

**Please note: Minutes are unofficial until approved by the Community Development Authority at the next regularly scheduled meeting.**

**NEW BERLIN COMMUNITY DEVELOPMENT AUTHORITY  
MINUTES  
JUNE 1, 2006**

The Community Development Authority meeting was called to order by Mayor Chiovatero at 7:35 A.M.

In attendance were Mayor Chiovatero, Alderman Thomas Augustine, Donald Vaclav, John Fillar, and Alderman Ken Harenda. Also present was Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; and Mark Blum, City Attorney. Doug Barnes and Jeff Seidl were excused.

Motion by Mr. Vaclav to approve the CDA minutes of April 6, 2006 as amended on Page 2, Paragraph 1, to reflect 4.23 billion rather than million. Seconded by Mr. Harenda. Motion passes with Alderman Augustine abstaining.

**COMMUNITY DEVELOPMENT AUTHORITY SECRETARY'S REPORT - none**

**CONTINUED BUSINESS**

1. Mill Valley Redevelopment Update – Joe Eberle (PG-926)

Mr. Joe Eberle from Ruckert/Mielke gave an update on the progress of the Mill Valley Redevelopment Plan. Since the last update in April, the first public informational meeting was held on April 26, 2006. The Phase I environmental analysis and the preliminary market analysis for the area have been completed. The City of Muskego and Waukesha County Public Works Dept. have agreed to a realignment of Tans Drive, and College Avenue/Racine Avenue and Tans Drive/Racine Avenue will be signaled intersections. A right-in, right-out between College Avenue and Tans Drive will also be allowed. These concepts will be presented in the plan.

An aerial photo was distributed. Right now the study is on hold waiting to find out if the DNR regulates the ponds and the wetlands in the Southeast corner of the site, as indicated on the photo.

**NEW BUSINESS**

2. WE Energies DV2010 Presentation – Ross Wetherbee and Russ Fanning. (PG-953)

Russ Fanning, representing WE Energies gave a progress report on the DV2010 Distribution project. This system to increase reliability to customers was installed during the last 1-1/2 years and went into service on March 30, 2006 and is working successfully. Thus far, there have been three separate events of outage reduction time.

Mayor Chiovatero suspended the CDA meeting at 8:00 A.M.

**PUBLIC HEARING**

CU-3-06 City Limits Entertainment Center, 16000 W. Cleveland Avenue  
Video games, live entertainment, sports bar/restaurant, 500 person banquet facility.

The public hearing relative to the request by Dan Eckerman, Venture Development for City Limits Bar & Restaurant Entertainment Center for a conditional use for a recreation center at 16000 W. Cleveland Avenue was called to order by Mayor Chiovatero at 8:00 A.M.

In attendance were Mayor Chiovero, Alderman Thomas Augustine, Donald Vaclav, John Fillar, and Alderman Ken Harenda. Also present was Greg Kessler, Director of Community Development; Nikki Jones, Planning Services Manager; and Mark Blum, City Attorney. Doug Barnes and Jeff Seidl were excused.

Mr. Kessler read the public hearing notice and stated there was proof of publication. He gave a brief presentation describing the request and showed maps indicating the location.

Mr. Eckerman, representative for the project presented additional information explaining the project.

Mayor Chiovero asked three times if there were any comments or questions for the purpose of clarification, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in favor, seeing none.

Mayor Chiovero asked three times if there was anyone wishing to speak in opposition, seeing none.

Mayor Chiovero asked for comments or questions from the CDA Members.

Alderman Harenda – Was the notification for this public hearing sent to the abutting land owners?

Mr. Kessler – Yes, those within 600 feet.

Alderman Harenda – Did you mention this building was originally built in 1982?

Mr. Eckerman – The original building was built much earlier than that. There has been four additions added.

Alderman Harenda – You will be responsible for fire code upgrades, sprinkler systems, etc?

Mr. Eckerman – Yes.

Alderman Harenda – No. 7 on the Staff Report requests an easement. Is that to maintain our current easement to Deer Creek?

Mr. Kessler – We are requesting the applicant to provide the City of New Berlin with an easement through their property to allow us to get to the creek for storm water conveyance maintenance and stream bank stabilization.

Alderman Harenda – I am concerned about the 1,000 sq. ft. game area for minors being a collection point for young people in an area where alcohol is being served.

Mr. Eckerman – I can put your concerns to rest. Entrance to the gaming area requires a parent or guardian be present.

Alderman Harenda – What are the water usage calculations?

Mr. Kessler – I have contacted the Utility Dept. but presently I received the billings, not the actual useage for Kuglitsch's. It has not been an issue in the past, and I am quite sure it will be consistent with what Kuglitsch's used in the past.

Mr. Eckerman – It may be slightly more because of the quantity of toilets. We are putting a 6" line to the building for water to upgrade fire services.

