



**VILLAGE OF INNSBROOK
BOARD OF TRUSTEES
MEETING MINUTES
Tuesday, February 14, 2023, 5:00 PM**

AGENDA

- 1) CALL TO ORDER
- 2) OPENING CEREMONY
 - a. Pledge of Allegiance
- 3) ROLL CALL
- 4) ADOPTION OF AGENDA
- 5) PUBLIC COMMENTS/GUEST SPEAKERS/PRESENTATIONS
- 6) APPROVAL OF MINUTES:
 - a. Regular Meeting: January 10, 2023
 - b. Executive Session Meeting: November 01, 2021
 - c. Executive Session Meeting: February 08, 2023
- 7) CHAIRMAN'S REPORT/APPOINTMENTS
- 8) DEPARTMENT/COMMITTEE REPORTS:
 - a. Financial Reports - January 2023
 - i. Bills of The Month
 - b. Administrator's Report
 - c. University of Missouri Extension Council
 - d. Planning & Zoning Commission
- 9) UNFINISHED BUSINESS:
 - a. Village Administration Building
 - i. Loan Proposal/Application [USDA Rural Development]
- 10) NEW BUSINESS:
 - a. **BILL NO. 329 - AN ORDINANCE PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION OF 2.60 ACRES OF LAND FROM "AFM" AGRICULTURAL FOREST MANAGEMENT DISTRICT TO "C-H" COMMERCIAL HIGHWAY BUSINESS DISTRICT AND AUTHORIZING A CHANGE IN THE ZONING MAP FOR THE VILLAGE OF INNSBROOK, MISSOURI.** [First Reading]
 - b. Request for Exemption For Special Community Event Noise:
 - i. Innsbrook Resort - IBK Anniversary Party; 05/27/2023; 2:00-5:00pm
 - ii. Innsbrook Resort - July 4th Celebration Fireworks; 07/01/2023; 9:15-10:00pm
 - iii. Innsbrook Resort - 2023 Summer Breeze Concert Series; 5/28, 6/3, 6/10, 6/17, 6/24, 7/2, 7/8, 7/15, 7/22, 7/29, 8/5, 8/12, 8/19, 8/26, 9/2; 7:30-10:00pm
 - iv. Innsbrook Resort - Fall Family Concert; 10/14/2023; 5:00-7:00pm
 - v. Innsbrook Resort - New Years Eve Fireworks; 12/31/2023; 8:00-8:15pm
 - c. Wags and Whiskers Letter
- 11) BOARD OF TRUSTEE ANNOUNCEMENTS
- 12) OPEN FORUM
- 13) ADJOURNMENT

Unfinished Business/Hold Items

- BHS/Zykan Landfill Area
 - Dry Hydrants
 - Village Cemetery
 - Broadband Infrastructure
- (Next quarterly report Mar. 2023)

MINUTES

The Tuesday, February 14, 2023 regular meeting of the Village of Innsbrook Board of Trustees was held at Village Hall, 1835 Highway F, Innsbrook, Missouri, in person as well as Zoom Video Conference, and called to order at 5:00 PM (CST) with Chairman Thomsen presiding. Chairman Thomsen led the Pledge of Allegiance.

Upon roll call, Trustees Cynthia Cook, Dan Reuter, Ted Sator, Jeff Thomsen and Donna West were present in person. Others in attendance in person included Village Administrator/Clerk - Carla Ayala, Charlie Boyce - Innsbrook Corporation, Allen Huddleston [2 Oakwood], Steve Gissy [L2112], Edward Dyck [2104], Megan Eldridge - City of Wildwood, Kathryn Bowman - City of Wentzville, and Melody Rugh - City of Warrenton. All other visitors attended this meeting via videoconference. Those attendees included, but were not limited to, Nathan

Bruns - Graville Law Firm, Cory Collins - Husch Blackwell, Jacob Stauffer - Overland Group, Tracy Dickherber - Innsbrook Corporation, Kathy Caton - Wags and Whiskers, and approximately 14 others.

