



Legislation Text

File #: 160076, **Version:** 0

160076

Original

The Chair

Resolution approving an Operating Agreement with Milwaukee Marathon, Inc., for staging the second annual Milwaukee Running Festival in the City of Milwaukee.

This resolution authorizes an Operating Agreement with Milwaukee Marathon, Inc. for the second annual Milwaukee Running Festival in the City of Milwaukee.

Whereas, Milwaukee Marathon, Inc., (d/b/a Milwaukee Running Festival) has proposed the staging of a large marathon, half-marathon, 5K and one-mile distance running event within the City of Milwaukee on November 5 and November 6, 2016; 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 Running Festival 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 Section 105-55.5 of the Code of Ordinances; and

Whereas, Section 105-55.5-2-c of the Code of Ordinances 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 Section 105-55.5-2-c-1 to c-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 Section 105-55.5-2-c-1 because the Milwaukee Running Festival 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 Section 105-55.5-2-c-2 because the time, route, size and

nature of the Milwaukee Running Festival will unreasonably disrupt the safe and orderly use of any street or any public, 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, On October 31 and November 1, 2015 the inaugural Milwaukee Marathon (n/k/a Milwaukee Running Festival) was staged; and

Whereas, Pursuant to Common Council Resolutions 141123 and 141459, the City and Milwaukee Marathon, Inc. executed an Operating Agreement prior to the 2015 event by which Milwaukee Marathon, Inc. was required to pay the costs of all City services provided to support the Milwaukee Running Festival; and

Whereas, Milwaukee Marathon, Inc. has paid for all Department of Public Works services provided for the 2015 Milwaukee Running Festival; and

Whereas, Pursuant to the 2015 Operating Agreement, the Milwaukee Police Department invoiced Milwaukee Marathon, Inc. for police services totaling \$55,775.57 and received payment of \$37,504.32; and

Whereas, The Milwaukee Police Department invoiced Milwaukee Marathon, Inc. for the remaining total amount due of \$18,271.25, which outstanding balance remains unpaid; and

Whereas, The Milwaukee Police Department anticipates that the costs for police services for the 2016 Milwaukee Running Festival will be between \$60,000 and \$85,000; and

Whereas, The Department of Public Works has estimated costs for its services for the 2016 Milwaukee Running Festival at approximately \$20,000; 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 Running Festival, but, rather, that the City should fully recover those costs from the event sponsor;

Whereas, The City Attorney's Office has prepared the attached Operating Agreement and submitted it to the Common Council for its review and approval; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the attached draft Operating Agreement between the City of Milwaukee and Milwaukee Marathon, Inc. for Staging of 2016 Milwaukee Running Festival is approved; and, be it

Further Resolved, That the proper City officials are authorized and directed to execute an Operating Agreement with Milwaukee Marathon, Inc., that is substantially similar to the draft Milwaukee Running Festival Operating Agreement attached to this file.

DPW-ADM

Michael Loughran:Kaylyn Jennik

May 16, 2016

Milwaukee Running Festival Operating Agreement