

**COUNTY OF MILWAUKEE**  
INTEROFFICE COMMUNICATION

**DATE:** June 18, 2019

**TO:** Supervisor Theo Lipscomb, Chair, County Board of Supervisors

**FROM:** Aaron Hertzberg, Economic Development Director, Department of Administrative Services

**SUBJECT:** From the Director of Economic Development – Department of Administrative Services providing an informational report on the status of compliance with Milwaukee County agreements by the developer of the Ballpark Commons Project at and in the vicinity of 7900 Crystal Ridge Drive, Franklin

**REQUEST**

Informational only. No action requested at this time.

**BACKGROUND**

Previous Files -

- File 19-455 – An informational report regarding the Ballpark Commons development, including compliance with insurance standards, community benefits, noise and light requirements, the continued operation of the ski hill, and the operation and maintenance of the methane monitoring and extraction system
- File 17-598 – Proposed Contribution and Participation (Trust) Agreement with BPC County Land LLC, for the sale of the Crystal Ridge landfill; and authorization to execute a new Lease Agreement for land zoned as parkland between Milwaukee County and The Rock Sports Complex, LLC for the ski hill property located in the Village of Greendale
- File 17-334 - Proposed Ballpark Commons Development and potential impact on Milwaukee County
- File 17-366 - The Rock Sports Complex Cancellation and New Lease for Ski Hill in Village of Greendale
- File 17-373 - Amend Sections 68.01 and 71.12 of Ordinances to remove County Trunk Highway K (W. Old Loomis Rd)

File 17-598 stated that the Milwaukee County Board of Supervisors authorized the County to execute the proposed Contribution and Participation (Trust) Agreement with BPC County Land LLC and a new Lease Agreement for land zoned as parkland between Milwaukee County and The Rock Sports Complex, LLC for the ski hill property located in the Village of Greendale, in coordination with the sale of land at and in the vicinity of 7900 W. Crystal Ridge Drive, Franklin.

The agreements and sale were considered at the request of the operator of

The Rock Sports Complex to substantially increase the amenities on the property as part of a development known as Ballpark Commons. The project, currently under construction, includes a mix of commercial, retail, residential, and recreational development and a stadium servicing a new independent minor league baseball team and UW-Milwaukee baseball.

The project remains under development and is likely to take several years to complete. Active construction includes site work and infrastructure, a new mixed office/retail building, stadium and residential development. Note that only construction on land formerly owned by Milwaukee County is subject to Community Benefit requirements, currently this includes site work, stadium construction and the mixed office/retail building.

### **Report**

At the request of board, the report is a follow up to information provided at the May 13, 2019 meeting of the Economic and Community Development (ECD) Committee. Following the meeting I sent a letter to the developer with copy to the Committee, outlining areas of deficiency and requesting additional documentation and status and the opportunity to meet regarding community benefit requirements. A copy of the letter is attached to this file, 2019 Ballpark Commons Compliance Tracking.pdf. An email from Mayor Steve Olson of the City of Franklin is also attached to the file, Ballpark Commons Mayor Olson Email 20190618.pdf.

### **Option to Purchase**

An option to purchase was signed for the property in late 2017. The document required certain insurance standards to be met as a condition of sale. Insurance requirements specifically related to planned development on a known landfill were included with oversight by the County Risk Manager. At the May 13, 2019 meeting, County Risk Manager Director, Chris Luttrell, addressed questions and confirmed that required insurance is active.

### **Development Agreement**

A development agreement was signed in late 2017 placing requirements upon the developer as a condition of acquiring the property. Two key areas of on-going compliance tracking include Community Benefits and Noise and Light requirements.

#### ***Community Benefit Requirements***

Community benefit requirements for Ballpark Commons include ensuring Targeted Business Enterprises (TBE) have an equal opportunity to receive and participate in construction of the Project. Goals include a minimum of 25% TBE participation for hard construction costs and a minimum of 17% TBE participation for professional service costs. The developer also committed to a good faith effort to achieve its goal of at least 10% of on-site construction hours to be

completed by apprentices or members of acceptable job training programs. The developer has paid Milwaukee County a \$10,000 deposit to secure compliance with community benefit requirements.

It should be noted that projects on site are at various stages of construction and a full picture of compliance will not be available until projects and reporting is completed. In total, approximately 5% of awarded contracts, \$1,127,588 of \$22,206,453 has been verified to have been awarded to TBE qualifying firms. Master site work is at .08%, the mixed use office/retail building is at 20.34%. The stadium support buildings are at 2.24% while no TBE reporting has occurred for the stadium. Professional service payments have not been reported. In total, 41% of estimated construction costs have been reported.

Apprenticeship compliance has had more success to date. Of the 82,619 hours report, 10% has met requirements. Site work hours is at 14.03%. The stadium and stadium support buildings are at 8%. The mixed office/retail building is at 3.38%.

