

# City of Madison Parks Division Q & A - Biergarten at Olbrich Park

This document attempts to bring all of the questions received by Parks together into one document. It is undoubtedly missing some questions, and staff will continue to attempt to provide new information on questions not reasonably addressed here.

## Questions Asked

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- A. Is building inspection and/or zoning involved in this project?
  - a. Yes, BKM and Parks have been reviewing the plans with building inspection staff. Parks staff and BKM have both reached out for input and information from Building Inspection on this proposal to better inform capacity calculations.
- B. What is the square footage of the biergarten premise?
  - a. Final square footage is being calculated and codified in a more detailed map to ensure clear information for inclusion in the final draft agreement. Current estimates put the total license premise at between .35 and .48 acres, depending on buffer space.
  - b. Additional comment received –Need for the initial square footage to be established as a finite figure not to be exceeded if an expansion is desired. Parks – We agree and the agreement will have a finite figure and exhibit clearly outlining the covered area.
- C. Is there a need for additional bathrooms to accommodate 100-150 additional beer-drinking people, if this is allowed to go forward?
  - a. Staff thinks that the expanded use of the park can be accommodated within the existing toilet facilities.
- D. There needs to be restrictions on the lease/use permit which require a thorough evaluation by Parks and the ALRC, commencing immediately after the first lease season, resulting in a written report which includes input from the affected neighbors.
  - a. The evaluation of performance of the use agreement is being finalized for the final draft agreement.
- E. Does there need to be an architectural review assessment by a panel of the neighbors on the exterior finishes and colors of the utility building, including the frette work. This should not look like a Disney Pavillion. It needs to blend with the neighborhood, not look like a billboard for the Essen Haus.
  - a. The Urban Design Commission (UDC) has purview over all public buildings and staff for UDC or the Commission will need to approve any significant changes.
- F. If this project does come to fruition, it will definitely decrease the property value of my condo and the residences of all my neighbors. I live on the corner of Atwood and Dennett

Drive. My living room view is of the beach house utility building, and the lake. Potential buyers would no longer find the view appealing.

- a. Parks staff is not able to speculate on whether or not the value of private property will go up or down.
- G. I can't make today's meeting but would reiterate concerns about how their capacity of 270 will indeed affect parking and our neighborhood will be slammed with parking and potential for litter, noise, and bier garten patrons using yards (like mine) to take a leak.
- a. The parking is addressed below in #13 and #14. Litter is covered in #29 and noise is covered in #31. On the issue of patrons using yards to urinate, if this were to occur it would be a significant concern. However, staff feels that responsible alcohol service that is conducted on park property with a permanent private operator seems to not produce this unfortunate and unacceptable result in other locations (though the sample size is admittedly limited).
- H. One other thing that occurred to me is that it is likely people will come to the bier garten and if they are at capacity, how are they going to handle it? Allow people to wait in a line or give them one of those gizmos like you see at restaurants to let you know when you're table is ready.
- a. This is a question that BKM will need to weigh in on. Parks staff would hope that those individuals chose to take a walk along the lake or visit the Botanical Gardens.
  - b. Modified/Additional Questions - How will capacity be monitored and how will additional patrons be addressed if the premise is at capacity? Parks – potential visitors would not be able to enter the premises if it is at capacity. BKM will be responsible for routine monitoring to ensure compliance with the agreement and the alcohol license. Parks staff will monitor the situation and conduct counts if needed.
- I. Can there be neighborhood representatives on the negotiation team?
- a. Negotiations for the City are conducted by staff under the direction of the policymakers.
- J. Does the building meet the Americans with Disabilities Act (ADA)?
- a. Parks staff is reviewing the building for an updated audit with the Department of Civil Rights staff. In the event a portable toilet is needed to meet ADA it will be considered as is used in other park locations.
- K. Is there still an effort to allow underage individuals into the biergarten as addressed by Mike Bare at the Park Commission meeting
- a. If this question is asking whether or not unaccompanied minors will be allowed in the biergarten during operational hours, the answer is no by law. Unaccompanied underage individuals will not be allowed in the premises during operating hours by law and accompanied underage individuals will be prohibited from consuming alcohol. Any park users will be able to use the space during non-operating hours.
- L. Is Building Inspection involved in this project?

