

CITY OF FENTON, MISSOURI
625 NEW SMIZER MILL ROAD
FENTON, MISSOURI 63026

BOARD OF ADJUSTMENT
MINUTES OF MEETING
February 3, 2020 - 6:00 p.m.

BOARD MEMBERS:

Gary Wiseman, Chairperson (May 2022)
Gary Siebert, Vice-Chairperson (May 2023)
Carl Brandt (May 2022)
Bruce Rogers (May 2021)
Vacant Seat (May 2024)

ALTERNATE BOARD MEMBERS:

Susan Phillips-Pigg (May 2023)
Ken Karpowicz (May 2020)
Jill Adkisson (May 2022)

CALL TO ORDER:

Vice-Chairperson Siebert called the Board of Adjustment meeting of the City of Fenton, St. Louis County, Missouri, to order on Monday, February 3, 2020 at 6:00 p.m. The meeting was held in City Hall.

PLEDGE OF ALLEGIANCE:

All attendees recited the Pledge of Allegiance.

ROLL CALL:

Chairperson Wiseman	Absent
Vice-Chairperson Siebert	Present
Member Brandt	Present
Member Rogers	Present
Alternate Member Adkisson	Present
Alternate Member Phillips-Pigg	Present

Chairperson Wiseman was excused from the meeting.

OTHERS PRESENT:

Alderman Maurath
Alderman Wisbrock
Nikki Finkbiner, City Administrator
Erin Seele, City Attorney
Amy Starck, City Planner
Christine Dorough, Permit Coordinator

THIS SPECIAL MEETING IS BEING CALLED FOR:

Consideration of authorizing the Board of Adjustment Chairman to execute a Joint Motion for Entry of Final Consent Judgement regarding the City of Fenton Board of Aldermen versus the City of Fenton Board of Adjustment case, which will deem Board of Adjustment Case 2019-V-08 vacated, nullified and of no legal effect.

Vice Chairperson asked City Attorney, Erin Seele, to elaborate and clarify what this action would result in. She reminded the Board of the approved variance being challenged by the Board of Aldermen through a legal appeal. Subsequently, after discussion through both party's legal counsel, a decision by KP Development, LLC, d/b/a US Capital Development, LLC was made to build utility infrastructure underground in accordance with the Code. With this being the case, the Cause of Action can be dismissed. The Board of Alderman had previously made a unanimous decision to dismiss the case and now it was coming before the Board of Adjustment for their vote. Having both party's approval for the execution of the Joint Motion renders the variance approval null-and-void.

After brief discussion, a motion was made by Member Carl Brandt to authorize the vice-chairperson to execute Joint Motion. It was seconded by Member Bruce Rodgers. The motion was approved by roll call vote as follows:

Roll Call:

Vice-Chairperson Siebert	Aye
Member Brandt	Aye
Member Rogers	Aye
Alternate Member Adkisson	Aye
Alternate Member Phillips-Pigg	Aye

ADJOURNMENT:

A motion to adjourn was made by Member Rogers and seconded by Alternate Member Phillips-Pigg. The motion was approved by roll call vote as follows:

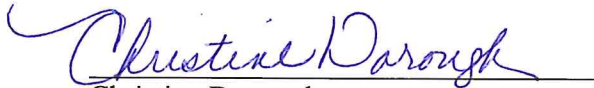
Roll Call:

Chairperson Siebert	Aye
Member Brandt	Aye
Member Rogers	Aye
Alternate Member Adkisson	Aye
Alternate Member Phillips-Pigg	Aye

5 Ayes; 0 Nays Motion APPROVED.

The meeting was adjourned at 6:09 P.M.

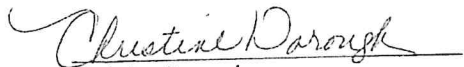
Respectfully submitted,



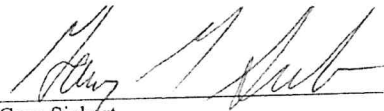
Christine Dorough
Community Development Department
City of Fenton, Missouri

Gary Siebert
Vice-Chairperson
Board of Adjustment

Respectfully submitted,



Christine Dorough
Community Development Department
City of Fenton, Missouri



Gary Siebert
Vice-Chairperson
Board of Adjustment