The developer has scheduled a meeting to further discuss County concerns on June 26, 2019. The County has also requested a detailed explanation of the methods utilized to attempt to achieve compliance, explanations for shortfalls, and any good-faith efforts that are being made to take corrective action.

#### *Noise and Light Requirements*

Noise and Light requirements were included in the development agreement to mitigate impacts of the development on neighboring properties. Existing lights on the baseball fields were subject to a light study for repositioning and 78 new light shields installed in March of 2018. Installation of new lights on site are subject to local approval.

The developer was also to take noise mitigation steps as outline in the development agreement. Hard-wired noise monitors that were to be installed by November of last year have been installed as of June 18, 2019. The devices provide real-time and objective monitoring of noise. Device information is available for both the site owner so immediate corrective action can be made in the event of a violation and for the purposes of government oversight and penalty enforcement.

As of drafting the report, the City of Franklin has reported that they have investigated complaints at the property but found no violations of local ordinances since the date the monitors were to be installed. As reported at the May 13, 2019 meeting of the ECD Committee, Milwaukee County's enforcement of penalties related to noise violations only takes effect if four (4) or more unapproved violations of Franklin ordinances occur in a calendar year.

A complaint reporting system is also available on the ROC Ventures website: [www.rocventures.org/about/file-complaint](http://www.rocventures.org/about/file-complaint).

### Lease

The developer's revised lease as part of the land agreements required it to continue to operate a ski hill on land adjacent to the Ballpark Commons development. The ski hill was operational during the 2018-2019 ski season.

### Contribution and Participation (Trust) Agreement

The Contribution and Participation (Trust) Agreement requires the developer to rebuild and perform on-going operation and maintenance of the methane monitoring and extraction system previously owned and operated by Milwaukee County. Wisconsin Department of Natural Resources (DNR) staff in charge of regulating landfills has confirmed that the system has been rebuilt in compliance with DNR standards. The DNR has conducted monthly inspections of the project site and confirmed adherence to plans. The annual report monitoring ground water and gas extraction that was previously required of the County and is now required of the developer as of 2018, has been filed. While the developer now owns and maintains the property and landfill related compliance and reporting obligations, the DNR remains the regulating agency with oversight of the property.

As part of the Trust Agreement, the developer and Milwaukee County committed to jointly make annual contributions to a Maintenance Reserve Fund to ensure on-going investment in the methane monitoring and extraction system. On June 12, 2019, Milwaukee County Comptroller, Scott Manske, and Deputy Corporation Counsel, Paul Kuglitsch, attended a meeting with representatives of the developer regarding the Landfill Infrastructure Capital Fund. At the meeting, Mr. Manske and Mr. Kuglitsch confirmed that the fund had been created and that appropriate funds from the developer and County had been deposited.

### Joint Review Board

As a member of the Joint Review Board (JRB), Milwaukee County voted against approval of an amendment to Tax Increment District #5 in the City of Franklin due to concerns that compliance issues on former County land as documented in the May 28, 2019 letter to the developer raised concerns over district benefits. The amendment was approved by a majority vote of the JRB. Project Plans for the tax increment district actions are available on the City of Franklin website's Ballpark Common page: [www.franklinwi.gov/Business/BallparkCommons.htm](http://www.franklinwi.gov/Business/BallparkCommons.htm).

### Concerns Raised at May 13, 2019 ECD Meeting

During the May 13, 2019, ECD Committee meeting a concern was raised regarding an oily discharge along the Root River, to the immediate north of the property. County staff inspected accessible County property along the river and saw no signs of such issues. The concern was also shared with the DNR. In the future, such concerns may be reported by citizens to the DNR spill hotline at 1-800-943-0003.

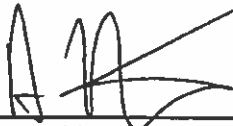
DNR and County staff reported issues related to stormwater filtration bags and silt fencing on site during inspections. The responsible contractors were notified of these issues and have cleared sediment build up and placed rock bags to address these issues.

The Oak Leaf Trail "winter spur" still needs to be paved and vegetation restored. The trail is anticipated for restoration with turf seed and erosion matting when the trail is completed pending drier conditions.

Copies of prior agreements approved by the County Board are available via File 17-598.

**RECOMMENDATION**

Informational only. No action requested at this time.



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Aaron Hertzberg  
Economic Development Director, Department of Administrative Services

cc: Chris Abele, County Executive  
Scott Manske, Comptroller  
Economic and Community Development Committee Members  
Teig Whaley-Smith, Director, Department of Administrative Services  
Raisa Koltun, Chief of Staff, Office of the County Executive  
Kelly Bablitch, Chief of Staff, County Board of Supervisors  
Steve Cady, Research & Policy Director  
Allyson Smith, Committee Coordinator  
Ken Smith, Research Analyst

Attachments:

1. 20190528 Ballpark Commons Compliance Tracking Letter
2. Ballpark Commons Mayor Olson Email 20190618