- a. Parks staff and BKM have both reached out for input and information from Building Inspection on this proposal to better inform capacity calculations.
- M. Does the building meet the Americans with Disabilities Act?
  - a. Parks is working to ensure an updated audit is conducted to review the building and biergarten crushed stone path meets accessibility standards. As in other parks, if necessary a portable restroom may be used to meet accessibility needs as a temporary measure.
- N. Is the City getting enough funding from this project?
  - a. Staff thinks that the proposed funding arrangement is fair given the requirements and overall business relationship. This also allows for potential reallocation of resources to address other important needs in Olbrich Park.
- O. What is the philosophy of Madison's Parks & Recreation Department regarding encouraging family values and activities? How does this proposal fit into this philosophy?
  - a. The Madison Parks Division encourages family's getting outside and into the parks system. See #37 below.
- P. How does the Eastside Club feel about this proposal? Do they consider this competition as positive?
  - a. See #42 below.
- Q. Where else in Madison or Dane County is this type of venture occurring or being proposed?
  - a. Nowhere else in a public park to staff's knowledge. See question GG for examples of other public/private partnerships in Madison Parks.
- R. In reading about this project, there is a mention of the number of parking places available for vehicles in the Olbrich lots. The developers continue to talk about the 300 patrons they are expecting, saying the number of parking places available will easily work for this number of cars. However, their expectations do not take into account the number of people who use the park now. What does the parking study indicate for availability of these parking spots during the planned hours of the beer garden? Living across from the parking lots, we know both lots are often full, especially weekends, holidays and the end of the day. Where will the current visitors to Olbrich Park be able to park when the beer garden is open next year?
  - a. See #13 and #14 below.
- S. What evidence do you or the developers have that this proposal would be good for Madison?
  - a. It is a growing trend in recreational programming in public parks. It has been well received in a number of communities. There are no guarantees that this will make it work in Madison, but the Parks Commission tends to strive to provide opportunities for the system to evolve over time.
- T. We understand the city will lease this property to the developers. Besides the money from this lease, what else will Madison and the impacted communities receive from this agreement?

- a. Parks is negotiating a use agreement, not a lease. Extended hours of the restrooms being available as well as an extended season of operation of the restrooms. Staff believes that the area will see less litter and refuse given the additional on site staffing and the increase of positive community gathering, interactions and connections at the space.
- U. What does the traffic control study say about the safety of this idea? As members of this community, we have major concerns with the frequency of accidents, the placement of bus stops, and the number of walkers and bikers present.
  - a. Staff is unaware of any traffic control study that discusses this proposal. See the Safety section below (starting with #16) for some transportation related safety questions. On bus stop placement, Parks staff recommends contacting Madison Metro.
- V. What concerns do the developers and the city have that this facility would actually become a "sports bar", following summer softball games every night of the week at the Olbrich Park fields?
  - a. Given the marketing, price point, and lack of televisions and other "bar" amenities (including air conditioning), staff does not see this as a likely outcome, though we will be monitoring how it goes.
- W. Statistically, how many other beach houses in Madison are also being considered for closing to open a beer garden?
  - a. The beach house is not closing. It will be adding new activities. It will still be available and used for its current use (public restrooms and lifeguard base of operations). In regard to how many others are being considered for the addition of a beer garden the answer is none are, or 0%
- X. What are the guidelines and timelines for responding to violations of the agreement?
  - a. The draft agreement available on Legistar highlights how the process works, but essentially an un-remedied violation of the agreement of ten days could lead to the cancellation of the contract. Our experience in managing use agreements is that issues very seldom fester for that long when brought to the attention of the operator.
- Y. Selfishly, When our grandkids visit, they look forward to using the park and beach. How will the beer garden facilitate this activity for beach users?
  - a. The biergarten itself does not facilitate attending the beach, nor does it preclude someone from using the beach.
- Z. When will a draft of the proposed lease be presented to the public for examination? What rights and responsibilities of the parties will be included in this lease?
  - a. The draft final agreement will be posted to Legistar on January 31<sup>st</sup>.