Alderman Harenda – Are the hours of operation in line with other businesses?

Mr. Kessler – Yes. The volleyball hours of operation which is Condition of Approval #19 was pre-existing from some time ago when a public hearing was held. The outdoor activities related to the

volleyball and concession stand is limited to 10:00 P.M.

Alderman Harenda – Would carnivals or any other functions outside need future approvals?

Mr. Kessler – Yes, if it became a reoccurring activity, it may be part of the original CU Permit. There is a condition that says those types of outdoor activities need to be reviewed by the City.

Mr. Fillar – Will the outdoor loud speaker permits be issued each time there is an event outside?

Mr. Kessler – It is issued for each and every event by the Police Department.

Mr. Fillar – Does it expire at 10:00 P.M.?

Mr. Kessler – It would depend upon the activity. This Conditional Use Permit limits the activities for volleyball until 10:00 P.M., but if they choose to have for example, a car show, that is a separate permit and Police Dept. would handle that issue in conjunction with our department.

Mr. Fillar – Since Kuglitsch's did not cause a traffic problem, can we assume this will not be any different?

Mr. Kessler – There was a traffic impact statement prepared. At the peak times, it indicated the total vehicle trips would be 290. There are three ingress/egress points, one off of Glendale Drive and two off of Cleveland Avenue. The County is requiring by-pass lanes.

Mayor Chiovero – Will there be any loud speakers for the volleyball?

Mr. Eckerman – I am not sure. I would not see a need for it.

Mr. Kessler – When I reviewed the public hearing minutes from when the volleyball courts were expanded, no one spoke for or against. The 10:00 P.M. condition was put on by Plan Commission.

Mayor Chiovero – He may have to get a loud speaker permit because I think they announce teams coming up, etc. Will there be alcohol sold outdoors?

Mr. Eckerman – Yes.

Mayor Chiovero – A bartender's license will be required.

Mr. Kessler – Condition #3 and #4 deal with both those issues. They will need to go to the Clerk's office to obtain the Alcohol Entertainment Amusement and Vendor Permits prior to occupancy. They will also need to get loud speaker permits.

Alderman Harenda – Will the area outside where the alcohol is served be fenced in?

Mr. Kessler – It is entirely fenced in.

City Attorney – We don't want carry aways from the site, therefore it needs to be secured. It is not a secure location unless it is fenced.

Mayor Chiovero – I have been excited since I heard about this and it seems that all the concerns have been addressed. I am also excited to possibly see some facad changes.

Mr. Eckerman – The plans are for new entrances on the East and West side. Something will be done with the drab color, perhaps paint.

Mr. Kessler – We are not approving the architecture at this time. The permit will not be signed until all the outstanding issues are taken care of. This Committee will have the final approval of architecture.

Mr. Eckerman – We would like to start on the construction on the inside.

Mr. Kessler –As long as you have State approved building plans, we can issue building permits for interior modifications.

Mayor Chiovero asked for further comments or questions, seeing none.

Mayor Chiovero closed the public hearing at 8:20 A.M.

Mayor Chiovero resumed the Community Development Meeting at 8:21 A.M.

3. CU-3-06 City Limits Entertainment Center, 16000 W. Cleveland Avenue  
Video games, live entertainment, sports bar/restaurant, 500 person banquet facility.

Motion by Mr. Fillar to approve the request for the “City Limits Entertainment Center” (formerly “Kuglitsch’s Entertainment Center”) located at 16000 W. Cleveland Avenue, subject to the application, plans on file, architectural approval, and the following conditions:

- 1) Hours of Operation:
  - a) See the attached Plan of Operation for detailed narrative, but hours of operation are as follows:

Interactive Game Area	11:00 a.m. to Midnight
Entertainment Area	6:00 p.m. to 2:00 a.m.
Sports Bar / Restaurant	11:00 a.m. to 2:00 a.m.
Banquet Hall / Catering	Open as scheduled
- 2) Applicant shall not be issued a Conditional Use Permit until architecture has been reviewed by DCD and approved by the CDA and staff has verified that all architectural & site development standards comply with the adopted New Berlin Industrial Park Redevelopment Plan and New Berlin Municipal Code, as appropriate and where applicable.
- 3) Applicant shall contact the City of New Berlin Clerk’s Office to obtain alcohol, entertainment, amusement and vendor permits prior to occupancy.
- 4) Applicant shall apply for and receive a loudspeaker permit from the City of New Berlin Police Department, as required for outdoor events.
- 5) Applicant shall apply for and receive individual Sign Permits for all existing, new and/ or event signage and banners prior to installation or modification, even if signage is temporary.
- 6) All existing and new roof-top equipment, dumpsters and all pad mounted equipment shall be screened from view from the centerline of any public right-of-way as identified in the New Berlin Industrial Park Redevelopment Plan.
- 7) To the maximum extent practicable the applicant / property owner shall dedicate a 30 foot easement to the City of New Berlin for access to Deer Creek for storm water conveyance maintenance through the entire parcel. This easement may need to be reduced to approximately 10 feet along the eastern portion of the site due to the parking lot location.
- 8) Any alterations and/ or new occupancies shall require review by the City of New Berlin and appropriate permitting.
- 9) Traffic Improvements – Per the submitted Traffic Impact Statement, the applicant shall establish a pavement marked by-pass lane from 50 (fifty) feet in advance of the east driveway to the west driveway. In addition, a 150 foot taper entering the by-pass lane and a 100 foot taper exiting will be required. Per Waukesha County, an excel / decel lane will be required on the shoulder of the westbound lane. A permit will be required through Waukesha County for any work within the ROW of Cleveland Avenue.
- 10) Applicant shall apply for and obtain appropriate building, plumbing and electrical permits prior to any building modifications.
- 11) Applicant shall submit a landscaping plan that complies with the requirements of the New Berlin Industrial Park Special Plan Overlay Ordinance and Plan and shall be approved by Staff.
- 12) Fenced in storage area in the southeast corner of the site shall be removed and restored per direction of staff.
- 13) Parking lot shall be sealed and striped prior to occupancy.

- 14) The City of New Berlin reserves the right to review any potential complaints and take appropriate action as necessary.
- 15) Building plans shall be signed and stamped by a licensed architect or professional engineer per Wisconsin Enrolled Commercial Building Code. (Comm. 61.31 Plans).
- 16) Building plans shall be approved by the State of Wisconsin Dept. of Commerce Safety and Buildings Division and the Wisconsin Enrolled Commercial Building Code. (Comm. 61.70 Certified municipalities and counties.).
- 17) Temporary wiring for displays or lighting circuits shall require electrical permit and inspection from the Department of Community Development as required by code. Electrical work to be performed by a licensed electrician.
- 18) Proposed Building Section #3 is mislabeled. It is actually looking south and not east. (Sheet No. A4-02). Applicant shall correct.
- 19) Per previous Conditional Use approval for Kuglitsch's, any outdoor concession stands and volleyball leagues / hours of operation shall not extend past 10:00 p.m. without review and approval by the City of New Berlin.

Seconded by Alderman Harenda. Motion carried unanimously.

4. Pinewood Creek Certificate of Compliance (PG-631-5)

Motion by Alderman Harenda to accept the Pinewood Creek Certificate of Compliance for April 30, 2006.

Seconded by Alderman Augustine. Motion carried unanimously.

5. Pinewood Creek Financial Statements (PG-631-5)

Motion by Mr. Fillar to accept the Pinewood Creek Financial Statements for December 31, 2005 and 2004.

Seconded by Alderman Augustine. Motion carried unanimously.

6. Required Communication to Audit Committee or its Equivalent, New Berlin CDA Report on Internal Control for year ended September 30, 2005, and New Berlin CDA Financial Statement for year ended September 30, 2005 from Virchow, Krause & Company. (PG-963)

Motion by Mr. Vaclav to accept the report as presented. Seconded by Alderman Augustine. Motion carried unanimously.

## COMMUNICATIONS

7. Communication To: CDA Members  
 Communication From: Greg Kessler, Director of Community Development  
 RE: The Business Journal, April 21, 2006, "Largest Milwaukee-area Business/Industrial Parks".

The communication shows that New Berlin Industrial Park has been recognized as one of the largest in the Milwaukee area.

8. Communication To: CDA Members  
 Communication From: Greg Kessler, Director of Community Development  
 RE: The Business Journal, April 21, 2006, "Bank Consortium to Provide Growth Capital"

Community Development Authority members acknowledged receipt of this communication.

9. Communication To: CDA Members  
 Communication From: Nikki Jones, Planning Services Manager and Amy Bennett,

Associate Planner  
RE: 2007 CDBG Program (PG-964)

The City of New Berlin has applied for this Block Grant for set aside funding. This is funding that is allocated on a yearly basis to municipalities in Waukesha County based upon population. This has been applied for use in funding of the financial implementation plan for the Industrial Park. Notification to the CDA and the RFP process would occur later.

Mayor Chiovatero has written a letter to the President. Currently the President's 2007 budget has considerably cut these grant funds. Mayor Chiovatero will be attending the U.S. Conference of Mayors this afternoon where two resolutions will be discussed with the President. The Mayors feel that the economic liability of our Country and of our Cities is vital based on these funds, and will be asking the President to possibly reinstate some of the funds.

### **ADJOURNMENT**

Motion by Alderman Augustine to adjourn the Community Development Authority Meeting at 8:36 A.M. Seconded by Mr. Vaclav. Motion carried unanimously.

