

Questions about the Olbrich Biergarten Proposal from Nearby Residents

Please assume all questions are for all parties, there are a few that will not be applicable to each party.

THE RESPONSES TO QUESTIONS SUBMITTED BY JENNIFER LAACK (laackjennifer@yahoo.com) ARE PROVIDED BELOW IN RED BY THE BKM GROUP, LLC, D/B/A "OLBRICH BIERGARTEN."

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?

Our proposal includes no sales of alcohol after 9:30pm. Our staff will inform patrons at that time of the 10:00pm closure. Signs will also note the hours. Trash and recycling will be collected multiple times per day and at the end of the night. Bathrooms will be cleaned and stocked multiple times per day and at the end of the night.

2. What is the plan to absolutely ensure minors are not served alcohol?

- All of our servers will be Serv-Safe trained and certified.
- We will inspect IDs from customers in accordance with industry standards.
- Consumption of alcohol will only be allowed from containers we provide, and containers will be provided only to patrons with ID verifying age. There will be separate containers for alcoholic and non-alcoholic beverages.
- A perimeter with signs and staff monitoring will keep unaccompanied minors out.
- The attached (DRAFT) Responsible Alcohol Consumption Action Plan also addresses this concern. It will be reviewed and approved by the Parks Commission.

3. What will be the staffing plan? How many employees will be working at the facility and what will their roles be?

We will staff approximately one bartender (an employee who is licensed to serve alcohol to the customer) for every 70-100 patrons onsite. For a busy night, that may be two, and at peak nights, three or more. Other staff will also be responsible for monitoring the premises. These staff will be managers, food prep, servers, runners, and cleaning staff. Each server and bartender will be Serv-Safe trained and certified. Our operation will create many new jobs.

4. What type of experience and accreditation will staff have to ensure alcohol is responsibly distributed?

Each server will be Serv-Safe trained and certified, and will be required to obtain all credentials required by law. We will hire managers who have experience and a proven track record in ensuring responsible consumption by patrons and responsible service by staff.

5. What is the total capacity for the Biergarten? Would this number ever be expanded?

We have proposed a maximum capacity of 300. License capacities are reviewed annually by the ALRC.

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?

We will have sufficient staff on site at all times to ensure a safe operation. We will install security cameras.

Milwaukee's parks with beer gardens have seen their incident reports and police/sheriff calls go from a "substantial amount" down to next to nothing.

We will foster a family-friendly environment with our co-occupants at Rutabaga Paddlesports.

The attached (DRAFT) Responsible Alcohol Consumption Action Plan also addresses this concern.

We will be limited to four special events per year. One of those will likely be the Shake the Lake evening. For special events, we will work with the Parks Department and Madison Police Department to create a plan and provide appropriate safety oversight and precautions.

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?

We will hire an operating manager with extensive experience in bar management to manage the day-to-day operations of the Biergarten. We will provide a competitive compensation package that will attract and retain the type of manager we are looking for. We will also provide a non-discriminatory and safe workplace to all of our employees. The Biergarten will be open seasonally, but the business will include more work hours during non-seasonal operation that will be included in the manager's contract. Many jobs in the hospitality industry in Wisconsin are seasonal; this is not unusual nor does it prevent seasonal businesses from hiring top talent.

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.

Our current proposal does not include a fence/barrier. Our contract with the City will specify a "premises" that will be marked with signs and monitored by staff. Signs and staff monitoring have succeeded at Milwaukee's beer gardens. We believe that a non-fenced area integrates best with the rest of the park space, preserves views of the Lake, and will help maintain the spirit of a park.

9. What is the plan to contain alcohol on the Biergarten premises?

See answer to question number 8, and:

- Consumption of alcohol will only be allowed from containers we provide, and containers will be provided only to patrons with ID verifying age. There will be separate containers for alcoholic and non-alcoholic beverages.
- A perimeter with signs and staff monitoring will keep unaccompanied minors out.
- The attached (DRAFT) Responsible Alcohol Consumption Action Plan also addresses this concern. It will be reviewed and approved by the Parks Commission.

10. What physical changes and development would be made to the park specifically?

A full list will be included in the Agreement being presented at the Parks Commission. This will be available soon on Legistar.

11. What will the ground cover consist of?

We have proposed crushed stone that is permeable to rain and will hold up to the foot traffic.

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.

Parks are places for the community to gather and we plan to respect and foster that spirit of a park. Anyone is welcome in the Biergarten (minors must be accompanied) and we will not discriminate against any patrons for any reason. There are two drinking fountains in the Beach House (though they are part of the building controlled by Rutabaga Paddlesports, and they have discussed adding a bottle-filling station). Visitors may also bring food and outside non-alcoholic drinks.

