

## **Westphalia Board of Aldermen Meeting Minutes for April 25, 2023**

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 Lori Asel. Others present at the meeting were Aaron Lachowicz of Mid Mo Operations, and Theresa Brandt-UD reporter.

The first order of business was the administration of the Oaths of Office for newly elected board members- Mayor Tammy Massman and Aldermen Delbert Wieberg, Stanley Heckman and Jake Plassmeyer as recorded as the official results for the April 4<sup>th</sup> election.

The meeting minutes from the March monthly meeting were reviewed. A motion was made by Alderman Stanley Heckman and was seconded by Alderman Delbert Wieberg, to approve the March monthly minutes. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes.

The April monthly expense report was reviewed. The city expenses note the amount of \$2,118.70, sewer system expenses in the amount of \$6,562.56, special road district expenses in the amount of \$2,863.16. City receipts in the amount of \$10,091.11, sewer system receipts in the amount of \$8,500.15, and special road district receipts in the amount of \$44.95. Total city checking account balance of \$175,153.94, total sewer system checking account balance of \$60,432.43, total special road district checking account balance of \$55,849.66, and total special road district savings account balance of \$5,114.48. Total city CDs in the amount of \$440,910.78, total sewer system CDs in the amount of \$523,913.33, and total special road district CDs in the amount of \$524,727.55. A motion was made by Alderman Stanley Heckman, and was seconded by Alderman Delbert Wieberg to approve the April monthly expense report. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes.

The sewer system report was next on the agenda. Mayor Massman acknowledged that a report was submitted by Mid MO Operations. Sewer operator-Aaron Lachowicz reported to the council that 1<sup>st</sup> quarter samples had all been collected, reviewed, and tabulated. All were within normal limits and a report was prepared for DNR submission. Mayor Massman acknowledged that the data was provided to her and that the EDMR was submitted and accepted with no issues. Sludge has been removed. The last of the sludge hauling was completed today by Shawn York-Mid Mo Environmental. Lachowicz continued his report identifying some repairs/maintenance issues. Operators are continuing to work on gathering pricing from Trojan to replace a bolster that is out on one of the UV lamps. Lachowicz noted that the check valve on one of the blowers was sticking and will need to be replaced. Pricing information is being gathered. Lachowicz recommends replacing the check valve as soon as possible so that the blowers can continue to be on a weekly rotation cycle of use. Lachowicz continued voicing that some of the next repairs to be discussed could be considered for use of ARPA funding. The decant line in the basin is inoperable and has major deterioration. The decant line was explained to pull the clean water out of the sludge holding basin. The brackets were corroded and have fallen off. This was discovered following removal of the sludge. A welder will need to be contracted by the city to replace the two brackets as operators are not able to perform welding repairs. It was recommended to have these repairs completed also as soon as possible while the basin is empty. Operators have secured the line temporarily with ratchet straps. Another item operators are working on is obtaining pricing on a splitter box for the RAS (return and waste) box. It helps to regulate flow. Also, as previously discussed in other meetings, the air headers and diffusers will need repairs. The blower piping is also in need of some repair work. Lachowicz recommended the replacement materials consist of stainless steel, as it would last much longer if costs are not out of reach verses a heavy metal material like what is currently in place. Operators will continue to search out pricing information and assist with coordination of efforts for the repairs.

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Mayor Massman noted that the annual reporting requirements for ARPA, period ending March 31, 2023 have been completed and submitted. The new cycle has begun April 1, so utilization of use of all ARPA funding within one reporting cycle would be favorable. Mayor Massman encouraged Mid MO Operations and the council to consider proceeding with sewer projects at this time in order to have them completed prior to the close of the next ARPA reporting due date of March 31, 2024.

