File #: 181369, **Version:** 1

181369
ORIGINAL
141123, 141459, 160076, 170429

Resolution approving an Operating Agreement with Milwaukee Marathon, LLC, for staging of the 2019 Milwaukee Marathon in the City of Milwaukee.

This resolution authorizes an Operating Agreement with Milwaukee Marathon LLC for the staging of the 2019 Milwaukee Marathon in the City of Milwaukee.

Whereas, Milwaukee Marathon LLC, a Wisconsin limited liability company, d/b/a The Milwaukee Marathon, whose address is, 45 Bromfield St., Suite 801, Boston, MA 02108, filed an electronic special event application ("Initial Application") to stage on April 6, 2019, a marathon, half-marathon, and 5K distance-running event named the 2019 Milwaukee Marathon ("the Event"); and

Whereas, The City has entered into operating agreements with previous organizers for the staging of the 2015 through 2017 versions of the Event; and

Whereas, As with the 2015 through 2017 Milwaukee Marathons, the Event's route is proposed to be entirely within the geographic boundaries of the City; and

Whereas, The staging of the Event requires significant City resources, particularly Milwaukee Police Department ("MPD") and Department of Public Works ("DPW") resources relating to traffic control before, during and after the Event; and

Whereas, DPW does not have sufficient traffic control equipment needed for the Event; and

Whereas, By Resolution 141123, adopted on November 25, 2014, the Common Council found that City taxpayers should not bear the costs of City services provided to support the Event, but, rather, that the City should fully recover those costs from the event organizer; and

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

Whereas, The Commissioner has determined that in the absence of an Operating Agreement, a special event permit would not meet the criteria in § 105-55.5-2-c-1 because the Event 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, The Commissioner has determined that in the absence of an Operating Agreement, a special event permit would not meet the criteria in § 105-55.5-2-c-2 because the time, route, size and nature of the Event 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, By letter dated October 30, 2018, the Commissioner notified Milwaukee Marathon LLC that the Initial Application was denied on the basis of the Commissioner's aforementioned determinations; and

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

Whereas, The Common Council reaffirms its finding that City of Milwaukee taxpayers should not be required to bear the costs of City services provided to support the Event, but, rather, that the City should fully recover those costs from Milwaukee Marathon LLC; and

Whereas, The City Attorney's Office has prepared the attached Operating Agreement for the Common Council's 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 LLC for Staging of the 2019 Milwaukee Marathon is approved; and, be it

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

Department of Public Works
TDM:tdm
December 21, 2018
1047-2018-2303:255612