

..Number
141123
..Version
PROPOSED SUBSTITUTE
..Reference

..Sponsor
ALD. BOHL

..Title
Substitute resolution relating to an Operating Agreement with Milwaukee Marathon, Inc., for the staging of the inaugural Milwaukee Marathon in the City of Milwaukee.

..Analysis
This resolution directs the City Attorney to prepare an Operating Agreement between the City and Milwaukee Marathon, Inc., for the staging of the inaugural Milwaukee Marathon in November, 2015. The Operating Agreement shall be prepared within 30 days of the date of adoption of this resolution. The resolution also specifies items that are to be included in the Operating Agreement and authorizes the Commissioner of Public Works to execute the Operating Agreement. Finally, the resolution provides that the Commissioner of Public Works may issue a special event permit for the inaugural Milwaukee Marathon, pursuant to s. 105-55.5 of the Code of Ordinances (special event permit regulations and procedures), upon Milwaukee Marathon, Inc., satisfying its obligations under the Agreement.

...Body
Whereas, Milwaukee Marathon, Inc., has proposed the staging of a large marathon (distance-running) event -- the "Milwaukee Marathon" -- entirely within the boundaries of the City of Milwaukee; and

Whereas, The inaugural Milwaukee Marathon would take place in November, 2015, starting and finishing at the lakefront; and

Whereas, Milwaukee Marathon, Inc., believes that between 5,000 and 10,000 runners would participate in the Milwaukee Marathon in its first year, and has a goal of attracting 20,000 runners annually within 5 years; and

Whereas, The economic impact of this type of event on Milwaukee would be substantial, with thousands of participants and their families using or visiting Milwaukee's hotels, restaurants and tourist attractions; and

Whereas, The staging of the Milwaukee Marathon would also require significant City resources, particularly Milwaukee Police Department and Department of Public Works resources relating to traffic control before, during and after the event; and

Whereas, Section 105-55.5 of the Code of Ordinances defines a "special event" as "any planned extraordinary, temporary use of the public right of way or public premises of 25 people or more including but not limited to parades, processions, demonstrations, bicycle or foot races, festivals and block parties"; and

Whereas, Any person, group, organization or association, other than a city official for city business, desiring to hold a special event on the public right-of-way shall apply for a special event permit under s. 105-55.5; and

Whereas, Section 105-55.5-2-c establishes the process and criteria for approval or denial of a special event permit application; and

Whereas, The Commissioner of Public Works is authorized to approve or deny special event permit applications according to the criteria set forth in s. 105-55.5-2-c-1 to 11; and

Whereas, In the absence of an Operating Agreement between the City and Milwaukee Marathon, Inc., a special event permit would not meet the criteria in s. 105-55.5-2-c-1 because the Milwaukee Marathon is of such a size or nature requiring the diversion of so great a number of police officers, ambulances or other emergency services as to deny reasonable emergency services to the city as a whole; and

Whereas, In the absence of an Operating Agreement between the City and Milwaukee Marathon, Inc., a special event permit would not meet the criteria in s. 105-55.5-2-c-2 because the time, route, size and nature of the Milwaukee Marathon will unreasonably disrupt the safe and orderly use of any street or any public place, or material portion thereof, which is ordinarily subject to great congestion or traffic at the proposed time, or substantially interrupt the safe and orderly movement of other traffic; and

Whereas, The Common Council finds that City of Milwaukee taxpayers should not be required to bear the costs of City services provided to support the Milwaukee Marathon, but, rather, that the City should fully recover those costs from the event sponsor; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the City Attorney is directed to prepare an Operating Agreement between the City and Milwaukee Marathon, Inc., for the staging of the inaugural Milwaukee Marathon in November, 2015; and, be it

Further Resolved, That the City Attorney shall prepare this Operating Agreement within 30 days of Common Council adoption of this resolution; and, be it

Further Resolved, That the proper City departments, including the Police Department, Fire Department and Department of Public Works, are directed to assist the City Attorney in the preparation of the Operating Agreement; and, be it

Further Resolved, That the provisions of the Operating Agreement shall include, but not be limited to, the following:

1. Milwaukee Marathon, Inc., shall provide evidence of its capability to organize and stage a large, successful marathon, including its possession of sufficient funding to organize and hold a large marathon and sufficient staffing for safe and efficient staging of the event.
2. At least 180 days prior to the event date, Milwaukee Marathon, Inc., shall provide a detailed map of the proposed route, which shall be subject to the satisfaction of the Commissioner of Public Works. The Commissioner shall have the authority to modify the route, time and place of the event pursuant to s. 105-55.5-2-c of the Code of Ordinances.
3. Milwaukee Marathon, Inc., shall submit a complete permit application containing all information required in s. 105-55.5-2-b at least 60 days prior to the event date.
4. To ensure full cost recovery by the City, Milwaukee Marathon, Inc., shall pay the City, at least 60 days prior to the event date, for the estimated City staff time and expenses relating to the staging of the Milwaukee Marathon, as determined by the City ("the Estimate"). If the City's actual expenses exceed the Estimate, Milwaukee Marathon, Inc., shall pay the remaining balance upon invoice by the City.
5. The Police Department and Department of Public Works shall provide Milwaukee Marathon, Inc., with the special-event support, traffic barricades, post-event route clean-up and other City services needed to successfully stage a large marathon.
6. In the event that the City does not have sufficient traffic control equipment, including, but not limited to, barricades and signage, for the entire marathon route, Milwaukee Marathon, Inc., shall provide the traffic control equipment needed, with such traffic control equipment meeting any specifications established by the City.
7. Milwaukee Marathon, Inc., shall provide insurance, in a form and amount satisfactory to the City Attorney, and shall hold the City harmless from liability and claims associated with the event.
8. Milwaukee Marathon, Inc., shall provide a description of the provisions it will make for first aid and emergency medical treatment during the event, satisfactory to the Commissioner of Public Works, Chief of Police and Fire Chief.
9. Milwaukee Marathon, Inc., shall publicize the Milwaukee Marathon throughout the city, particularly in the aldermanic districts in which the race will be held, and shall provide information to alert residents and motorists along the event route of street closings, detours and potential delays.
10. Issuance of a special event permit by the City shall be contingent upon Milwaukee Marathon, Inc., satisfying its obligations under the Operating Agreement.

; and, be it

Further Resolved, That the Commissioner of Public Works is authorized to execute the Operating Agreement; and, be it

Further Resolved, That the Commissioner of Public Works may issue a special event permit for the inaugural Milwaukee Marathon, pursuant to s. 105-55.5 of the Code of Ordinances, upon Milwaukee Marathon, Inc., satisfying its obligations under the Agreement.

..Requestor

..Drafter

LRB155744-2

Jeff Osterman

11/10/2014