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A resolution by Supervisors Staskunas, Weishan, Jr., Logsdon, Martin, and Nicholson, 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:

AN AMENDED RESOLUTION

WHEREAS, in File No. 17-334, the Developer-Owner (the Developer) 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 (the City); and

WHEREAS, in 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 TBE's
- 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's noise and light nuisance ordinances, and:~~
- **Abide by the Noise and Light Addendum in the Development Agreement with the County, including Village of Greendale and City of Franklin noise and light ordinances by:**
 - **Install**ing new and retrofit existing lights to mitigate nuisance brightness to neighbors
 - **Install**ing permanent noise monitoring equipment at three specified locations

; and

47 WHEREAS, in the Contribution and Participation Agreement, the Developer
48 agreed to, among other things:

- 49
- 50 • Assume responsibility for the operation and maintenance of the landfill,
51 including its methane monitoring and control system until such time the
52 Wisconsin Department of Natural Resources deems the system as no longer
53 necessary for public health and safety
- 54 • Create a landfill infrastructure fund to accumulate funds, including from the
55 County, for the operation, maintenance, and eventual replacement of the
56 methane control system when it reaches the end of its useful life
- 57 • Convene an oversight committee to oversee the landfill infrastructure fund
58 composed of the Developer or his representative, the County Comptroller,
59 and a representative of a business member of the BPC Association

60
61 ; and

62
63 WHEREAS, in File No. 19-455, it came to light from concerned community
64 members from the Village of Greendale and the City that the Developer may not be
65 compliant with the terms of his agreements with the County, may be causing pollution or
66 other environmental harm to the Root River or its surrounding flora and fauna, and may
67 be obstructing use and access to the Oak Leaf Trail; and

68
69 WHEREAS, the Committee on Economic and Community Development, at its
70 meeting of July 15, 2019, File No. 19-602 for adoption as amended (vote 5-0);
71 now, therefore,

72
73 BE IT RESOLVED, the Milwaukee County Board of Supervisors (County Board)
74 hereby requests the Audit Services Division, Office of the Comptroller, perform an audit
75 of BPC County Land, LLC, (the Developer) as it pertains to the entity's performance
76 under the agreements with Milwaukee County (the County), **the Developer's**
77 **adherence to Village of Greendale and City of Franklin noise and light ordinances**
78 **on all his properties, describe any modifications to Village and City noise and**
79 **light ordinances since the Development Agreement was signed, and adherence to**
80 **past and present noise and light ordinances since the Development Agreement**
81 **took effect,** and to the extent practicable, an assessment of the potential impact, if any,
82 to the agreements if nearby development is not achieved; and

83
84 BE IT FURTHER RESOLVED, Corporation Counsel, Office of Corporation
85 Counsel is requested to provide a report to the County Board outlining the County's
86 legal recourse should the Developer default on the agreed upon contractual obligations;
87 and

88

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

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

103
104 BE IT FURTHER RESOLVED, the County Board hereby requests the Director of
105 Economic Development, DAS, to report to the County Board quarterly on the status of
106 the Ballpark Commons Project and the Developer's obligations to the County,
107 specifically adherence to Targeted Business Enterprise goals, light mitigation, noise
108 monitoring efforts, and the Landfill Infrastructure Fund and Oversight Committee.

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