



VILLAGE OF INNSBROOK
BOARD OF TRUSTEES MEETING MINUTES
Innsbrook Village Hall
1835 Highway F, Innsbrook, MO 63390
Tuesday, January 10, 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: December 13, 2022
- 7) CHAIRMAN'S REPORT/APPOINTMENTS
- 8) DEPARTMENT/COMMITTEE REPORTS:
 - a. Financial Reports - December 2022
 - i. Bills of The Month
 - b. Administrator's Report
 - i. Quarterly Building Permit Report
 - c. University of Missouri Extension Council
 - d. Planning & Zoning Commission
 - i. Rezone Application - Overland Group LLC; 2.60 Acres
- 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]
- 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, January 10, 2023 regular meeting of the Village of Innsbrook Board of Trustees was held 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, Mike Wally, Virgal Woolfolk, Jolynn Hambach - MU Extension and Tyler Hall - MU Extension. 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, Bret [Unknown], and Tracy Angell.

ADOPTION OF AGENDA

Motioned by Trustee Sator, seconded by Trustee West, to adopt the agenda. All Trustees present voted "Yea". Motion passed and approved with a 5 "Yea", 0 "Nay", 0 Abstain vote.

PUBLIC COMMENTS

Virgal Woolfolk introduced Jolynn Hambach and Tyler Hall with the Missouri University Extension Council. They spoke to the Trustees about programs and classes the Extension Center offers.

Charlie Boyce submitted a letter to the Trustees to enter into the record, and stated the following: On behalf of the Innsbrook Estates Home Owners Association we provide this statement of opposition of the approval of Bill No. 329. In addition to all previous comments of dissent provided to the Village Planning and Zoning Commission and the Board of Trustees, the following is to be included. "As no adjacent property exists that is currently zoned commercially within the Village of Innsbrook, adoption of Bill No. 329 would cause, by definition, "spot zoning" to occur. Missouri case law prohibits spot zoning to occur when zoning the property in question has been found objectionable by the citizens of its community and creates more public harm than private detriment to the applicant. With consult from our land use counsel, Donald K. Anderson, who was instrumental in the incorporation and establishment of the Ordinances of the Village of Innsbrook, we are in agreement that the Village Board of Trustees cannot legally vote in favor of Bill No. 329." Chairman Thomsen questioned Charlie Boyce if he has a census to how many people are behind him in support of this letter. To which Charlie Boyce stated that he has offered in the past to do a survey of the people. Chairman Thomsen stated that it would help to have something more concrete. Trustee West questioned if this letter has been submitted to the Village Attorney for review. Charlie Boyce stated that the letter is currently being submitted. Village Attorney Nathan Bruns stated that he would be more than happy to review the letter that has been submitted and it might be helpful to hold an Executive Session for legal counsel prior to the February meeting. The Village Attorney has been very involved in the entire process going through Planning and Zoning and this is not the first time spot zoning has been mentioned. Trustee Reuter stated that he is an Attorney and has served on the Planning and Zoning of St. Louis County and feels like this is being rushed to the Trustees prematurely and more information is needed to understand what the legalities are. Trustee Reuter has looked at the Missouri enabling statutes and there are footnotes with case law that needs to be discussed with the Village Attorney. One of the cases referenced what Mr. Boyce has mentioned in his letter submitted tonight about spot zoning. These issues should not be discussed in public due to potential litigation issues. Trustee Reuter motioned to postpone any further consideration of this application indefinitely so that we have an opportunity to speak with the Village Attorney in Executive Session. Motion seconded by Trustee Sator. Cory Collins, legal counsel for the applicant, stated that this matter has been pending for an extended period of time, there's no rush going on, it's been tabled and council has been involved for a period of time, and would like to reflect on record that they object to continuing to delay this. They have been delayed significantly and Nathan Bruns can explain to the Board spot zoning, but spot zoning would mean that there would never be a change in zoning with the theory presented tonight would mean nothing around it is commercial so nothing could ever be commercial. However this commercial zoning is in the Village Comprehensive Plan, Overland Group has met all requirements and at this point it is a ministerial act which doesn't need another two months to think about. Cory Collins objects to the motion. Chairman Thomsen apologized to Cory Collins stating that he did not know he was in attendance and didn't mean to overlook him. Chairman Thomsen thanked Cory Collins for his comments and will take them into consideration, but the Trustees need a little time to discuss with the Village Attorney before moving forward with this and not doing anything to just delay. Trustee Reuter called the question according to Village Ordinance No. 5, the motion should proceed without debate. Nathan Bruns recommended the Trustees wait to take the vote up until they get to this on the Agenda as this is an agenda item. Trustee Reuter stated that he has made a motion and call the question. Mike Wally asked Chairman Thomsen if the Trustees wanted to know how the Planning and Zoning Commission came to their decision. Chairman Thomsen stated that eventually they will but right now they need more time. Trustee Sator requested clarification on what the Board of Trustees is voting on. Trustee Reuter stated that he made a motion to postpone any further discussion of the application for rezone indefinitely in accordance with rule seven of Ordinance No. 5. It's motioned that if may shall be put to a vote without debate. With this being a legal issue this is something that should not be discussed in public and should be discussed in executive session. Trustee West wanted to clarify that she herself has not met with any legal counsel and until the Trustees can do that she does not feel comfortable. Chairman Thomsen called the vote. 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. Chairman Thomsen stated that after meeting with the Village Attorney this issue will be brought up at the February meeting.