- AA. What does a title examination of the Olbrich Park lands show? What are the specific conditions from the private owners that need to be upheld from their transfers? Are there other specific conditions tied to the acquisition? Has the City Attorney's Office or a private title insurance company issued an opinion of the title?
- a. The title is clear according to all of the land records maintained by Madison Parks. The Parks Commission establishes the use of the park.
- BB. Were private moneys involved in the construction/development of the beach and the beach house? If so, what were the conditions attached to those moneys?
- a. There are no records of private funding constructing the beach house.
- CC. Are the bathrooms big enough?
- a. Staff believes the restrooms will be sufficient to meet the increased demand.
- DD. Where will the storage be for BKM?
- a. Inside of the existing building, where lifeguard/beach storage is currently located. The space is more than is needed for aquatics staff.
- EE. How have you addressed parking overflow at Mallards games? Has there been a need to modify park activities due to the private business events (baseball games)?
- a. The Mallards agreement and use pattern is significantly different than the proposed biergarten. It does include the provision that they have to provide 200 spots outside of the 1,177 in the Warner Park Stadium Lot. Which, when compared to the 6,750 capacity of the stadium is a ratio of nearly 5 people per space. This ratio would equate to approximately 55 stalls for a 270 person capacity biergarten. Given the intensity of parking at Warner during Mallards games, Parks strives to work with the Mallards to avoid creating another large scheduled event in the park at the same time as a Mallards game. Staff will evaluate the parking issues at Olbrich in the first year and determine if any modifications need to be made to permitting other potential events.
- FF. With the assumption that the entire beach parking lot will be utilized by the biergarten (based on capacity determination) what is the expectation for parking for Rutabaga patrons and the remaining park patrons? If your response is that many people will bike and walk why allow capacity to be determined based solely on drivers?
- a. This question conflates a couple of different issues. The parking lot size is a factor in determining capacity. However, there are no rights to the parking for the biergarten customers, nor is there any priority given to them under the agreement. Parking for Rutabaga and park patrons will be available, similar to biergarten customers, on a first come first served basis. See #13 and #14 below for more on parking.
- GG. How does this project compare to other public/private processes endorsed and developed by the Parks Department? Please provide specific project examples.
- a. Similar projects include:

- i. Breese Stevens Field – Big Top Events selected through a similar RFP, similar neighborhood outreach and engagement, includes issues related to parking, noise, alcohol, and overall activity level. Incorporates capital investment requirements.
- ii. Brittingham Beach House – Brittingham Boats selected through a similar RFP, parking an issue, patron safety an item of interest. Incorporates capital investment requirements.
- iii. Wingra Park - Wingra Boats selected through a similar RFP, parking an issue, patron safety an item of interest. Incorporates capital investment requirements.
- iv. Marshall Park - Marshall Boats selected through the same RFP. Neighborhood engagement and outreach is ongoing. Patron safety will be an item of interest. Parking may be an issue. Incorporates capital investment requirements.
- v. Olbrich Park – Rutabaga Paddlesports. Same RFP. Similar park management issues related to public/private partnership regulation and parking. Limited neighborhood outreach and engagement.
- vi. Warner Park – Mallards at Warner Stadium. Significantly more complex issues and facilities to manage through an agreement. Large scale capital investments required and continued. Shared maintenance a similarity, as is alcohol consumption/service concerns.
- vii. Parks has other use agreements, lease holders, and reservations but the list above are the most substantially similar to the BKM proposal.

HH. Please provide the most current plan for the new pavilion and the master plan for Olbrich Park. At what point (if ever) will the public be engaged in discussions and decisions about the plan?

