



Legislation Details (With Text)

File #: 61601 **Version:** 1 **Name:** To authorize the Mayor and City Clerk to enter into an Operating Agreement between the City of Madison and Brittingham Boats, Inc. utilizing certain lands and buildings at Brittingham Park for up to a fifteen year period.

Type: Resolution **Status:** Passed

File created: 7/29/2020 **In control:** FINANCE COMMITTEE

On agenda: 9/1/2020 **Final action:** 9/1/2020

Enactment date: 9/8/2020 **Enactment #:** RES-20-00623

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 up to a fifteen year period. (ADs 4 & 13)

Sponsors: Satya V. Rhodes-Conway, Tag Evers, Michael E. Verveer

Indexes:

Code sections:

Attachments: 1. Brittingham Boats 2021 Agreement.pdf, 2. MBNA Brittingham Boats Successor Letter.pdf

Date	Ver.	Action By	Action	Result
9/1/2020	1	COMMON COUNCIL	Adopt	Pass
8/12/2020	1	BOARD OF PARK COMMISSIONERS	Return to Lead with the Recommendation for Approval	Pass
8/10/2020	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
8/4/2020	1	COMMON COUNCIL	Refer	Pass
7/29/2020	1	Parks Division	Referred for Introduction	

Fiscal Note

The proposed resolution authorizes the Mayor and City Clerk to enter into an agreement with Brittingham Boats Inc. to cover boat rental and concession operations at Brittingham Park for up to a 15-year period beginning on January 1, 2021. Under the provisions of the contract, Brittingham Boats is required to invest at least \$25,000 into the building and grounds over the 15-year period. If the permittee invests more than \$25,000, but less than \$100,000 in capital improvements, these improvements will receive 50% credit off future-year facility use charges. If either the City or permittee spend \$100,000 towards the facility, the agreement would be reopened for negotiation of updated terms. All capital improvements will become City property. The permittee will also pay for utilities for the facility and be responsible for maintaining, cleaning, and stocking the public restrooms at the facility. Operating lease payments shall be made in full by July 1st of each year. All permits shall be paid pursuant to Parks Division policies.

Brittingham Boats has held this contract since 2013. The City received \$3,300 in 2018 and \$4,200 in 2019 from the contract with Brittingham Boats. The City would anticipate receiving \$4,400 annually from the contract in 2021 to 2023, with escalations to this rental payment in subsequent years. This revenue would be built into the Parks Division’s Operating Budget. No appropriation is required.

Title

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Brittingham Boats, Inc. covering boat rental and concession operations utilizing certain lands and buildings at Brittingham Park for up to a fifteen 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 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.

The City and Brittingham Boats entered into an agreement for these purposes in 2013. Brittingham Boats has successfully operated at this location since 2013 and the agreement has led to increased public use of the lakes and the park. Brittingham Boats has been a key to the successes of Brittingham Park being recognized as a great urban park with many diverse recreational activities. This new extended agreement is a key part of the Parks Division meeting the Park and Open Space Plan goal of increased connection to the lakes.

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 up to fifteen (15) years, and run from January 1, 2021 to December 31, 2035.
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.