

## **Westphalia Board of Aldermen Meeting Minutes for April 30, 2024**

The Westphalia Board of Aldermen meeting was called to order by Mayor Tammy Massman. Roll call was taken. Aldermen present were Aldermen Delbert Wieberg, Stanley Heckman, Jake Plassmeyer and Caitlin Berhorst. Also present at the meeting were Board of Adjustment members: Dylan Drennen, Ashley Ryan and Travis Massman; Dougg Stultz-City Attorney of Schreimann, Rackers & Francka; Curtis Wheat-sewer operator of Mid MO Operations; UD reporter-Theresa Brandt; Variance applicant-Sam Barnhart; and other attendees in the gallery.

The first order of business was the administration of the Oaths of Office for newly elected board members-Aldermen Stanley Heckman and Caitlin Berhorst as recorded as the official results for the April 2nd election.

Next, Mayor Massman acknowledged plans for a public hearing to address a Variance application received. The public hearing was then held. Documented meeting minutes for the public hearing are provided separately.

The regular monthly meeting resumed with a review of the meeting minutes from the March monthly meeting. A motion was made by Alderman Stanley Heckman and was seconded by Alderman Jake Plassmeyer, to approve the March monthly meeting minutes. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes. Alderman Caitlin Berhorst abstained, given this evening is first meeting in attendance.

The April monthly expense report was reviewed. The city expenses note the amount of \$4,217.77, sewer system expenses in the amount of \$6,397.05, ARPA expenses in the amount of \$0.00, special road district expenses in the amount of \$384.40. City receipts in the amount of \$11,546.71, sewer system receipts in the amount of \$8,620.34, and special road district receipts in the amount of \$161.91. Total city checking account balance of \$180,000.46, total sewer system checking account balance of \$76,311.74, total special road district checking account balance of \$104,008.14, ARPA checking account balance of \$54,513.37 and total special road district savings account balance of \$5,121.65. Total city CDs in the amount of \$449,935.15, total sewer system CDs in the amount of \$535,089.18, and total special road district CDs in the amount of \$538,781.33. A motion was made by Alderman Delbert Wieberg, and was seconded by Alderman Stanley Heckman to approve the April monthly expense report. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Caitlin Berhorst-yes.

The Variance Appeal was next on the agenda. Mayor Massman again acknowledged that the city had received a variance application had been submitted by Sam and Leslie Barnhart requesting the allowance for establishment of a businesses; Huntline Hotel LLC dba Westphalia Inn hosting multiple services (a coffee shop, restaurant, lodging rooms and event space rentals) within a non-conforming building located at 106 East Main Street, Westphalia, MO currently zoned as C-1, commercial district. The application had been forwarded to the Board of Adjustments members, who have reviewed it and held just prior to this meeting, a public hearing to identify any public concerns or comments. At the close of the public hearing, the Board of Adjustment members submitted recommendations/conditions to be vetted by the Board of Alderman, for the passage of the variance with those conditions attached. Mayor Massman read the conditions to be vetted aloud.

Alderman Heckman questioned Barnhart if the business had already been open and running. Barnhart indicated that the had people come and stay to give us feedback to find out if we were ready to open, and that they had an internal opening of the coffee shop to test equipment, but that they had not had a single monetary transaction occur.

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Attorney Stultz pointed out that as per the business's website, there is indication for a brewery to exist. Stultz voiced that the variance being considered does not give the business permission to operate a brewery. A brewery is not an approved use and noted that additional applications relative to zoning and variance would be required to be submitted. Stultz advised Barnhart to have the indication of a brewery removed from the website.

Clarifications to the language for the conditions attached to the variance were made and a motion was made by Alderman Stanley Heckman, seconded by Alderman Delbert Wieberg to approve the variance with the inclusion of the now vetted requirements/conditions previously outlined by the Board of Adjustment members. Alderman votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Caitlin Berhorst-yes.

Approved Variance Conditions/Requirements as per the Westphalia Board of Aldermen are as follows:

1. That the Huntline Hotel LLC, dba Westphalia Inn has identified services being rendered to include ONLY a restaurant, coffee shop, lodging rooms and event space rentals, with a total occupancy of 100 or less patrons, is identified and is accepted as permitted services within the building located at 106 East Main Street, Westphalia, MO;
2. That it is not reasonable nor considerable to alter the existence of the building in order to comply with required Planning and Zoning Code setbacks, thus the building structure itself, is accepted to be grandfathered as a permitted non-conforming structure. It is further noted that if any attached structures to the building, such as porches or decks are modified or removed that Planning and Zoning setback codes would be required to be adhered to, aside of ongoing repair and maintenance responsibilities for the existing structures. Changes or modifications to porches or decks that do not adhere to setback requirements will require a separate variance;
3. That 28 off-street parking spaces are required, deemed reasonable and are accepted for the identified total patron occupancy up to 100 patrons. Signage reflecting the availability of these additional off-street parking spaces denoted for the Westphalia Inn parking, is required to be posted. Additional lighting sources for said off-street parking areas/spaces are recommended to be in place to address public safety and liability concerns, but are not a requirement by the city;
4. That the requirements as per the Planning and Zoning code, for a hard surface parking area (concrete or asphalt) is preferred. A compacted chatted area will be accepted. Applicant- Huntline Hotel LLC dba Westphalia Inn states that the parking area will be covered with asphalt;
5. That an application for a city business license shall be completed and rendered by the City of Westphalia, prior to the initiation of sales, providing all required documents as applicable for the business are remitted alongside the licensing fee to the city clerk. A provisional license will be granted interim, until all provisions of the Variance conditions/requirements are satisfied. Business licensing renewals each year shall only be granted if conditions/requirements of the Variance remain in compliance;
6. That the Variance shall remain in effect only for the said applicant, Huntline Hotel LLC dba Westphalia Inn and only at the property location of 106 East Main Street, Westphalia, MO. Upon the sale of the property or transfer of ownership, the subject Variance will become null and void.

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Mayor Massman noted that Huntline Hotel LLC dba Westphalia Inn has submitted a completed business license and it has been reviewed and noted to have all required supporting licenses and documents. Variance conditions will be attached to the business license and later validated for compliance.

The sewer system report was next on the agenda. Mayor Massman acknowledged that a report was submitted by Mid MO Operations. Sewer operator-Curtis Wheat reported to the council that the plant and lift stations are all running without issues. Soil, sludge and second quarter samples were all collected. Sludge is anticipated to be hauled by Mid Mo Environmental once weather allows. The UV lights have been installed and turned on. Operators have noted that some bulbs or a ballast may need to be replaced. Operators will alert Mayor Massman if the cost is substantial. Mayor Massman noted an invoice had not yet been received from Schaefer Electric for repairs to the dusk to dawn light and questioned if operators had noticed it was repaired. Wheat noted he has only been down during daylight hours, so could not speak to repairs. Mayor Massman reported that 1<sup>st</sup> quarter reports were submitted and accepted by DNR. ARPA annual reports were additionally prepared and submitted by Mayor Massman. Alderman Wieberg noted that as he was continuing to solicit bids from contractors for replacements of the air header manifolds, he has discussed an alternative option with sewer operators to replace the aerator at the wastewater plant with a new one made of stainless steel, adding a diffuser to the outside of the plant.

Alderman Wieberg voiced concerns that with the recent issues in connecting utility services for the Westphalia Inn that, he would recommend that the city be part of the Missouri 811 utility locate system. Mayor Massman noted that the city has been contacted in the past with some requests for locates, but had not prior to the work being done for the Westphalia Inn, noting the city is then at the mercy of the individual property owner or contractors performing work to be diligent with calling for locates prior to work. The city does not have an ordinance requiring a permit prior to work. Massman reiterated that the city was not contacted by anyone or by correspondence for sewer connection locates or for the locations of other fiberoptic locations within the city prior to the work being performed at the Westphalia Inn. Alderman Wieberg volunteered to look into seeing what would be required for the city to be a member of the Missouri 811 system, if not already connected. Alderman Wieberg additionally volunteered to assist with sewer locates for the city as requests arise.

Mayor Massman next reported that a representative from Westphalia Hills Retirement Center has contacted the city to inform of plans for the 2024 Independence Day Celebration which is planned for June 28, 2024, beginning at 5:00 p.m. The Retirement Center has requested permission to have its traditional fireworks display in the city limits of Westphalia at dark. A motion was made by Alderman Delbert Wieberg, seconded by Alderman Stanley Heckman, to approve the fireworks display utilizing discretion for public safety if burn warnings or dry conditions are present. No alternate date was provided. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Caitlin Berhorst-yes. Mayor Massman will forward a correspondence to the facility noting the approval for a fireworks display.

Next, in other business, housekeeping topics were addressed. Mayor Massman reported that all business licenses have been paid. Penalty fees were applied to licenses that were not paid prior to expiration.

Mayor Massman shared that survey markers are noted to be in place at the Senior Housing Complex. A report on the findings and final markings is still pending from Central Mo Professional Services.

Alderman Stanley Heckman questioned if the bid processes were underway for road work projects. Mayor

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Massman noted that she has been in contact with contractors and was hopeful to have bids collected for presentation and approval during the May meeting. Off street areas for concrete and gutter work identified by the council for improvements were discussed again for priority included an area of Main Street at the intersection of Main Street and Maries Avenue, a section of Linn Street and the current off street parking area below the Millard Funeral Home, and Maries Avenue stretching from Main Street to Hwy 63 for off street/gutter repairs.

The next city meeting date was set for Tuesday, May 28, 2024 at 6:00 p.m. at City Hall.

A motion to adjourn the regular meeting was made by Alderman Jake Plassmeyer and seconded by Alderman Caitlin Berhorst. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Caitlin Berhorst-yes.