- a. The Master Plan is available on the project website. There is no plan for a new pavilion, merely a concept of potential future improvements to enhance the park. This is based on the reality that the existing beach house will likely be reaching the end of its useful life in the next ten years. If a project were to occur that replaced or upgraded the physical facilities there would be a community outreach component prior to design/construction. The Master Plan was last updated in 2009, and given the fact that a replacement facility does not constitute a change in the Master Plan, it is unlikely it will be revisited for at least another ten years.

Questions that staff is uncertain of intent or how to address:

- Is there a historical treatment of the proposed Olbrich Park land that is now being devoted to a different use available for the public to view?

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### **High Priority Concerns from Group Opposed to Biergarten**

In addition to the questions, Superintendent Knepp received the following list of highest priority concerns from the group of those opposed to the Biergarten:

- Capacity maximum of 150.
- Closed 2 prescheduled days per week.
- BKM must maintain a log of all complaints/concerns that is made public.
- Operations Manager must be approved by the ALRC.
- Weekends not open until 4 PM.
- 9 PM last call.

These priority concerns have been discussed in the negotiations with BKM.

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## **Questions about the Olbrich Biergarten Proposal from Nearby Residents**

### **Biergarten Operations**

1. The proposal notes that the Biergarten will remain open until 10:00 pm. The park closes at 10:00. How will your staff ensure that the facility has been cleaned, trash, recycling has been collected, the bathrooms are cleaned and restocked, and both patrons and staff have exited not only the Biergarten, but also the park itself, including parking lots?
  - a. Last call is at 9PM (sales will cease by 9:30PM). See BKM response for additional information.
2. What is the plan to absolutely ensure minors are not served alcohol?
  - a. Staff will review the Responsible Alcohol Consumption Plan to evaluate any weaknesses in the plan. Parks works closely with MPD to ensure that operations involving alcohol sales in parks are held to a high standard (e.g. Madison Mallards). See BKM response for additional information.
3. What will is the staffing plan? How many employees will be working at the facility and what will their roles be?
  - a. See BKM response.
4. What type of experience and accreditation will staff have to ensure alcohol is responsibly distributed?
  - a. See BKM response.
5. What is the total capacity for the Biergarten? Would this number ever be expanded?
  - a. The maximum capacity has not been finalized in negotiations. The capacity will be set not only within the agreement, but as a condition on the Alcohol License, which will be reviewed annually. See BKM response for additional information.
6. At times the area around the beach house is extremely busy, with hundreds of users. This is amplified during special events, such as Shake the Lake. What is the plan for safety and crowd control?
  - a. It is BKM's responsibility to effectively manage their operation within the park. The Parks Division also retains responsibility, and ultimate authority, over the

park and its use. Parks will work with BKM to ensure communication between BKM staff and the park rangers is regular and routine. See BKM response for additional information.

7. At the ALRC it was mentioned that BKM will hire someone to run the business. Considering this job would be seasonal in nature (May-October) how will they find a quality manager that will really take care of this space while only guaranteed several months of work each year?
  - a. See BKM response.

### **Biergarten Design**

8. Will there be fencing adjacent to the project or being used as a barrier related to this project? If yes, please describe.
  - a. This is not yet determined and will likely be a topic of discussion during the public process. It is important for all parties to have a clearly defined premise. Parks staff have expressed some concerns about how a fence would integrate into the park if determined necessary. See BKM response for additional information.
9. What is the plan to contain alcohol on the Biergarten premises?
  - a. BKM will be responsible to ensure that no alcohol is leaving the premise.
10. What physical changes and development would be made to the park specifically?
  - a. Exhibit 2 of the draft agreement presented in December has a list that will be substantially similar to the final draft agreement. The changes are primarily small modifications and maintenance to the building, as well as the installation of the crushed stone biergarten.
11. What will the ground cover consist of?
  - a. Crushed stone. Plans to be reviewed and approved by the Parks Division staff.
12. In the interest of equity, how will the developer ensure that all users of the park would feel welcome in this space, especially considering many homeless use the park, and some users could not afford to pay for bottled water, let alone a \$7 beer with tip.
  - a. See BKM response.

