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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 ENGROSSED 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 (the Village) and City noise and light ordinances by:
 - Installing new and retrofit existing lights to mitigate nuisance brightness to neighbors
 - Installing 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 and the City 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 Economic and Community Development, at its meeting of July 15, 2019, recommended File No. 19-602 for adoption as amended (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, (the Developer) as it pertains to the entity's performance under the agreements with Milwaukee County (the County), **the Developer's adherence to Village of Greendale and City of Franklin noise and light ordinances on all his properties, describe any modifications to Village and City noise and light ordinances since the Development Agreement was signed, and adherence to past and present noise and light ordinances since the Development Agreement took effect, adherence to financial requirements under the Development Agreement, Lease Agreement, and the Contribution and Participation Agreement with the Developer;** 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

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

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

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

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