ADOPTION OF AGENDA

Trustee Reuter motioned to remove 10a. Bill No. 329 from the agenda, authorized by Rule 15 of Ordinance 5 of the Village, without a second, motion failed. Motioned by Trustee West, seconded by Trustee Cook, to adopt the agenda as presented. Trustees Cook, Sator, Thomsen and West voted "Yea", Trustee Reuter abstained from the vote. Motion passed and approved with a 4 "Yea", 0 "Nay", 1 Abstain vote.

PUBLIC COMMENTS

Megan Eldridge, Kathryn Bowman and Melody Rugh with the MoCCFOA Eastern Division recognized Carla Ayala for obtaining the Missouri Professional City Clerk (MPCC) certification through the Missouri City Clerks and Finance Officers Association.

Carla Ayala stated that 54 public comments were received regarding the rezone at Hwy's F and M. Of those 21 residents and 33 property owners, 3 were in support and 51 oppose the rezone. These comments are now entered into record and attached to the permanent meeting minutes.

APPROVAL OF MINUTES

Motioned by Trustee Sator, seconded by Trustee Cook to approve the January 10, 2023 regular session, November 1, 2021 executive session and February 8, 2023 executive session meeting minutes. All Trustees present voted "Yea", motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.

CHAIRMAN'S REPORT/APPOINTMENTS

Chairman Thomsen stated that he had nothing to report.

DEPARTMENT REPORTS

- a. Financial Report - The January 2023 financial report and the bills of the month were distributed and viewed by all Trustees in attendance. Motioned by Trustee Cook, seconded by Trustee Reuter to approve the financial report and pay all the bills of the month. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.
- b. Administrator's Report - Village Administrator/Clerk, presented the Administrator's report to the Trustees.
 - Village Hall will be closed on February 20, 2023 in observation of Presidents' Day, as well as March 13-16, 2023 for staff training.
 - The March meeting will be held one week later on Tuesday, March 21, 2023 due to the office closure.
 - 155 Village business permits have been issued to date.
- c. University of Missouri Extension Council Update - Virgal Woolfolk was not in attendance.
- d. Planning and Zoning Commission - The Commission held a meeting on February 1, 2023. Allen Huddleston stated that Wags and Whiskers has begun construction, however we have run into an issue. Construction began yet the site plan that was approved with the Special Use Permit (SUP) has been deviated from in regards to the sewer system. A lagoon has been built along the Highway, which was not shown on the site plan. The Village Attorney has been contacted and a letter has been sent to Wags and Whiskers to correct the issue. Allen Huddleston stated to be clear, the Village cannot tolerate any deviation from what the Village has approved on a site plan accompanying a SUP. Whether it is more cost effective or not, the approved site plan has to be followed. It is the hope of the Planning and Zoning Commission this will be corrected and nothing further will come from this. It was stated that during the past meeting the Commission has begun discussions on updating Chapter 5 - "Non-Residential Districts" of the Village Zoning Regulations. The Village Attorney has suggested that the Village advertise for Request for Qualifications (RFQ) for Planning Services in order to update the Comprehensive Plan, and to enter into a contract to review and assist the Planning and Zoning Commission with future Village development. Motioned by Trustee Cook, seconded by Trustee Reuter to approve advertising the RFQ for Planning Services. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.

UNFINISHED BUSINESS:

a. Village Administration Building

Loan Proposal/Application [USDA Rural Development] - Bridgette Sansegraw with the USDA has been contacted for an update. Nothing to report at this time.

NEW BUSINESS:

- a. **BILL NO. 329 - AN ORDINANCE PROVIDING FOR A CHANGE IN ZONING CLASSIFICATION OF 2.60 ACRES OF LAND FROM "AFM" AGRICULTURAL FOREST MANAGEMENT DISTRICT TO "C-H" COMMERCIAL HIGHWAY BUSINESS DISTRICT AND AUTHORIZING A CHANGE IN THE ZONING MAP FOR THE VILLAGE OF INNSBROOK, MISSOURI.** Trustee Reuter presented Chairman Thomsen prior to the meeting with a written motion to alter or suspend published agenda for the February 14, 2023 Village of Innsbrook Board of Trustees meeting, reading as follows:

I, Dan Reuter, one of the elected Trustees as authorized by Ordinance No. 5, Section 13, Rule 12, move that item 10a. be deleted from tonight's agenda. My concern is that if we allow a first reading of this Bill tonight, we may be obligated to vote on the Bill at our next meeting. Due in part to recent correspondence, objections received from residents and information provided by the Village Attorney's I believe it is only reasonable and prudent for the Board to delete this item from tonight's agenda.

