



October Board Cycle

Milwaukee County Parks

9480 Watertown Plank Rd.

Wauwatosa, WI 53226

(414) 257-PARK

Date: October 1, 2020
To: Marcelia Nicholson, Chairwoman, County Board of Supervisors
From: Guy Smith, Executive Director, Milwaukee County Parks
Subject: **Development Agreement for Children's Garden at Boerner Botanical Gardens (ACTION)**

Issue

Milwaukee County Parks requests authorization to enter into a Development Agreement with Margie's Smile, Inc. for the construction of a new Children's Garden at Boerner Botanical Gardens.

Background

In 2019, Parks was approached by a donor, Tim Kezman, through Margie's Smile Inc., who offered to fund the installation and ongoing maintenance of a new Children's Garden at Boerner Botanical Gardens. This concept was presented to the Milwaukee County Board of Supervisors as an Informational Report in January 2020, File No. 20-90. Since that time, Parks has worked with Margie's Smile to refine the concept and negotiate a Development Agreement.

Key provisions of the Development Agreement:

- The preliminary budget for the project is \$1.7 to 2 million dollars for construction. All costs are covered by the donor.
- The donor will provide proof of 110 percent of the Final Budget amount.
- Prior to the start of construction, all plans must be approved by the County.
- Prior to the start of construction, a maintenance fund will be created to fund the ongoing repair, maintenance, and improvements to the garden. Due to the nature of construction, the maintenance fund amount and detailed agreement on maintenance cannot be determined until the construction plans are finalized.
- The term for the garden (via the maintenance agreement) will be twenty years with three ten-year extensions (for a total of fifty years) as long as Margie's Smile is in compliance with the maintenance agreement.



- Upon final completion of the garden's construction, the developer will transfer all right, title and interest in the garden to the County.
- The Children's Garden shall be known as Margie's Garden.
- No admission fee shall be charged for the Children's Garden other than the published admission fees of Boerner Botanical Gardens.

The Children's Garden will include amenities that will engage youth in fun and educational activities around nature and plants. The proposed Children's Garden adds new plantings and amenities for children that currently do not exist at Boerner Botanical Gardens. The garden will be located in an unprogrammed area west of the Education and Visitor's Center.

Recommendation

Parks' Executive Director recommends approval of and authorization to enter into a Development Agreement with Margie's Smile, Inc., for the creation of a Children's Garden in Boerner Botanical Gardens.

Prepared By: Erica Hayden, Contracts Manager, Milwaukee County Parks

Approved By: Guy Smith, Executive Director, Milwaukee County Parks



Attachments

- Resolution
- Fiscal Note
- Development Agreement

Copy

- David Crowley, County Executive
- Mary Jo Meyers, Chief of Staff, County Executive's Office
- Sheldon Wasserman, Parks, Energy & Environment Chair, Supervisor District 3
- Steven Shea, Parks, Energy & Environment Committee Vice-Chair, Supervisor District 8
- Felesia Martin, Parks, Energy & Environment Committee Member, Supervisor District 7
- Sylvia Ortiz-Velez, Parks, Energy & Environment Committee Member, Supervisor District 12
- Liz Sumner, Parks, Energy & Environment Committee Member, Supervisor District 1
- Kelly Bablitch, Chief of Staff, County Board
- Julie Landry, Director, Department of Administrative Services



- Joseph Lamers, Fiscal & Budget Director, DAS
- Vince Masterson, Fiscal & Strategic Asset Coordinator, DAS
- Pamela Bryant, Capital Finance Manager, Comptroller's Office
- Justin Rodriguez, Capital Finance Analyst, Comptroller's Office
- Kelsey Evans, Committee Coordinator, Office of the County Clerk
- Emily Peterson, Research & Policy Analyst, Office of the Comptroller
- Lindsey Peterson, Budget & Management Analyst, DAS-PSB

