

**VILLAGE OF INNSBROOK
BOARD OF TRUSTTE MEETING MINUTES
INNSBROOK VILLAGE HALL
1835 Highway F, Innsbrook, MO 63390
Tuesday, April 9, 2024, 5:00 PM**

AGENDA

- 1) CALL TO ORDER
 - 2) OPENING CEREMONY
 - a. Pledge of Allegiance
 - 3) ROLL CALL
 - 4) ADOPTION OF CONSENT AGENDA
 - 5) CHAIRMAN’S REPORT/APPOINTMENTS
 - a. Certification of Election Results
 - b. Oath of Office to Newly Re-Elected Trustee’s
 - c. Nomination and Election of Chairman
 - d. Nomination and Election of Village Board Clerk
 - 6) PUBLIC HEARING
 - 7) PUBLIC COMMENTS/GUEST SPEAKERS/PRESENTATIONS
 - 8) P & Z RECOMMENDATION – WAGS & WHISKERS AMENDED SITE PLAN
 - 9) *APPROVAL OF MINUTES:
 - a. *Regular Meeting: March 19, 2024.
 - b. *Board Work Session Meeting: March 19, 2024.
 - 10) DEPARTMENT/COMMITTEE REPORTS:
 - a. *Financial Reports – March 2024.
 - i. *Bill of The Month
 - b. Administrator’s Report
 - c. Planning & Zoning Commission
 - d. Village Planner Report
 - 11) UNFINISHED BUSINESS:
 - a. New Village Hall
 - 12) NEW BUSINESS
 - 13) BOARD OF TRUSTEE ANNOUNCEMENTS
 - 14) OPEN FORUM
 - 15) ADJOURNMENT
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MINUTES

The regular meeting of the Village of Innsbrook Board of Trustees was held on Tuesday, April 9, 2024, at the Village Hall, 1835 Highway F, Innsbrook, MO 63390. The meeting was called to order at 5:02 pm (CDT) with Daniel Reuter, Chairman, presiding. Chairman Reuter led the Pledge of Allegiance.

Upon roll call, Trustees Cynthia Cook, Mike Lyles, Dan Reuter and Donna West were present, establishing a quorum. Trustee John Simon was present via Zoom. Others in attendance included Nathan Bruns – Hesse Graville, Village Planner – Todd Streiler, Allen Huddleston – Chairman of the P&Z Commission.

CHAIRMAN’S REPORT/APPOINTMENTS

- a. Chairman Reuter reported to the Board that the certified election results had been received from Warren County and that Trustee West and Trustee Lyles received the most and second most votes

for the two seats on the Board of Trustees, with Commissioner Woolfolk receiving the third most votes. Chairman Reuter stated that Trustees West and Lyles would be sworn in.

- b. Chairman Reuter administered the Oath of Office for Trustees West and Lyles. Trustees West and Lyles were sworn in for their terms as Trustees of the Village of Innsbrook.
- c. Chairman Reuter stated that the Board of Trustees would need to elect both a Chairperson and a Secretary for the Board of Trustees. Chairman Reuter stated he would entertain nominations for the position of Chairperson. Trustee Cook made a motion, seconded by Trustee West, to elect Chairman Reuter as the Chairperson of the Board of Trustees. Chairman Reuter yielded the floor for debate, but no debate was had. By roll call vote, Trustee West – “Aye”, Trustee Cook “Aye”, Trustee Lyles – “Aye”, Trustee Simon – “Abstain”, Chairman Reuter – “Abstain”. Chairman Reuter declared the motion passed with a 3 “Aye”, 0 “Nay”, 2 “Abstain” vote.
- d. Chairman Reuter stated he would entertain nominations for the position of Secretary. Chairman Reuter made a motion, seconded by Trustee Cook, to elect Trustee West as the Secretary of the Board of Trustees. Chairman Reuter yielded the floor for debate, but no debate was had. By roll call vote, Trustee West – “Abstain”, Trustee Cook “Aye”, Trustee Lyles – “Aye”, Trustee Simon – “Abstain”, Chairman Reuter – “Aye”. Chairman Reuter declared the motion passed with a 3 “Aye”, 0 “Nay”, 2 “Abstain” vote.