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?

We defer to the Parks Department on demand.

- There are 369 public parking stalls at Olbrich Park, not including stalls in the boat launch lot or at Olbrich Botanical Gardens.
- The beach house lot itself has 120 spots. For perspective, the East Side Club has 110 spots.
- There are three-hour time limits on the parking lot.
- Our plan includes installing additional bike racks.
- Walkers and cyclist have easy access from the Capital City Trail and the “Lake Loop.”
- Public transit is available on four bus routes on Atwood Ave.
- Layering activities strengthens public spaces: many of our patrons will be individuals already at the park who will not increase demand for parking.

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?

We defer to the Parks Department.

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.

Our staff will be available and will monitor all aspects of the operation, including bathroom access and safety. We do not anticipate this to be a conflict.

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?

Pedestrian safety is outside the scope of our project and we defer to the appropriate City departments and policymakers.

17. Speeding is a frequent concern especially on Atwood and Walter, and also drunk driving. How will this be addressed?

Speeding is outside the scope of our project and we defer to the appropriate City departments and policymakers.

Like any licensed establishment, safety is ensured through proper training of staff, monitoring of guests, and refusal of service to those who may be or become intoxicated. All of our servers will be trained and certified to monitor consumption, not over-serve, and support alternative transportation if indicated, either with public transit, a sober friend, or a taxi. Public transit is available on four bus routes on Atwood Avenue.

18. Who will be responsible for dealing with intoxicated and/or unruly patrons?

Like any licensed establishment, the manager on duty will be trained and responsible for handling any issues.

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?

We have discussed water and boating safety with Rutabaga Paddlesports and the City. We are committed to ensuring a safe environment.

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?

Sidewalk safety is outside the scope of our project.

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?

We defer to the Parks Department and Madison Police Department on enforcement after 10:00pm. Our staff will usher people out of the Biergarten premises before 10:00pm.

22. Who will be responsible for collecting and responding to any potential issues experienced by nearby residents because of this project?

Our contact information is available to neighbors and patrons. We will be happy to continue engaging with neighbors after we open. Our contract with the City allows the City to hold us accountable to the expectations within it.

23. Who will be managing safety and any issues that may arise at or near the Biergarten?

This will be a safe and family-friendly environment. Like any licensed establishment, the manager on duty will be trained and responsible for handling safety on the Biergarten premises during operating hours. We will also have security cameras that monitor the premises. Please also see our attached (DRAFT) Responsible Alcohol Consumption Action Plan.

We defer to the appropriate City department and policymakers regarding safety outside our premises or at other times.

24. Would there ever be a time in which admission would be charged to enter the Biergarten, or a cover fee?

There will not be an admission fee or cover charge during any regular business hours. This could occur during one of the four special events we would be allowed to hold by our contract, but we do not currently have any plans to do so.

25. Would the Biergarten ever be subleased for private functions or events?

No, but a limited number of tables could be reserved during our operating hours.

26. Will the Biergarten accept reservations?

Yes, but only for a limited number of tables during our operating hours. The Biergarten is in a Park, which is open to anyone for any legal use, and we plan to ensure most of the space is available during operating hours in that spirit of a park.

27. Currently the liquor license is for beer and wine. In the future would there be consideration to apply for a hard liquor license?

We will be withdrawing the application for a wine license. We have no intention to serve hard liquor. Our plan is to serve beer and hard cider and non-alcoholic beverages as well.

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.?

We plan to serve local products—beverages sourced from the state of Wisconsin and food from Dane County. Sourcing locally is better for the environment and healthier. We will minimize the presence of our operation under the drip line of trees on the Biergarten premises. We will use recyclable serving materials. We are working on plans to serve alcohol in reusable non-glass containers (glass is prohibited in parks). We will have receptacles for trash and recycling that will be emptied regularly throughout the day. We will clear litter from the site daily.

We are in discussions with the Friends of Starkweather Creek about ways to inform our patrons of their presence next to the Lake and their impact on it. We are also discussing with the City how to better manage stormwater runoff from the parking lot and building.

29. Who will be responsible for collecting and removing litter from the beach, lake, and outside of the Biergarten?

We will collect litter daily.

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?

We defer to the Parks Department and City policymakers.

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?