### **Parking**

13. The parking lots near the project are typically full when there are baseball games or basketball games. In fact during peak usage, park users often park on the grass, and then park on nearby residential streets—Johns, Sargeant, etc. What is the plan to address a potential increase in parking demand?
  - a. Parks staff understands that parking is a concern. With a growing and a park system that is not growing to match population (at least not in the fully urbanized areas), the concept of parking being an issue is not a surprise. This is not to say it is desired, but the alternatives to this seem to be:



- i. Not allow any new uses of a park to avoid any additional parking pressures.
- ii. Establish a requirement that any new use of a park provides additional parking.
- iii. Work to reconstruct lots, as resources permit, to provide maximum parking spaces in relationship to pavement.
- iv. Reduce park uses made by automobile.

Parks staff thinks that only the last two of these options are truly reasonable given the opportunity costs of the first two. Staff works diligently to redesign parking lots to current standards, including improving stormwater management and maximizing spaces as it relates to pavement. Staff also works closely with City Engineering to plan and develop connections to parks on multi-modal paths throughout the City. See BKM response for additional information.

14. Considering that parking is already an issue, how will parking be prioritized if there are conflicts between long standing users of the park, and park facilities, and the Biergarten?
  - a. Currently, parking at Olbrich is on a first come, first served basis. This is generally true throughout our park system. It is also important to note that the biergarten's proposed capacity will not be continually maintained during operating hours, and that not all attendees will drive. As this and the previous question indicate, parking continues to be a challenge in a continually urbanizing park system. Staff works to stay abreast of industry trends in this area from other communities across the nation. Some provide permit parking, some have meters, some build structures, etc. As indicated above, parking (and traffic, noise, etc) as an issue that has potential impacts on neighbors of parks is not something we don't realize, but there are limitations on the ability of the Parks Division to solve this with a simple solution that is both fundable and doesn't take away park space in large volumes.

## **Safety**

15. Residents are concerned that other park users (basketball courts, tennis courts, soccer, beach) will be required to use the same restroom facilities as patrons of the bar. There is concern about the mixed (and conflicting) use with particular concern over children and intoxicated adults in the same facility. Please address.
  - a. Parks will monitor and review operations for conflicts such as this. The Parks system currently has a couple permanent venues and numerous temporary venues that serve alcohol in a manner that is substantially similar to this and based on our experience this is not a common occurrence. That said, it is of the utmost importance that BKM follow appropriate procedures to avoid the likelihood of patrons causing issues at the biergarten or in the park. See BKM response for additional information.

16. The intersection at Walter and Atwood is very tricky to navigate as a pedestrian. Considering one of the primary parking lots for several groups of park users and likely the Biergarten is across Atwood, how will pedestrian safety be addressed?
- The large Atwood reconstruction project is currently slated for the 2019-2021 timeframe and there will likely be significant changes at this intersection at that time. Parks is aware that Atwood acts as a significant barrier in bisecting Olbrich Park. Parks has been in communication with Traffic Engineering to evaluate if there are any shorter term improvements that may be warranted.
  - MODIFIED QUESTION – Will a crosswalk be added on Atwood near the Thai Pavilion to allow for crossing to the lake side? This is one of the potential concepts that are being discussed with Traffic Engineering. There are some concerns about doing this without a median or other protective device in this location given the speeds on Atwood.
17. Speeding is a frequent concern especially on Atwood and Walter, and also drunk driving. How will this be addressed?
- Parks supports MPD enforcement as resources allow to reduce speeding and drunk driving in this area (and citywide). As mentioned above, Parks has a significant concern regarding traffic on Atwood as it cuts the Park in two. See BKM response for additional information.
18. Who will be responsible for dealing with intoxicated and/or unruly patrons?
- See BKM response.
19. Very often the beach does not have lifeguards on duty. At the Union Terrace patrons drink, swim or boat and drown. How will this be addressed considering the proximity to the beach and the availability of boat rentals?
- Parks staff thinks that the staffing plans between BKM and Rutabaga in addition to lifeguards (when on duty) will make this beach one of the best monitored in the system. Though there have been some tragic situations that have occurred in the lakes near Madison Parks, staff does not think that the Biergarten will significantly raise the risk of drowning on or around Olbrich Park Beach. See BKM response for additional information.
20. Currently the “lake loop” runs along Atwood Avenue closest to Lake Monona in front of the beach house. This section of sidewalk is often extremely busy and dangerous especially on nice summer days being used by cyclists, moms pushing strollers, residents walking dogs, joggers, etc. How will this be improved to reduce conflicts of use and improve all user safety?
- Parks is committed to ensuring that the lake loop remains actively used and as safe as possible for the many users it gets every year. We will monitor how the Rutabaga and BKM operations impact this and work to respond to any needed improvements. Of note, the lake loop is a very heavily used path system and