ADOPTION OF THE CONSENT AGENDA

The Board of Trustees returned to their Agenda. Chairman Reuter stated he would entertain a motion to approve the Consent Agenda (which include approval of the minutes and approval of the monthly financials). Trustee West made a motion, seconded by Trustee Lyles, to elect to approve the consent agenda. Chairman Reuter yielded the floor for debate, but no debate was had. By voice vote, all commissioners present voted “Aye”. Chairman Reuter declared the motion passed with a 4 “Aye”, 0 “Nay”, 0 “Abstain” vote.

PUBLIC HEARING

Chairman Reuter opened the public hearing at 5:15 pm to hear public comments regarding the Amended Site Plan Application by Wags & Whiskers for their property located at 13620 State Highway M. The Commission has received the application from Wags & Whiskers along with all fees required to be in compliance with the application for amendment of their site plan. Public Notice has been published in the Warren County Record and at Village Hall. All neighboring property owners have been notified of this public hearing by Certified Mail. There were twenty (20) speakers in attendance to discuss the application in addition to numerous other attendees who did not speak.

- Village Attorney Nathan K. Bruns began the public hearing by asking the Board to incorporate into the record the Notice that was published in the Warren County Record, the Village’s ordinances, and State statutes applicable to the Village. Chairman Reuter acknowledged the incorporation of the foregoing into the record.
- Nancy Inman explained she was new to the Wags & Whiskers situation and had looked at the information available and believed that the Board should approve the Wags & Whiskers application. Ms. Inman stated that Wags & Whiskers was a benefit to the community and supported the public good. Ms. Inman further stated that the Village had deferred to state on sewage systems and that the Village’s ordinances don’t prohibit the lagoon. Finally, Ms. Inman recognized the Planning and Zoning Commission had already provided their approval for this project.
 - A brief discussion ensued between Ms. Inman and Chairman Reuter regarding the approval/exemption from the Missouri Department of Natural Resources (“DNR”).
- Les Kauble stated that he was thankful that the Village had law enforcement present at the meeting as he had been threatened by the Wags & Whiskers people. Mr. Kauble stated that Sections 14.1 through 14.13 of the zoning regulations needed to be reviewed by the Board. Mr. Kauble blamed the Village Attorney for allowing a second vote to take place by the Planning and Zoning Commission when the original vote was 4 “No”, 3 “Aye”. Mr. Kauble then accused Commissioner

Joyce of having a conflict of interest with the Wags & Whiskers project. Mr. Kauble stated he was here for the Village and that he was against the lagoon for health, safety and investment reasons. Mr. Kauble explained that Wags & Whiskers could have used another system such as a clarifier and poly tank. Mr. Kauble finished his comment by stating that this would set a precedent.