We understand that noise is an important consideration when balancing the use of a park and neighbors' experience. We believe our plan will minimize disturbances:

- We will not be playing loud music. The goal for the biergarten's atmosphere is one where conversation is possible.
- The volume of sound will be limited to PA1 Level (equivalent to a boombox at a park shelter and defined as no louder than 75 decibels at 150 feet from the source). According to a sound test we conducted, this level of sound was not audible across Atwood Avenue. The sound was not bothersome at 300 feet, and was barely audible (when no cars were passing on Atwood Avenue) at 450 feet (this is the distance to the basketball and tennis courts).
- We are farther away (670 feet) from the nearest residence than the East Side Club (238 feet), and the softball diamonds (380 feet) are to the nearest residence.

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

We will prohibit smoking, tobacco use, and e-cigarettes within the premises of the Biergarten.

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.

When we say "respect the spirit of a park," we primarily mean a place that is open to all legal enjoyment by anyone. We want to enhance the Park and attract people to visit it or stay after a softball game or a visit to Olbrich Gardens. This also achieves the goals of placemaking.

We understand people all have varied preferences for park activities, designs, and uses. Fortunately, Madison has many and varied parks of all kinds. We believe this proposal respects the park in that it helps to fulfill Madison Parks mission and provides a layered recreational opportunity many residents have expressed interest in having.

We have heard from many folks who lament the lack of opportunities to be near the lakes and enjoy them. The Biergarten will be one of the few places in Madison to do so.

The Biergarten will occupy only 0.2% of the total acreage of Olbrich Park.

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?

We defer to the Parks Department.

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

We defer to the Parks Department and its standard RFP process.

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

We defer to the Parks Department.

37. What elements of this project make it family friendly?

Families are welcome. We will serve root beer and sports drinks and family-friendly food (brats and pretzels). We have discussed with Rutabaga Paddlesports having kites, recreational toys, balls, Frisbees, yard games, etc. available.

38. Who will pay utilities for the facility? Water, electricity, sewer?

The co-occupant vendors (us and Rutabaga Paddlesports) will pay utilities under an agreement with the City. Our contracts with the City will state that we are responsible for utilities.

39. If the Biergarten opened, but the project failed, i.e. Developers went bankrupt, what would be the plan for the space?

We defer to the Parks Department and City policymakers.

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?

- We want to learn from Milwaukee’s success and apply it to the Olbrich Biergarten.
- An operating manager with extensive experience in bar management will manage the day-to-day operations of the biergarten and supervise assistant managers.
- The background we do have—advocacy and community building, business management, and business law—is applicable and of use, especially in this unique business venture.

- We are passionate about building community and facilitating community gathering. We are local. We chose to do this here and not in another City.
- If all liquor licenses were denied to applicants with no experience in operating a bar, no entrepreneur would be able to succeed.
- We have a vision that matches with Madison's values, including:
 - Stewardship of the environment: sourcing food from Dane County and all beverages from within the State of Wisconsin, using environmentally-friendly materials and practices, respecting the park, and limiting our environmental footprint;
 - Progressive employee relations: We will provide competitive compensation, and a non-discriminatory and safe workplace; and
 - A family-friendly establishment: We want families to enjoy a day at the Lake with Rutabaga Paddlesports or playing at the park, and bring a picnic to the biergarten.

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)?

The exact details of this arrangement are still being negotiated and will be considered by the Board of Park Commissioners. We will make permanent capital improvements to the premises, pay a fee for using the space.

We defer to the Parks Department and City policymakers on how the revenue will be appropriated.

42. What impact will the Biergarten have on other businesses?

Our hope is that it will be positive. Competition is a positive incentive for our competitors and us. We briefed the East Side Club board of directors on our proposal on November 29, 2016, and they did not share any concerns.

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?

We defer to the Parks Department and City policymakers.

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?

It will be open to any park user as any other picnic area in a park would be. (If we are required to have a fence, it will not likely be open.)

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?

We would not have shared information about our proposal before the RFP process closed as it would tip other responders and we could have lost a competitive advantage in that process.

As the timeline below shows, we immediately informed Alder Ahrens of our being chosen as the winner of the City's RFP who in turn volunteered to put us in touch with the neighborhood leaders of the Eastmorland and Lake Edge neighborhood associations. We met with them at their next meetings before we submitted our liquor license application.

It is standard policy for the City Clerk's office to schedule a public hearing for the next month's ALRC meeting upon receiving a liquor license application.

At the November 16, 2016, ALRC public hearing on our liquor license application, Alder Verveer complimented us on "an unprecedented amount of outreach."