integrates relatively well with a wide array of activities and potential conflicts. This is not to say there haven't been improvements needed in some areas (widening, signage, etc), but staff feels this is something to be monitored and evaluated prior to making any statements about the likely outcome.

### **General Responsibilities and Operations**

21. Who will be responsible for clearing the park after 10:00 pm if folks linger? Biergarten employees? The Parks Department? Madison Police Department?
  - a. Parks staff will work with BKM to ensure there are reasonable standards for them to be responsible for getting patrons out of the park by 10:00 PM. As referenced above, Parks staff will work to create clear lines of communication between BKM staff and Park Ranger staff to ensure that if there are issues, BKM can consult rangers and/or MPD as appropriate.
22. Who will be responsible for collecting and responding to any potential issues experienced by nearby residents because of this project?
  - a. Parks staff will work with BKM to ensure concerns and issues are documented by BKM and shared with Parks staff. It is the responsibility of BKM to work to mitigate issues. See BKM response for additional information.
23. Who will be managing safety and any issues that may arise at or near the Biergarten?
  - a. Park Ranger staff are the front line City staff who work to ensure safety in our park system for all residents and visitors. Generally speaking BKM will have responsibility for the biergarten and parks staff will be responsible for the park. See BKM response for additional information.
24. Would there ever be a time in which admission would be charged to enter the Biergarten, or a cover fee?
  - a. There will not be a general admission to the biergarten. Originally BKM contemplated this as a potential item for consideration as a part of their special events under the original draft agreement. Staff continues to work on the final draft agreement and cannot comment more here than this is a topic of ongoing negotiation. See BKM response for additional information.
25. Would the Biergarten ever be subleased for private functions or events?
  - a. See BKM response.
26. Will the Biergarten accept reservations?
  - a. See BKM response.
27. Currently the liquor license is for beer and wine. In the future would there be consideration to apply for a hard liquor license?

- a. BKM has withdrawn their application for a wine license. They have no intention of asking for the ability to serve hard liquor. See BKM response.
28. What factors will be in place to minimize the impact on the environment. Please discuss all aspects of the business: water usage, trash, recyclables and other waste, landscaping, etc.?
- a. Parks does not think that the installation of the biergarten is likely to have a measurable impact on stormwater runoff or lake quality. It will slightly reduce mowing. BKM also proposes a sourcing local products for sale, which has an environmental benefit. See BKM response.
29. Who will be responsible for collecting and removing litter from the beach, lake, and outside of the Biergarten?
- a. BKM will work collaboratively with Rutabaga and Parks staff to ensure the beach, lake and Olbrich Park is kept clean. Based on past experience, Parks staff thinks it is likely that the park will see less litter given the increase in staff present and eyes on the park. Litter is often a solitary or small group activity that is more easily done when nobody is watching.