- Ed Grobbe (1703 Hwy F) stated that he had not read everything, but that he was someone who buys and sells real estate. Mr. Grobbe explained that lagoons have a negative impact on property values and that there is a perception issue with allowing the lagoon. Mr. Grobbe stated that the Village was better than allowing lagoons and that the Village must prevent lagoons on future projects for sites less than two acres.
- Tracy Muse (13633 State Highway M) asked to be skipped.
- Michael Bohm read a letter from Keith Thompson into the record regarding the need for an animal shelter. Mr. Bohm identified that the Planning and Zoning Commission recommends support for the Wags & Whiskers project. Finally, Mr. Bohm read that Mr. Thompson was offering services regarding landscaping for the project. Mr. Bohm then spoke about his own experience and expertise in the design process and how the Board should rely on the experts' opinions. Mr. Bohm stated that the Village's request to move the building on the site had created the issue with the location of the lagoon. Mr. Bohm finished his time by discussing how he had identified at least eight (8) nearby commercial buildings with lagoons.
 - Trustee Donna West asked Mr. Bohm if the commercial buildings with lagoons are on sites less than 3 acres? Mr. Bohm indicated he had not reviewed the acreage for each site. Trustee West followed up by stating that Wags & Whiskers' previous plan had never shown a lagoon. Mr. Bohm admitted the previous plan did not show a lagoon.
 - Chairman Reuter asked if the lagoons on the commercial properties are located near roadways? Mr. Bohm said they are located all over.
 - Trustee Lyles clarified the type of system that Wags & Whiskers had installed along with the location of the system.
 - Village Planner Todd Streiler engaged in a brief discussion with the Board regarding the sewage system being used by Wags & Whiskers.
 - Trustee Cook asked Mr. Bohm about his resume and whether he was a licensed architect. Mr. Bohm stated he is not a licensed architect.
- Pete Snyder (2237 S. Konstanz Drive) stated in 1989 he first bought property in Innsbrook. Mr. Snyder stated he is a scientist with extensive work experience. Mr. Snyder explained that lagoons are the most effective method of waste management and the DNR permitted the Wags & Whiskers lagoon. Mr. Snyder further stated that lagoons can be found all over, including in Huntleigh Hills in St. Louis County and that lagoons do not diminish property values.
- Robin Woll (2450 Alpine Meadow) stated she had been following the Wags & Whiskers project and that she had visited the property to try and see the lagoon but could not even identify it. Ms. Woll stated that this would not create a precedent and asked the Board what Wags & Whiskers needed to do now? Ms. Woll stated that Wags & Whiskers has done everything legally expected of them and that the Board needed to approve the Amended Site Plan.
 - Trustee West responded to Ms. Woll's comments by asking if she was aware of all of the water usage associated with operating the animal shelter. Further, Trustee West raised a concern regarding the number of animals. Ms. Woll briefly responded regarding Wags & Whiskers compliance with DNR requirements.
- Father Bob Samson (145 Geneva Cove Drive) said that he has been part of the Innsbrook community for twenty-five (25) years, and he retired in August. Father Samson stated that he supports Wags & Whiskers. Father Samson said the Board had heard from a priest, a waste manage expert, a scientist, received a letter from Charlie, and all but two people had spoken in favor of the Wags & Whiskers project. Father Samson discussed how Wags & Whiskers had been willing to work on the placement of the well and seek a variance if needed. Father Samson stated Wags &

Whiskers has been given obstacles by the Board and the plan for the Village Hall had caused problems. Finally, Father Samson asked everyone to cooperate moving forward.