Below is a timeline of our activities:

- May 25: City of Madison issued a request for proposals (RFP) for placemaking services at the Olbrich Park Beach House.
- September 19: We were notified of winning the RFP, and the City publicly released the announcement.
- September 19: We informed Alder Ahrens of the announcement.
- September 22: We met with Alder Ahrens to discuss neighborhood outreach.
- September 26: Alder Ahrens notified the leaders of Eastmorland and Lake Edge Neighborhood Associations of our proposal.
- September 27: We responded the next day to both leaders.
- October 11: We presented our proposal to the Eastmorland Neighborhood Association at their monthly meeting.
- October 12: We presented our proposal to the Lake Edge Neighborhood Association at their monthly meeting.
- October 13: We presented our proposal to the SASY Neighborhood Association. They passed a motion to endorse our proposal and later submitted a letter to City leaders.
- October 14: We notified the leadership of the Eastmorland, Lake Edge and SASY neighborhood associations of our October 27 required information session.
- October 14: We provided blurbs for the neighborhood association newsletters and listservs that included a description of our proposal, the date of our information session, and our contact information.
- October 27: We held a required information session at the Olbrich Park Beach House to discuss our proposal and liquor license application.
- November 8: The Eastmorland Neighborhood Association discussed our proposal at its monthly meeting (though we were not invited to participate).
- November 9: The Lake Edge Neighborhood Association passed a motion to endorse our proposal and later submitted a letter to City leaders.
- November 16: ALRC held a public hearing on our proposal and application for a liquor license. Nine people registered and/or spoke in opposition to our proposal, fifteen people registered and/or spoke in favor of our proposal.
- November 22: We notified neighborhood associations and individuals who had been in touch with us previously about our December 8 public information session.

- November 22 to December 8: Alder Ahrens, neighborhood associations, BKM Group, and City staff informed neighbors of our December 8 information session.
- November 28: The City Clerk's office notified about 200 nearby residents of our December 8 information session via postcard.
- December 8: Additional public information session.

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

We defer to the Parks Department and its standard RFP process.

DRAFT

TO BE REFINED AND SUBMITTED TO THE PARKS COMMISSION AND ALRC.

Olbrich Biergarten Responsible Alcohol Consumption Action Plan

BKM Group, LLC, as part of their management of Olbrich Biergarten, will execute the following Responsible Alcohol Consumption Plan. This plan is based on similar plans maintained by other Madison Parks vendors and is the result of working with Madison Parks and incorporating feedback from the Madison Police Department and other sources.

General alcohol-related policies and practices

1. We have a stringent ID checking program for staff including incentives for finding false IDs.
2. All beer servers receive mandatory training by Olbrich Biergarten management and/or external experts.
3. All beer servers are 18 or older.
4. We have a licensed bartender on premises at all times.
5. Service and consumption of alcohol will be allowed only in containers we provide.
6. All patrons will be required to show ID to purchase beer or obtain a cup for alcohol in accordance with industry standards.
7. We have a state ID book and ID scanner on hand for staff checking IDs.
8. No under-age person will ever be allowed to consume alcohol whether or not a parent or guardian accompanies them. State law allows under-age persons, accompanied by parents or guardians, to drink under their supervision; the law also allows license holders not to serve those individuals per policy and Olbrich Biergarten will not serve these individuals under any circumstance.
9. We reserve the right to refuse alcohol to anyone we determine has had too much to drink.
10. We reserve the right to refuse service to anyone found in violation of the rules at any time.
11. We will work with the Madison Police Department to staff special events with officers to provide additional security when requested by MPD.
12. An incident record will be kept on file at all times in the event there is ever an occurrence of a fake ID found, service refused, etc.
13. We provide an attractive selection of food and non-alcoholic beverages.
14. Our employees are not permitted to drink alcohol while on duty.

Olbrich Biergarten Rules

The following rules are posted prominently at the entrance to Olbrich Biergarten and on our website:

- Show respect for our neighbors, Lake Monona, and Olbrich Park.
- Outside alcohol is prohibited by law at Olbrich Park. All alcohol must stay within the Biergarten.
- A parent or guardian must accompany individuals under 21 in the Biergarten.
- Individuals under 21 may not consume alcohol, even when accompanied by a parent or guardian.
- Grills are prohibited in or around the Biergarten.
- Picnic baskets and deliveries of outside food are welcome. Outside catering services are prohibited.
- All tables at the Biergarten are shared. A limited number of tables may be reserved for a special event.
- All motor vehicles, motorcycles & motor scooters must remain in the paved parking lot.

- No smoking, e-cigs, or tobacco use in the Biergarten. Smoking is prohibited in Olbrich Park.
- Last Call at the Biergarten is 9:30pm. Plan accordingly. You must return all beer garden containers and be out of the park when it closes at 10pm.

Offenses punishable by ARREST as determined by local law enforcement authorities:

- Underage drinking
- False identification (attempting to use fake IDs)
- Disorderly conduct or unsafe conduct

Last updated 12/5/2016