing other portable equipment needed to facilitate the dual use of the playing surface;
- The existing rent credit provisions will be adjusted upward to account for the additional capital investment being provided by Mallards under this Amendment, while also accounting for future City capital investments and maintenance and repair costs;
- Mallards will take over scheduling and operational responsibility of the Ballpark from the City, and will agree to provide for at least eight free community days at the Ballpark annually, as well as suites to the City for up to two City staff recognition dates.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Clerk are authorized to execute the Third Amendment to the Use Agreement for the Warner Park Stadium with Madison Mallards LLC and Northwoods League Inc., on terms generally consistent with the Third Amendment attached hereto and in a format approved by the City Attorney and Parks Superintendent, which Third Amendment will detail the terms and conditions upon which the Mallards can use the Warner Park Stadium for summer collegiate baseball, softball, and other activities through 2035.