Alderman Delbert Wieberg reported that he has used the last of the spare risers while ongoing repairs were completed this month on the other manholes. Alderman Wieberg reported that a 12" riser is estimated to be about \$120.00 each, 6" risers were about \$60-\$70 each, and a box of mastic (tar strip) is approximately \$8.00 a box. Alderman Wieberg made a motion to purchase 3-12" risers, 3-6" risers and 2 boxes of mastic to have on hand as other manhole repairs continue. An anticipated cost for all materials is estimated at \$600-\$700.00. The motion was seconded by Alderman Stanley Heckman. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes. Alderman Asel questioned what was approved. Alderman Heckman reiterated that the materials approved are spare parts to have on hand for ongoing manhole repairs as they arise.

Alderman Wieberg then showed the council a picture of a backflow preventer. A 4" backflow preventer has a material cost of \$246.00. Wieberg voiced he has not capped off the clean out access at the Maurice Wilde property as yet, given Wieberg's ongoing concerns that the backflow preventer is unknown to be working properly. Mayor Massman questioned the location of the backflow preventer, which was voiced by Wieberg to be before the clean out. Massman drew concern for whose responsibility it was to repair or replace an item as such, if it was part of the extension of the service line for the property owner. Lachowicz agreed that this is a reasonable question to raise and that in his experience for new installations of lines, the sewer system covers the costs and then maintenance responsibility is then transferred to the property owners. In the event of damages to a backflow preventer after the initial installation that are due to substantiated failures in the main sewer line or from sewer equipment failures, then and only then is it typically a joint share of responsibility of cost by the sewer system and the property owner to repair the backflow preventer in the service lines that are between the clean outs and home. Recent explorations of the line on the Maurice Wilde property proved there are no blockages or breaks in the line. There was agreement by Lachowicz and Alderman Wieberg with Mayor Massman that by continuing to explore this issue or perform any repairs would essentially be setting a precedent and all homeowners would then expect that any issues related to sewer lines including the service lines connecting the residence to the main lines would then be the responsibility of the sewer system operations. Discussions continued. Alderman Wieberg agreed to only replace the cap on the clean out at this time and ensure it was sealed off so that any future overflow does not flood the Wilde's yard.

Mayor Massman continued the meeting with the next agenda item – Roof repairs. Alderman Wieberg reported that a contractor from All Seasons Roofing came last evening to look into potential roofing repairs on the City Hall building. Core samples were taken and discussions are to follow with the company estimators. The contractor questioned if any tuck pointing was planned for the building. It was noted that the bid would include removal of the chimneys but only down to the roof line. A formal proposal and bid are pending. The contractor was concerned about insuring the work from a manufactures warranty, unless the project included removals of preexisting material all the way down to the decking. Roofing estimates from other proprietors are to be explored. Contractors such as MO Builders and Weathercraft Roofing were identified as possible bidders for the City Hall project, but it was noted that the project may be too small for them to consider. Alderman Wieberg did not have the contractor look at the salt shed. Local contractors are to be explored for roofing repairs on the city's salt shed given it has shingles and a portion that is metal. The topic will be tabled again until next month so that more contacts can be made and bids obtained.

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Mayor Massman continued the meeting with other business. Mayor Massman reported that she and the city's insurance agent have been working on insurance renewal questionnaires, noting that the existing policy coverage is in place until July 1, 2023. Under the advisement of the insurance agent, Mayor Massman requested that the council consider raising some of the coverage limits on the insured buildings especially if repairs were being negotiated. Currently the City Hall building is covered for the amount of \$20,676; the salt shed at the corner of Bridge St. and Main St. is covered for the amount of \$27,027; and the primary maintenance garage at the corner of Maries Ave and Main St. is covered at \$79,253. Discussions followed regarding the future of the buildings. The council considered potential updates to the buildings from bare minimums to multiple extensive remodels. Alderman Wieberg questioned, "when we receive the pitch at the plate, are we swinging for the fences?" New parameters were recommended to be provided back to the agent as City Hall- \$40,000; salt shed-\$40,000; and garage-\$125,000. Increases in premiums are anticipated with the increases to the insured values. Discussions about the future of the buildings and maintaining them will need to be explored more once estimates are received. Questions about investing thousands of dollars into the City Hall building were raised given it is typically used only once a month for meetings and otherwise only utilized for storage. Alderman Heckman questioned if the meeting room on the maintenance shed, that had been previously used by the fire department, might better serve the council as a meeting room. Alderman Asel questioned where this building was located. Alderman Heckman provided information about the building location for Asel. Alderman Wieberg questioned that there may be more historically inclined members in the community that may have more of an interest in the preservation of the City Hall building. Discussions continued. Mayor Massman voiced that she felt the integrity of the building, it's historical value and essence of the building, denoting it as the official meeting place for the city hosts good value and tone as a city structure. It is well known as City Hall. Alderman Plassmeyer questioned if the next meeting could be held at the other building. Mayor Massman voiced that it was not anywhere near meeting ready and would have to be cleaned and set up. It was noted to be a typical garage space with an open room attached. Further discussions were tabled.