#### **General proposal questions and concerns**

30. There is currently an alcohol ban at Olbrich Park. If the Biergarten receives an exception to this ban, could the ban from the park be removed so that residents have the option to enjoy a beer lakeside without being required to pay an inflated charge to drink at the Biergarten?
- a. Parks staff would not support the removal of the alcohol ban from the balance of the park at this time. Staff feels strongly that there is a significant difference between a well regulated establishment that serves alcohol in a park and a completely deregulated system of alcohol being present. Currently it is possible to secure a permit for having alcohol in Olbrich Park, as MSCR does for softball. Staff realizes that this unfairly burdens those who would like to have a beer or glass of wine in a park with a ban, but it is the unfortunate reality given the past experiences of a deregulated Olbrich Park. Staff feels that the biergarten proposal is a compromise of sorts, and imperfect one, but one that allows those that want to have a beer and watch a sunset with friends to do so.
31. Many residents are concerned about noise from this project. How will this be mitigated both in terms of the use of amplification as well as over noise created by the volume of patrons who are drinking?
- a. Staff is aware of this concern and has a good deal of experience in managing noise and parks. Noise is an inherently subjective term, so staff has worked to understand and manage from an objective basis using an advanced method of sound monitoring. Given the requested level of PA permit, parks staff feels that this should have limited noise spillage from the Park. That said, as our experience has taught us, sound does strange things and can vary a lot due to weather.

Additionally, each of us hears a little differently from each other as well as each of us having different sensitivities to sound. Unfortunately, this means it is impossible for Parks staff to say it won't have any impact on any neighbors. We do, however, feel the operational plan covers many details to limit any impact and we will monitor and evaluate it. See BKM response.

32. Will smoking be allowed in or near the Biergarten?

a. No, see BKM response.

33. In several proposals there has been mention that the goal is to respect the park as a park. Several residents feel that simply installing a bar/beer garden/biergarten, that is in and of itself not respecting the park as a park. Please respond to this.

a. It is staff's position that there are those that feel very much that this is a completely inappropriate use of a park, and there are those that feel very much that it is appropriate. These various opinions are all valuable contributions to making the system as good as it can be. Change happens, or sometimes not. Staff is confident in the Board of Park Commissioners ability to weigh the positives, negatives, and in-betweens in making the best policy decision for what is appropriate use of our precious park space. See BKM response.

34. There have been several comments that the park space/beach house is underutilized.

Many disagree with this statement. What data has been gathered, and process used to determine this space is underutilized? Further, does the water quality have an impact? Or the hours/closure of the bathrooms at the beach house?

a. First, it is important to note that this underutilized language is in reference to the facility and we should probably develop improved terminology to convey the issue of a facility that parks deems to be an underperforming asset. The City paid good money to build the building and over the years we have neglected it. That has led to a situation where we have significant outstanding capital needs and has ongoing operational costs, while not providing access enough to improve the usability of the facility. This is the reason for the RFP for Placemaking, to see if there was a way to increase utilization of the facility and offset costs to the public in the process. The data collected is mostly anecdotal and based on experience of managing a large park system with a number of similar facilities/buildings. Yes, water quality impacts the utilization rates at all of our beaches.

35. Was a user survey performed to ensure that residents had a say in shaping the future of their parks?

a. Not on this project.

