



Legislation Details (With Text)

**File #:** 33618      **Version:** 1      **Name:** Brittingham Boats Amendment1  
**Type:** Resolution      **Status:** Passed  
**File created:** 4/2/2014      **In control:** BOARD OF PARK COMMISSIONERS  
**On agenda:** 4/29/2014      **Final action:** 4/29/2014  
**Enactment date:** 4/30/2014      **Enactment #:** RES-14-00308

**Title:** To authorize the Mayor and City Clerk to enter into Amendment #1 to the 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 and Olin Park for an eight year period. (ADs 4 & 13).

**Sponsors:** Joseph R. Clausius, Mark Clear, Michael E. Verveer

**Indexes:**

**Code sections:**

**Attachments:** 1. Park Commission Approved Changes March2014.pdf, 2. Brittingham Beach House Contract (FileID 29787).pdf

Date	Ver.	Action By	Action	Result
4/29/2014	1	COMMON COUNCIL	Adopt	Pass
4/14/2014	1	BOARD OF ESTIMATES (ended 4/2017)	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
4/9/2014	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
4/8/2014	1	BOARD OF ESTIMATES (ended 4/2017)	Refer	
4/8/2014	1	COMMON COUNCIL	Referred	
4/2/2014	1	Parks Division	Referred for Introduction	

**Fiscal Note**

Under the terms of this amendment, Operating Agreement Permit revenue will be increased by approximately \$700 in 2014 and by at least \$5,400 over the remaining 7 years of the agreement. The revenue could increase by as much as \$11,500 depending on the number of boats available for rental and storage spaces permitted each year. Under this amendment the permittee will also be obligated to invest a minimum of \$65,000 into the building and grounds over the term of the agreement. This is an increase of \$20,000 from the original agreement's terms. 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 1<sup>st</sup> 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 Amendment #1 to the 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 and Olin Park for an eight year period. (ADs 4 & 13).

**Body**

PREAMBLE

In 2013, 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 City negotiated an Operating agreement in 2013 that included provisions for watercraft rental and cafe operations at the Brittingham Park Beachhouse. In 2014, Brittingham Boats proposed an amendment that would authorize limited rental of Pontoon Boats at Olin and Brittingham Park as a part of the agreement. The amendment also allows for Brittingham Boats to operate the boat storage program at Brittingham. The Park Commission has approved the Operating Plan and Use of the park spaces that would be needed for this amendment.

The Parks Division has determined that this amendment to the operating agreement at these locations would be beneficial to all park users and will have a positive impact on the parks 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 Amendment #1 to the Operating Agreement with Brittingham Boats, Inc. (the "Permittee) to utilize park area and the Brittingham Beach House building in Brittingham Park and the pier at Olin Park for pontoon rental and watercraft storage at Brittingham Park, to include the following terms, and subject to the conditions contained in the Operating Agreement and Amendment.:

1. The Operating Agreement shall still expire on the original date of December 31, 2020.
2. The Permittee shall pay to the City \$5,400 in minimum additional annual rental payments over the term of the agreement according to the payment schedule included in the Amendment. Payments shall be made no later than July 1<sup>st</sup> each year.
3. The Permittee shall contribute an additional \$20,000 to the Capital infrastructure on the premises over the term the term of the Agreement.
4. The Permittee shall coordinate and operate a Watercraft Storage program at the Brittingham Beachhouse Facility.

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.