Mayor Massman next reported that a representative from Westphalia Hills Retirement Center has contacted the city to inform of plans for the 2023 Independence Day Celebration which is planned for June 30, 2023, 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 Stanley Heckman, seconded by Alderman Jake Plassmeyer, to approve the fireworks display with the Westphalia Fire Protection District having the final authorization to determine if conditions are safe to proceed or cancel the fireworks display. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes.

Next Mayor Massman reported that she has been working with some individuals wishing to obtain a business license that is suspect for special considerations; and possibly, a conditional use permit. Mayor Massman will update the council members if an application for conditional use is received and whether it will work with required posting notifications and regulations to host a special planning and zoning meeting just prior to the next regularly scheduled monthly meeting. Mayor Massman advised council members to remind others and especially residents within the city limits that the city does have a zoning code and that certain businesses are only allowed within certain districts and that those rules also apply for home-based businesses. All businesses are required to have an active business license with the State of Missouri and Osage County at minimum, before even being allowed to apply for a city license, once planning and zoning requirements have been validated that an application can be applied for. Mayor Massman noted that all these considerations were being counseled by the city's attorney.

Mayor Massman noted that in recent discussions with the city's attorney, she was reminded to advise council members to consider revisiting the need to establish a framework for any future requests of special events that

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are desired to be held on city property. Efforts would be in collaboration with the city's insurance carrier also. It was recommended to have in place a checklist and conditions identified in advance, so that there are no questions about what parameters are in order for the council to entertain considerations for approval of such events. Additionally, the attorney shared that he had noted that many recent concerns for the city have been stemming from issues being posted on social media sites. Mayor Massman noted that the recent concerns being reviewed by the attorney related to the absences of business licenses of some businesses were identified via social media posts, noting the promotions of the business and continued desire to solicit business. It was questioned by the attorney if the city has a social media policy. The attorney voiced the creation of these policies are on the rise for most businesses and organizations. Mayor Massman informed the attorney that there is no social media policy currently in place for the city. The attorney advised that it was important for council members to be cognizant of their use related to social media; being aware of how we represent ourselves on social media and mindful to not use our positions/titles to post city related business on platforms that are not recognized by the city as a formal means of communication with the public. Mayor Massman voiced that use of the city's designated assigned phone contact, text messaging, email address and website are currently the only city recognized means for communication. Mayor Massman noted that the attorney shared concerns that if a member of the council, say an alderman, is identifying themselves as such, in title, on platforms not approved as designated platforms to share city business on, that considerations for a social media policy may be of interest for the city to consider. It was further advised that before any posts are made on social media appearing to be on the behalf of the city, that discussions of the topic are held during these council meetings addressing what concerns may have been brought up to a member and how the council would like to respond if it is absent of attorney consultation. Mayor Massman encouraged members to consider these topics for further exploration in future meetings. Noting that social media use is on the rise and that adaptations to keep up with social media issues will need to be devised.