*Respectfully Submitted,
Dan Reuter*

Chairman Thomsen announced that this is in the form of a motion. There was not a second to this motion. Chairman Thomsen stated that a Verified Statement of Opposition and Protest was received by the Village on February 13, 2023 from the Trustees of the Innsbrook Homeowners Association. The Village Attorney has requested four to five weeks for an Attorney review before any action is to be taken by the Trustees. Cory Collins requested that the Board make a specific grant of additional time to come back and consider this matter to avoid not following the Village Zoning Regulations, which states that a decision must be made within 60 days of the Planning and Zoning recommendation or it is deemed to be denied, per Village Zoning Regulations, Chapter 14.8.6.. This was filed back in August and the applicant has met every requirement and request that has been made. This continues to get postponed, so it should be made clear on record that this will be taken up after the Attorney reviews this letter and not rely on automatic denials. Trustee Reuter stated that he would be very hesitant to ask the Board to commit to any particular timeframe until the Village Attorney's review. Trustee Reuter requested to notify the Insurance Carrier to get information from them as well before we make a decision. Nathan Bruns clarified that the 60 days is in the Village Ordinance and suggested a 30 day extension if this item isn't going to be addressed tonight. Another option is to have the first reading of Bill No. 329 tonight, and that would still give the Village Attorney time to look over the letter received. Some sort of action should be taken to acknowledge the 60 days, since Planning and Zoning has given the Board of Trustees their recommendation. Trustee Reuter objected to a first reading of Bill 329 at this time. Chairman Thomsen clarified that the first and second reading can be made during one meeting with a motion to do so. Motioned by Trustee Reuter, seconded by Trustee Sator, with respect to Ordinance 237 and Zoning Regulations 14.8.6, extend the 60 day time frame to 90 days. By roll call vote, Trustee Cook - "Yea", Trustee Reuter - "Yea", Trustee Sator - "Yea", Trustee Thomsen - "Yea", Trustee West - "Yea". With a 5 "Yea", 0 "Nay", 0 Abstain vote, motion passed and approved. Trustee Reuter requested Chairman Thomsen take up his motion to remove Bill No. 329 from the agenda for a second. Nathan Bruns advised that the Board vote to postpone consideration until the next meeting to abide by Robert's Rules of Order. Motioned by Trustee Reuter, seconded by Trustee West, with respect to Bill No. 329 to postpone consideration until the next meeting March 21. By roll call vote, Trustee Cook - "Yea", Trustee Reuter - "Yea", Trustee Sator - "Yea", Trustee Thomsen - "Yea", Trustee West - "Yea". With a 5 "Yea", 0 "Nay", 0

Abstain vote, motion passed and approved. Trustee Reuter requested that the Village Administrator reach out to notify the Insurance Company of potential litigation and that he would like to meet with a representative to discuss assurance that we do have coverage and any direction they can provide to us. Chairman Thomsen stated that this would be a topic appropriate for executive session. Carla Ayala stated that she will speak to the Village Attorney for advice on how to proceed with that request.