- Steve Gissy (2112 Meadow Creek Drive) stated he has heard about the what ifs but he was here to discuss the facts. Mr. Gissy explained that the Innsbrook Corporation supported the lagoon and that Wags & Whiskers can connect to the sewers in the future. Mr. Gissy finished his comments by stating there should be no issue with the Board moving forward with approval.
- Tracy Sator (154 Geneva Cove Drive) explained that she is the Board President for Wags & Whiskers. Ms. Sator further explained that Wags & Whiskers wants to end pet homeless and that they are already working on this goal through other programs and efforts. Ms. Sator stated that former Chairman Jeff Thomsen is in favor of the Wags & Whiskers project. Ms. Sator further stated that since the Village cannot provide sewer, requiring Wags & Whiskers to be on septic would be punitive. Ms. Sator reminded the Board that they have always followed Planning & Zoning recommendations and the Amended Site Plan has a positive recommendation from the Planning and Zoning Commission. Ms. Sator finished by saying there is no legal reason to delay.
 - Trustee Cook asked Ms. Sator about the conditions recommended by the Planning and Zoning Commission. A brief discussion ensued.
 - Chairman Reuter stated that the initial vote by the Planning and Zoning Commission was not to approve. Chairman Reuter further stated that Trustee Simon voted yes, but only to get the Wags & Whiskers project to the Board.
 - Trustee Simon stated that he voted “Aye” to get the project out of the Planning and Zoning Commission and that he was trying to find a solution to get this project accomplished.
- Mary DeBenedetti (2747 Tyrolean Way) stated she had been attending meetings in favor of the Amended Site plan for Wags & Whiskers and encouraged the Board to approve the application. Ms. DeBenedetti explained that the Board has heard from the experts, this project is approved by DNR, there are no regulations prohibiting this project, that no precedent would be set, and that this project received a positive recommendation from Planning and Zoning. Ms. DeBenedetti finished by discussing how there had been no guidance from the Village Planner and that property values were hurt by the stray animals running at large.
 - Trustee Lyles referenced the Petitions signed by hundreds of individuals in support of the Wags & Whiskers project. Ms. DeBenedetti stated people support the shelter.
- Taylor Erb (13260 State Hwy M) stated she is the secretary for Wags & Whiskers and that they too want to protect the Village from adverse effects. Ms. Erb explained that DNR permitted the system, that the experts all agree, there are no rules and regulations, no precedent would be created, and the Planning & Zoning recommends approval. Ms. Erb encouraged the Board to vote to approve the Amended Site Plan and to allow this project to move forward.
 - Chairman Reuter asked whether Wags & Whisker would be able to compromise on this project and generally questioned the financials associated with the various sewage treatment systems.
 - Trustee West stated she was concerned about the amount of water and cleaning that would need to occur for this system. A brief discussion ensued between Trustee West and the public regarding a three-acre requirement for lagoons.
- Mike Wally (2530 Alpine Trails Drive) stated that he would be repeating many of his comments from the Planning and Zoning meeting. Mr. Wally stated that he was previously a vocal opponent of Wags & Whiskers but changed his mind and decided to support the project after reviewing the facts and becoming more involved in the project. Mr. Wally asked the Board to set aside the mistakes and look at the facts. Mr. Wally encouraged the Board to update the code to address future concerns with lagoons and to rely on the experts and DNR with respect to the Wags & Whiskers property. Mr. Wally also identified that the Board always votes with Planning and Zoning Commission’s recommendation and that this should be no different. Mr. Wally finished by saying he analyzed the data along with the revised Amended Site Plan and this project should be approved.

- Kathy Canton (42 Lionshead) identified herself as the Vice President of Wags & Whiskers. Ms. Canton stated she has reviewed the DNR facility report and addressed concerns raised by the Board regarding the number of animals. Ms. Canton further stated that the water flow was determined by engineers and that DNR had responded to the Village Attorney's letter. Ms. Canton explained that Wags & Whiskers had considered subsurface systems, but septic does not work well with animal hair. Ms. Canton referenced the Petitions which had been received by the Board. Ms. Canton finished by asking the Board to trust the experts, end the delays, and approve the Amended Site Plan.
- Cheri Joyce stated she does not appreciate the personal attacks by Mr. Kauble. Ms. Joyce further stated that she did not appreciate Chairman Reuter shaking Mr. Kauble's hand after his public comments attacking Commissioner Joyce. Mr. Reuter responded that he was shaking Mr. Kauble's hand due to Mr. Kauble initiating the handshake and that Chairman Reuter was willing to shake hands with any of the speakers. Ms. Joyce explained that the Planning and Zoning Commission made a second motion because they wanted to approve the project with conditions. Ms. Joyce stated the Board was looking for ways to deny the vote taken by the Planning and Zoning Commission and that DNR had already approved the lagoon. Finally, Ms. Joyce stated that the precedent issue had been discussed at length, the experts agree, and every request that the Village has made has been met. Ms. Joyce asked the Board to vote to approve.
- Denise Chachere stated she cannot add much more to what had already been said, but stated she is a monthly donor and encourages the Board to vote yes for the project.
- Tracy Muse identified himself as the property owner across the street from Wags & Whiskers. Mr. Muse stated that the Board had engaged in corruption, accused Commissioner Joyce of having a conflict of interest with the Wags & Whiskers project, and threatened legal action against the Board.
- Ted Sator explained that he was a former trustee of the Board for the Village and that he was in support of the project. Mr. Sator referenced communications from Charlie Boyce in support of the project. Mr. Sator said that C&C Boat Storage, the property owners for the property immediately west of the Wags & Whiskers property, supports the Village approving the Wags & Whiskers project. Finally, Mr. Sator said that Planning and Zoning recommended approval and the Board should vote to approve the project as well.
- Mike Canton (Wags & Whiskers Representative) stated that he was there to speak on behalf of Wags & Whiskers. Mr. Canton explained that Paul Ganey, the engineer on the project, was available on Facetime. Mr. Canton stated that the purpose of the Board is to consider the Amended Site Plan, the location of well, the location of lagoon, the fact that it was a non-discharge pump and haul, the fact that the property was adequately screened, and the conditions discussed at the Planning and Zoning meeting. Mr. Canton further stated DNR has approved the lagoon, the spacing is approved, the Village Hall's engineers were okay with the locations, and Flynn Drilling was confident that the well could be moved to satisfy the setbacks.
- Paul Ganey stated that he has become an expert with animal shelter sewage systems and that drip systems fail, require constant maintenance, and the pump systems don't work. Mr. Ganey further stated that DNR approved the lagoon and that this was the correct type of system, in the optimal location, and that other locations would require pumps and other equipment that would be prone to failure if the lagoon were moved.
 - Trustee West explained that she was concerned with landscaping affecting the rate of evaporation for the lagoon as well as the landscaping preventing access to the lagoon by a pump and haul truck. Mr. Ganey responded that this is a pump and haul lagoon, so it is designed for truck access and Wags & Whiskers would not be relying solely on evaporation to keep the water level down. Mr. Ganey further stated that storage tanks are expensive and do not allow for any evaporation, resulting in more frequent pump and haul trips and much higher costs for Wags & Whiskers. Sarah Davis (Wags & Whiskers Legal Counsel) referenced the cost of the storage tank. Mr. Ganey further stated that there was different