Alderman Asel questioned if there was a specific incident Mayor Massman was referring to. That the conversation being had was too vague. Mayor Massman expanded her explanation as two-fold; informing the council that at present there are two established businesses in the city limit that have come to light of the city via increasing social media presence; as creating and practicing a business that has no established licenses and are not within the confinements of the zoning code. Mayor Massman has been conferencing with the city's attorney about these practices and has been working with the residents to provide education about the zoning code and licensing requirements. It has not completely yet been decided whether these non-licensed businesses will continue to exist or formulate into businesses with appropriately processed permits, approvals and licensing. Secondly, there was an identified post via the Westphalia Happenings Facebook page, which this council has previously deemed to not be an approved or appropriate page or platform to post or exchange city business on. It was clarified that the Westphalia Happenings Facebook page was established and is operated by an individual and is not recognized or supervised by any member of the city. Mayor Massman continued discussions, voicing that a concern came to the city, questioning why a post was made by Alderman Lori Asel about the election question, just days prior to the election on the Westphalia Happenings page. Alderman Asel acknowledged that she had forwarded the post to the Westphalia Happenings organizer, but did not recall that she had identified herself as alderman. Mayor Massman voiced that the post shared with the attorney depicted that the post had been submitted by "Alderman Lori Asel". Mayor Massman continued sharing that the city's attorney advised that this is not an appropriate site to continue to share posts on regarding city business, especially identifying ourselves with a title, nor would it be to do so on personal/individual social media platforms. Additional concern was noted that as per the post, Asel identified that several questions had been raised to her by community members about what the proposed election question was about and who all was running. Mayor Massman questioned Asel why she had not brought any of these concerns up for discussion at the March council meeting that was held just one week prior to the election. Alderman Asel again confirmed that she had shared her post, but did not identify herself as alderman, she suspected that the Westphalia

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Happenings organizer added the title. Mayor Massman reiterated that the topic of a social media policy was being approached only at the advisement of the attorney and that the main take away from these conversations are to remind council members of the importance of being cognizant of what members are posting and where on social media it is being posted because it has the potential to be shared by others and possibly manipulated, representing no longer what its original intention was. Furthermore, it was emphasized the importance for these topics to be discussed in open meetings so each member understands clearly what is to be the city's information being conveyed or position. Alderman Heckman agreed, stating "we can then all be on the same page". Alderman Asel shared she did not understand where there was a problem. Alderman Asel questioned if the city has a website. Mayor Massman stated that yes there was a website, that it was established over a year ago, citing that it has all the necessary contact information on it to contact the city, it's members, utility services and contacts, when meetings are, links to other organizations and schools. Sections for meeting minutes and the city map, code and applications are still being developed but tabs have been identified. Alderman Asel questioned whether the website was live, as she could not find it. Aldermen Wieberg and Heckman noted that they have not attempted to even accessed the site. Mayor Massman provided the web address to council members given no member acknowledged knowing it. Mayor Massman shared that her frustration with Asel posting about the election topic for which city residents were going to be voting on, was that she never shared with the council in a meeting, that there were questions relative to the topic of the election. There were no discussions of the election question not being understood, during the ordinance being updated and approved by council members for the election question to even be posed. That there were multiple opportunities that the topic of "election" was discussed, reviewed, and was on several meeting agendas, including updates in the process, public notices in the paper and several monthly reminders of it up and coming the past two meetings. Also, frustration was voiced that it was intentionally shared with a site that this council has openly cited as not being a platform recognized or approved for discussions of city business. Mayor Massman requested that if posts were going to be made for residents that they be discussed collectively and understood by all members that they were going to be released if it were to be in a public format. Alderman Asel questioned who has been working on the city's website. Mayor Massman noted that resident Chris Hillen assisted in the original set up and some early education for adding information, but outside of that, she has been the only person working on the project. Mayor Massman acknowledged that many of the PDF attachments have not been uploaded and that this was due to the availability of time with working full-time and managing other city responsibilities. Mayor Massman reminded the council members that only persons with access to the city's computer system could upload documents, as that is where they are housed and that she just has not had time to "drag and drop" all those files that exist. Mayor Massman stated that it's not that these files don't exist and if someone is in need of one or requests one, the information is forwarded and received within 24-48 hours of the request. Alderman Asel questioned why the city clerk is not managing the website duties. It was explained and confirmed by Mayor Massman and Aldermen Wieberg and Heckman that the website development was never part of the approved and paid position of the clerk. The website is a relatively new addition for the city; structured presently hosting general information for the city and if nothing else, displays the means of how to contact a member of the city or its utilities to obtain whatever other information is being sought. Mayor Massman voiced plans to continue to volunteer to work on the project, and again reiterated to Asel that her volunteering to help was not unrecognized, but that it would physically mean that Asel would have to make arrangements with Mayor Massman to come to Massman's home to assist in the project side by side as that is where the city's computer is housed. Alderman Wieberg shared that our roles here on the council, the duties and items like this project that are being taken on, are "jobs". Wieberg stated he sees that this is the same struggles that many other boards face, like the water board, senior citizen board, parish boards, etc. Attempts are made to keep costs minimal and have projects led by volunteering efforts instead of paying for it. People get pushed to hard sometimes and its not their primary paying job, they become frustrated and feel unappreciated and then stop helping or volunteering. Mayor Massman referenced that the city does not have regular business hours, with staffed personnel, and that we can only do what we can do. Discussions continued. Alderman Wieberg pointed out