- b. Request for Exemption For Special Community Event Noise: Tracy Dickherber was available via Zoom for the Trustees to hold discussion. Trustee West stated that the Board had discussed lowering the decibel level from 85 to 80, and also have the sound technician speak to the Board about the differences in DbA levels. Carla Ayala stated that she asked Tracy Dickherber to invite the sound technician, he was not available to attend this meeting. Trustee Reuter stated that the Board should postpone this to next month to see if the sound technician can make himself available. Trustee Sator questioned Tracy Dickherber if they have a print out of readings after each concert. Tracy Dickherber stated that readings are taken during each concert and those are sent to Chairman Thomsen. The average noise level is around 82 DbA, and never goes over 85 DbA. More people are asking the music to be turned up at each concert, and would hate to lower it as that may take away from the concert energy. Trustee West suggested moving forward with this tonight, instead of postponing it.
- i. Innsbrook Resort; IBK Anniversary Party; 05/27/2023; 2:00-5:00pm - Motioned by Trustee Reuter, seconded by Trustee Sator to approve the application for noise permit for the IBK Anniversary Party with conditions. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.
 - ii. Innsbrook Resort; July 4th Celebration Fireworks; 07/01/2023; 9:15-10:00pm - Motioned by Trustee Sator, seconded by Trustee Reuter to approve the application for noise permit for the July 4th Celebration Fireworks with conditions. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.
 - iii. Innsbrook Resort ; 2023 Summer Breeze Concert Series; 5/28, 6/3, 6/10, 6/17, 6/24, 7/2, 7/8, 7/15, 7/22, 7/29, 8/5, 8/12, 8/19, 8/26, 9/2; 7:30-10:00pm - Motioned by Trustee Reuter, seconded by Trustee Cook to approve the application for noise permit for the Summer Breeze Concert Series with conditions. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.
 - iv. Innsbrook Resort; Fall Family Concert; 10/14/2023; 5:00-7:00pm - Motioned by Trustee Cook, seconded by Trustee Sator to approve the application for noise permit for the Fall Family Concert with conditions. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.
 - v. Innsbrook Resort; New Years Eve Fireworks; 12/31/2023; 8:00-8:15pm - Motioned by Trustee Cook, seconded by Trustee Reuter to approve the application for noise permit for the New Years Eve Fireworks with conditions. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.
- c. Wags and Whiskers Letter - A letter was received by the Village from Wags and Whiskers requesting allocation of a portion of the Village's American Rescue Plan Act (ARPA) Funds. Kathy Caton was in attendance via Zoom for discussion. Chairman Thomsen stated that the Village has until the end of 2024 to allocate these funds, which the Village has not decided yet how to spend it. This letter will be put into our file to take into consideration when making that decision at a later date. Trustee Cook questioned if Trustee Sator will have a conflict of interest when making that decision.

BOARD OF TRUSTEES COMMENTS

Trustee Reuter wanted to explain his concerns and why he made his written motion. Perhaps the Village Attorney can respond to this as well. In Rule 12, which is part of the rules of procedure of Ordinance 5, it states that any ordinance shall, if not at the same meeting, be taken up by the Board of Trustees at its next session and shall be read the second time, and thereupon shall be open for debate and amendment. On the close of debate the presiding officer shall entertain a motion to vote on the ordinance for final passage. Trustee Reuter stated that his reading of that is that the Village is at a quandary with opposing arguments, and doesn't want the Board boxed in to make a decision. Trustee Reuter is concerned about a number of things, but the first step is to make sure that there is insurance coverage that would protect us in the event of litigation by either party. This is something Trustee Reuter stated the Board should be looked at and gets relayed to Chris Graville. The other thing is the Village has two letters from Innsbrook Corporation, one received during the January meeting and one received from the Innsbrook

Homeowners Association yesterday. The letter from Overland Group is what Trustee Reuter is concerned about and would like to make sure this letter is entered into the minutes.

OPEN FORUM

None at this time.

VOTE TO ADJOURN

Motioned by Trustee Sator, seconded by Trustee West, to adjourn the regular meeting. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote. Meeting adjourned at 6:05 PM.

I hereby certify that these are the original minutes of the regular meeting of the Board of Trustees held on Tuesday, February 14, 2023.

Carla Ayala, Village Administrator/Clerk

Date Minutes Approved: 03/29/2023

Donna West
Donna West,
Village Board Clerk

Carla Ayala
Attest: Carla Ayala,
Village Administrator/Clerk

(seal)