monitoring equipment which required electricity if Wags & Whiskers were using an underground storage tank, which was more difficult and costly. Ms. Davis explained that the kennels would be cleaned with water and this was a large source of water going into the system. Mr. Canton explained that the hair going into the tank was why a drip system was not feasible.

- Trustee Lyles asked about how the water level would be measured for the lagoon. Mr. Ganey explained that there was a permanent measuring device installed with the lagoon.
- Ms. Davis asked Mr. Ganey to clarify why the animal hair presented a problem for other types of sewage systems. Mr. Ganey explained that the soil is not suitable for conventional systems and only suitable for drip systems, but animal hair doesn't work with drip systems and the relatively high clay content prevents using a drip system.
- Ms. Davis stated that Wags & Whiskers had not tried to circumvent the previous plan and/or process by installing the lagoon and that they were trying to reach a solution. Ms. Davis referenced the record that had been submitted to the Board along with the expert opinions which had been provided. Ms. Davis explained the standards to use in deciding to approve or disapprove the Amended Site Plan could be found in the Village Code. Ms. Davis formally submitted a packet of information for the record which contained seventeen (17) exhibits. Ms. Davis stated that if the Board decision is not based on record or was arbitrary or capricious, a court will overturn the Board's decision. Ms. Davis further explained that the Board must review the standards in the Village Code and based on the record, the agreed upon conditions, the DNR approval of the lagoon, and the fact that this will not endanger public health, safety or welfare, vote to approve the application for the Amended Site Plan. Ms. Davis argued the lagoon will not be injurious to public health, safety, or welfare and that the DNR had already granted exemptions for the operation and construction of the lagoon. Ms. Davis generally explained how she believed each criteria from the Village's Code had been met by Wags & Whiskers for approval of the Amended Site Plan. Ms. Davis reiterated that the lagoon is the furthest west it can be, no written protests have been received, and the Amended Site Plan conforms to the Village's regulations. Ms. Davis stated that the plain language of the Code does not prevent the lagoon and that Appendix A does not apply. Finally, Ms. Davis explained DNR had approved the exemption, the comprehensive plan does not address sewage systems, the zoning map has not been updated, precedent would not be created, and the Amended Site Plan had received a positive recommendation. [Applicants were provided with more than thirty (30) minutes to make their presentation to the Board].
 - Trustee Lyles explained that he needed to review the seventeen (17) exhibits submitted by the applicants and that he needed more time to consider everything he had heard.
- The public hearing was closed.