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that ignorance of the law was not an excuse and not attempting to obtain it was neither acceptable. Alderman Asel questioned what two businesses were in noncompliance. Mayor Massman stated she was not at liberty to share that information at this time out of respect for the individual's privacy and given the fact that no formal applications have been filed for consideration. Scenarios of compliant and noncompliant businesses relative to zoning issues were reviewed. Mayor Massman voiced that if a person has purchased a home within the city limits, that at the time of that transaction, the property owner should have become well aware that they live within the city and or again when they have purchased and registered a vehicle. It was noted that given the number of discussions this council has entertained about the zoning code in the past 5 years alone and how quickly that topic has been shared and discussed in the general public, one should be very suspect that rules apply within the city limit no different than that within any other established city limit or subdivision. Alderman Wieberg shared he remembered that discussions occurred when the new gym was being constructed, that they had to follow the planning and zoning code. Wieberg noted that other cities have very stringent permit requirements that have to be followed and have full time staff to supervise their codes. Wieberg continued with stating that back in the day you just had to have a conversation with your neighbor about your plans and that was good enough. That's not how it works now, because you may not even know your neighbor or even talk to them. Now people look to the council to solve problems for them with their neighbor or something someone else is doing in the community. That's why it is important to have a framework and a guideline to follow to address some of these issues. Mayor Massman added that it is also why the city relies on the city's attorney, accountant, insurance agent, sewer operators, etc. to assist with interpretations and further advisement, because that is their jobs and that they are there to assist us in our jobs as city officials. Issues can not be attended to if they are not spoken of in these meetings.

Alderman Wieberg shared he was questioned about the abandoned car that is sitting in front of the property for sale at the corner of Castle Rock and Main St. Mayor Massman reported that she has been notified of liens on the property, ones also that are due to the city, and that upon the property's sale, hopefully the car will be able to be removed.

Alderman Plassmeyer voiced he had been asked about speed bumps. Mayor Massman noted that the topic has been discussed in prior meetings especially in the areas of the schools, but the notion was not well received. Alderman Wieberg added that he would not approve them, due to wear and tear on city plow equipment and damage to signs and off-street parking areas where people try to avoid them.

Alderman Wieberg noted that the owners of the "pink elephant"; Pegasus LLC is making strides to add the off-street parking spaces around the back of the apartment building.

Alderman Wieberg inquired about cleaning out the ditch below the senior citizen housing unit. Mayor Massman noted that in previous discussions, it was questioned whose responsibility it was due to property ownership, referencing the similar concerns as discussed relative to the sewer repair responsibilities on property owner's land. It was noted that there is not a consistent width of right away for any or all of the city roadways. Alderman Heckman agreed stating as an example, the roadway in front of his house, he owns to the middle of the roadway and the city only has an agreement in place to maintain the surface.

The next city meeting is scheduled for Wednesday, May 24, 2023 at 6:00 p.m. at City Hall.

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