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A resolution by Supervisors Staskunas, Weishan Jr., Logsdon, Martin, Nicholson, and Alexander, requesting an audit of BPC County Land, LLC as it pertains to the entity’s and the developer’s contractual obligations, quarterly reports pertaining to the Ballpark Commons Project in the City of Franklin, an assessment for environmental pollution, and verifying access to Whitnall Park, the Root River Parkway, and the Oak Leaf Trail, by recommending adoption of the following:

**A RESOLUTION**

WHEREAS, in File No. 17-334, the developer-owner of BPC County Land, LLC, proposed construction of a minor league baseball stadium and other projects on the site of the Milwaukee County (the County)-owned former landfill by the Crystal Ridge ski hill in the City of Franklin; and

WHEREAS, in Adopted File No. 17-598, the County Executive approved the sale of the former landfill and some of the surrounding land, while establishing a new contract with the developer, and cancelling the Rock Sports Complex contract approved in Adopted File No. 12-495; and

WHEREAS, upon the County Executive’s sale of the County-owned land, the developer signed a Development Agreement and a Contribution and Participation Agreement with the County; and

WHEREAS, in the Development Agreement, the developer agreed to, among other things:

- Make a good faith effort to have a minimum of 25 percent of hard construction-related costs worked by Targeted Business Enterprises (TBE)
- Make a good faith effort to have a minimum of 17 percent of professional service-related costs performed by TBEs
- Make a good faith effort to have a minimum of 10 percent of project construction hours completed by “apprentices or members of acceptable job training programs”
- Abide by the City of Franklin’s noise and light nuisance ordinances, and:
  - Install new and retrofit existing lights to mitigate nuisance brightness to neighbors
  - Install permanent noise monitoring equipment at three specified locations

; and

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WHEREAS, in the Contribution and Participation Agreement, the developer agreed to, among other things:

- Assume responsibility for the operation and maintenance of the landfill, including its methane monitoring and control system until such time the Wisconsin Department of Natural Resources deems the system as no longer necessary for public health and safety
- Create a landfill infrastructure fund to accumulate funds, including from the County, for the operation, maintenance, and eventual replacement of the methane control system when it reaches the end of its useful life
- Convene an oversight committee to oversee the landfill infrastructure fund; composed of the developer or his representative, the County Comptroller, and a representative of a business member of the BPC Association

; and

WHEREAS, in File No. 19-455, it came to light from concerned community members from the Village of Greendale and City of Franklin that the developer may not be compliant with the terms of his agreements with the County, may be causing pollution or other environmental harm to the Root River or its surrounding flora and fauna, and may be obstructing use and access to the Oak Leaf Trail; and

WHEREAS, the Committee on Finance and Audit, at its meeting of July 18, 2019, recommended adoption of File No. 19-602 (vote 5-0); now, therefore,

BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board) hereby requests the Audit Services Division, Office of the Comptroller, perform an audit of BPC County Land, LLC, as it pertains to the entity's performance under the agreements with Milwaukee County (the County) and, to the extent practicable, an assessment of the potential impact, if any, to the agreements if nearby development is not achieved; and

BE IT FURTHER RESOLVED, Corporation Counsel, Office of Corporation Counsel, is requested to provide a report to the County Board outlining the County's legal recourse should the developer default on the agreed upon contractual obligations; and

87 BE IT FURTHER RESOLVED, the County Board hereby requests the  
88 Architecture, Engineering, and Environmental Services Section, Facilities Management  
89 Division, Department of Administrative Services (DAS), collaborate with the Department  
90 of Parks, Recreation and Culture (DPRC) to assess the portion of the Root River  
91 adjacent to the Rock Sports Complex and Ballpark Commons for the appearance of any  
92 type of environmental degradation to determine if further testing and causal analysis  
93 need to be performed; and shall report back to the County Board as soon as  
94 practicable; and

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96 BE IT FURTHER RESOLVED, the County Board hereby requests that the DPRC  
97 verify that passage and public access remains along where the Oak Leaf Trail runs  
98 adjacent to the Rock Sports Complex and Ballpark Commons properties, and public  
99 access to surrounding parkland in Whitnall Park and the Root River Park Way remains  
100 unimpeded, and shall report back to the County Board as soon as practicable; and

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102 BE IT FURTHER RESOLVED, the County Board hereby requests the Director of  
103 Economic Development, DAS, report to the County Board quarterly on the status of the  
104 Ballpark Commons Project and the developer's obligations to the County, specifically  
105 adherence to Targeted Business Enterprise goals, light mitigation, noise monitoring  
106 efforts, and the landfill infrastructure fund and oversight committee.

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