36. How does this project align the mission and values of the City of Madison Parks Department?

- a. Staff feels this project is aligned with the mission and values of the Division. This project provides for a better maintained (building improvements), better access (longer hours of restroom operation and longer season), improved fiscal performance through use agreement payments, reduced financial obligations towards the building that can repurposed towards other needed improvements, such as the parking lot. The Park and Open Space Plan also recommends that Parks work to provide opportunities for growing recreational trends. Staff recognizes that some may disagree about the alignment with mission and/or that a biergarten meets the definition of a recreational trend to everyone. It is staff's opinion that this is effectively a policy choice for the Commissioners and elected officials.
37. What elements of this project make it family friendly?
- a. In evaluating other communities, biergartens seem to be an activity that some families chose to spend time together at the park doing. This may be something where the family comes to picnic at the biergarten before playing on the fields or they stop in on a bike ride or walk. Staff recognizes that each individual family will have their own perspective on whether or not this is appropriate for them.
38. Who will pay utilities for the facility? Water, electricity, sewer?
- a. BKM and/or Rutabaga will pay the utilities in total. See BKM response.
39. If the Biergarten opened, but the project failed, i.e. Developers went bankrupt, what would be the plan for the space?
- a. If this were to occur, given the experience on this project, staff would work through the options below with the Parks Commission.
    - i. The facility would continue to be used by Rutabaga alone, or
    - ii. Staff would consult with the Parks Commission to evaluate if a new RFP for a co-user would be desired, or
    - iii. If Rutabaga were also not present, it could go back to the existing situation, or the Parks Commission could evaluate if a new RFP would be issued.
40. It has been stated that this project has been modeled after the beer gardens in Milwaukee County Parks, which are "quite successful". The County Parks Manager in charge of overseeing the County Parks beer gardens attributed the success of these projects largely due to the extensive and substantial experience in alcohol sales and service of the owners of the projects. At the ALRC meeting, BKM Group stated they do not have any experience in the hospitality industry, let alone alcohol sales and services. How will this lack of experience impact this project? How will this gap in experience/knowledge be addressed?
- a. See BKM's response.

41. At the ALRC the Parks Commissioner stated the Biergarten would provide revenue in terms of a lease and sales profits. Where specifically will the monies go? The Parks Department, Parks Foundation, Olbrich Park or elsewhere (please identify)?
- a. Parks would expect that the proceeds from the use agreement would be recognized in the Parks Division's annual operating budget, subject to approval of the Common Council. This is where similar revenues are recognized. See BKM response.
42. What impact will the Biergarten have on other businesses?
- a. This is an unknown. There are arguments that can be made ranging from a negative to positive impact, and almost anywhere in between. What we do know is that to date no business owner has expressed a concern about the proposal from the perspective of adverse impact on their business. The only business that staff is aware of having taken a formal position is Rutabaga Paddlesports, which has supported the Biergarten.
43. Olbrich Botanical Gardens (one of the highest rated attractions in Madison) is planning an expansion and redevelopment. Considering this is an existing and successful Public-Private Partnership with the Parks Department and a gem for the neighborhood, why aren't the needs of the Gardens being prioritized? And what consideration has been given to the park overall considering the planned expansion, removal of some parking, and creation of the Biergarten?
- a. The Botanical Gardens are indeed a treasure of the Parks Division and the City. The needs of the Gardens are in fact being prioritized. Over the next two years the largest project (in total dollars spent) in the history of Madison Parks will be occurring within the existing footprint of the Gardens.
44. In regards to respecting the park as a park first, what access will park users have to this space when the Biergarten is closed?
- a. Any park user will be able to use the space during non-operating hours. See BKM response.
45. Why did the project progress so quickly? Why were neighborhoods first informed about this project only a month before the developers appeared before the ALRC with their liquor license application?
- a. Staff understands that there changes can feel very fast as the process is unfolding. However, staff feels that this process has worked well in other similar situations and that the level of engagement and discussion around this issue has been significant. Many voices are being heard from the community, which is something that staff feels puts the policymakers in the best position to make a decision on what is the appropriate next step. See BKM's response.

46. Why did the Parks Department not engage residents input for the future of the park before promoting this project?

- a. Staff understands the significance of this project to many people. From a staff perspective, we felt that this RFP process was reasonable given the substantially similar situation here in comparison to other locations where we have used the process without “early” community engagement. It is notable that the opposition to the biergarten has not been echoed towards Rutabaga’s proposed operation. It is also notable that a similar process was used at Breese Stevens, which includes alcohol service. This is not to say they are the same, but staff hopes there is some understanding that there was no intent to avoid public input. That said, staff will be working with the Parks Commission to review ways to improve our processes moving forward to enhance our community engagement.