APPROVAL OF MINUTES

Motioned by Trustee Sator, seconded by Trustee Reuter to approve the December 13, 2022 regular 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 December 2022 financial reports and the bills of the month were distributed and viewed by all Trustees in attendance. Trustee Cook requested to see the Profit and Loss year-to-date comparison in addition to the month -to- month comparison. These records will be sent to Trustee Cook. 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 January 16, 2023 in observation of Martin Luther King Jr. Day.
 - 151 Village business permits have been issued to date.
 - i. Quarterly Building Permit Report - 20 building permits were issued for the fourth quarter 2022, broken down as follows: 10 new construction, 4 storage buildings, 5 additions and 1 docks/decks. This makes a total of 104 permits for the year 2022. 50 of those were new construction. This is an increase from the 86 total permits issued in 2021.
- c. University of Missouri Extension Council Update - Virgal Woolfolk spoke during Public Comments.
- d. Planning and Zoning Commission - The Commission held a meeting on January 4, 2023.
 - i. Rezone Application; Overland Group LLC; 2.60 Acres - Commissioner Mike Wally spoke to the Trustees about how the Planning and Zoning Commission made their decision to recommend approval of the Rezone Application from Overland Group. The Commission postponed the topic two times and had three meetings on this including one executive session to obtain legal advice with the Village Attorney. All public input and Charlie Boyce's input was considered, however the Commission's task is to make sure the application meets all the requirements of the Village Ordinances and Regulations, including the Comprehensive Plan. Five areas were addressed and discussed. The first was, did the application meet the requirements outlined in the Villages Comprehensive Plan for future development. Yes, it did, its marked on the future development map as Commercial Highway. The second was, did it meet the five acre minimum for redistricting. This was not used for the new Village Hall property or the Animal Shelter property, so the legal counsel stated that this is a district minimum and not a lot minimum, which would not apply here. Trustee Reuter objected to discuss anything legal counsel has advised on this topic, due to attorney client privilege. Trustee Reuter expressed his concerns due to a Sunshine Request that was submitted to the Village from Husch Blackwell which he believes sends up a flag, and the Trustees need to be very cautious making public comments. Mike Wally stated that this was all discussed during an open meeting. Nathan Bruns stated that what they recommended to Planning and Zoning was the two acre lot minimum is the relevant number we are looking at to determine the rezone, which this area meets. Mike Wally continued, the third was did it meet the two acre minimum requirement, to which the answer is yes. The fourth was, does it meet our Transportation Plan requirements. The Village has a plan for a future round-a-bout at that intersection. That information was submitted to Overland Group. Overland Group then conferred with MoDOT to provide space for this at a future date. This information was then submitted to the Village. The application does meet the Transportation Plan. The fifth was, did this meet the 30' triangle line of site for a safe four way intersection, which it does. Those regulations were part of the decision making process the Planning and Zoning Commission considered when they voted to recommend approval to the Board of Trustees, with a 5 yes to 1 no vote. Trustee West questioned that if a round-a-bout was constructed at the intersection would this allow for enough space for the corner property. Mike Wally stated that the information that was provided to the Village allowed space. Virgal Woolfolk stated that he butted heads with the Village Attorney in regards to the traffic study and a Federal law regarding the local impact. This should be looked into when updating our Comprehensive Plan in the future. Trustee Reuter stated that he believes the Planning and Zoning Commission did their work on this, but has an issue with the interpretation of the Comprehensive Plan. That land is and has always been agricultural. There is indication that in the Comprehensive Plan at some point and time it would appropriate to rezone this area commercial. It doesn't mean that it has to be zoned commercial now. The Village is in its infancy stages so he believes the Commission went too much by the Comprehensive Plan's indication that it would be commercial at some point and time. Also, does not believe that precedence was set when the Village Hall and Animal Shelter properties were rezoned commercial. Cory Collins stated that the Comprehensive Plan is the Village's plan and there is a set number of requirements which have all been met

by Overland Group. This approval is ministerial at this point. Multiple inaccuracies are being discussed, however the five acres refers to a district and that is not applicable here. The two acre minimum requirement has been met as well as every other requirement the Planning and Zoning Commission has set forth. This is for a rezone, not whether or not the Village wants a Dollar General and trying to stop something for happening because you don't like the use, is improper. Trustee Reuter took objection to the comment that he has a preconceived feeling that Dollar General is the issue, and that is not the case. Chairman Thomsen was asked to rule that no further discussion be held on this topic. Nathan Bruns suggested that we look into this further after the Trustees have had an executive session regarding these legal issues. The same advice will be provided to the Trustees as has been provided to the Planning and Zoning Commission. This will allow for a productive discussion at the February meeting to hopefully move this forward. Chairman Thomsen questioned if the Overland Group owns this property at this time, to which it was stated by Jacob Stauffer that Overland Group has a purchase contract on this piece of property.

UNFINISHED BUSINESS:

- a. Village Administration Building
 - i. Loan Proposal/Application [USDA Rural Development] - All necessary paperwork had been submitted to Bridgette Sanssegraw with the USDA. Michael Hartman will no longer be our contact as he has moved to a new position.
- b. Broadband Infrastructure - Trustee West stated that the state mapping area submission time is closed. On this map it shows that there is not broadband in portions of the Village. This has to do with matching grant funding and stimulus money, and something she believes the Village really needs to look into. Boonslick had some input on it and an opportunity shouldn't be missed if there is one.

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.** Postponed.

BOARD OF TRUSTEES COMMENTS

No comments at this time.

OPEN FORUM

None at this time.

VOTE TO ADJOURN

Motioned by Trustee Sator, seconded by Trustee Reuter, 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 5:52 PM.

I hereby certify that these are the original minutes of the regular meeting of the Board of Trustees held on Tuesday, January 10, 2022.

Carla Ayala, Village Administrator/Clerk

Date Minutes Approved: 02/14/2023

Donna West
 Donna West,
 Village Board Clerk

Carla Ayala
 Attest: Carla Ayala
 Village Administrator/Clerk