PUBLIC COMMENTS/GUEST SPEAKERS

- Colleen Starkloff. Ms. Starkloff stated that not everyone present had spoken but everyone present was there to support the Wags & Whiskers project.

PLANNING AND ZONING RECOMMENDATION

Chairman Huddleston explained that the Planning and Zoning Commission had taken two (2) votes, the first to not recommend approval, the second to recommend approval with conditions. Mr. Huddleston stated that he had felt blindsided by the second vote and did not feel like the Commission had taken adequate time to deliberate. Mr. Huddleston reported the Planning and Zoning Commission recommended the Board approve the Amended Site Plan with two conditions: (1) Wags & Whiskers shall connect to a public wastewater collection system within twelve (12) months of said system being installed (the lagoon shall then be eliminated in accordance with the applicable requirements); and (2) Wags & Whiskers shall obtain a variance/waiver from the DNR regarding the separation requirements between their proposed well and the proposed septic field proposed for the Village Hall.

- Chairman Reuter questioned whether the Planning and Zoning Commission had actually recommended approval in light of Trustee Simon explaining the reason for his vote and his intent behind his vote. Trustee Simon confirmed that he did not approve the project.
- Mr. Bruns informed the Board that, regardless of Trustee Simon's explanation for his vote, the recommendation before the Board was a recommendation from the Planning and Zoning Commission for approval with conditions. Mr. Streiler explained the conditions that had been part of the Planning and Zoning Commission's approval.
- Mr. Canton asked whether discussion on the Amended Site Plan was permitted. Mr. Bruns responded affirmatively that the Board could engage in discussion on the Amended Site Plan.
- Trustee West asked if future owners of the property will be able to use the lagoon. Mr. Streiler said yes, the approval for the lagoon would continue to run with the land.

A motion was made by Trustee West, seconded by John Simon, to table a vote on the Amended Site Plan until the Board of Trustee's May meeting to allow the Board to review the record. Chairman Reuter yielded the floor for debate. Trustee Lyles stated there are three (3) issues: (1) the well issue; (2) the location of the lagoon; and (3) the effect of approving this Amended Site Plan on impeding other developments. Mr. Canton explained that the well could be moved and that these concerns were addressed by the conditions from the Planning and Zoning Commission. Brief discussion ensued. By roll call vote, Trustee Cook "Aye"; Trustee West "Aye"; Trustee Simon "Aye"; Chairman Reuther "Aye" and Trustee Lyles "Nay".

- Chairman Reuter explained the Board would not be voting on the Amended Site Plan and that the Board was going to be fair and objective in its review of everything that had been submitted.
- Mr. Bruns addressed dissent from the crowd by stating that the Board had explained they needed time to review everything.

ADMINISTRATOR'S REPORT

- None at this time.

VILLAGE PLANNER REPORT

Mr. Streiler explained that he was in the process of reviewing site plans that had been submitted to the Village. Mr. Streiler confirmed that he had signature authority to process the submitted site plans.

UNFINISHED BUSINESS

The Board briefly discussed how there had been minor adjustments to the proposed floor plan for the Village Hall building and that Cochran was still working on the plans.

NEW BUSINESS

None at this time.

BOARD OF TRUSTEES ANNOUNCEMENTS:

Trustee West spoke briefly about the most recent Booneslick Regional Planning Commission meeting, grant opportunity, and the Hwy. 47 recycle center.

OPEN FORUM:

None at this time.

ADJOURNMENT

Trustee Cook made a motion to adjourn, seconded by Trustee West. By voice vote, all Trustees present voted "Aye". The motion passed and was approved with a 5 "Aye", 0 "Nye", 0 "Abstain" vote. The meeting was adjourned at 7:53 P.M. (CDT).