

Westphalia Board of Aldermen Meeting Minutes for July 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 Dougg Stultz-City Attorney of Schreimann, Rackers & Francka, Curtis Wheat of Mid Mo Operations, and Theresa Brandt-UD reporter. Planning and Zoning Commission members that had been present for the public hearing and commission recommendation portions have exited, declining to stay for the regular council meeting. Other gallery members who remained present were Conditional Use Permit applicant-Cassie Luebbert, and local residents: Janice Nilges, Judy Howell, Sarah Reinkemeyer, Sharon Lehmen, Randy Nilges, Chris and Suzie Dickneite, Joyce Weber, Glen Bock, Henry Winkleman, Dale Logan, and Missy Karst. Also in attendance was Westphalia Fire Department members: Jim Roark-Westphalia Fire Chief and Chris Luebbert-Westphalia Fire Department President.

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

The July monthly expense report was reviewed. The city expenses note the amount of \$4,394.88, sewer system expenses in the amount of \$7,592.22, ARPA expenses in the amount of \$9,724.00, special road district expenses in the amount of \$369.40. City receipts in the amount of \$11,214.79, sewer system receipts in the amount of \$8,502.97, and special road district receipts in the amount of \$3.26. Total city checking account balance of \$173,435.15, total sewer system checking account balance of \$60,714.78, total special road district checking account balance of \$63,264.57, ARPA checking account balance of \$67,464.18 and total special road district savings account balance of \$5,115.77. Total city CDs in the amount of \$441,313.53, total sewer system CDs in the amount of \$524,628.76, and total special road district CDs in the amount of \$525,482.31. A motion was made by Alderman Delbert Wieberg, and was seconded by Alderman Stanley Heckman to approve the July monthly expense report. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes.

The conditional use permit application was next on the agenda. Mayor Massman again acknowledged that the city had received a conditional use permit application from applicant- Cassie Luebbert requesting the allowance for retail sales of granola located at 216 West Main Street, Westphalia, MO which is currently zoned as R-1; residential district. It was noted that the current zoning for the property does not allow for retail sales. The application had been forwarded to the Planning and Zoning Commissioners 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 Planning and Zoning Commissioners submitted a recommendation to the Board of Alderman, for the passage of the conditional use permit with their recommendations/conditions attached. Mayor Massman read them aloud. Recommendations and Conditions prepared for the Westphalia Board of Aldermen by the Planning and Zoning Commission were as follows:

1. The retail sales for granola only, via “porch pickup” from 216 West Main Street, Westphalia, MO are being considered as indicated per the submitted conditional use application. Retail sales of applicant’s granola within other businesses are to be prohibited.
2. An application for a city business license shall be completed and rendered by the City of Westphalia, prior to the initiation of business sales, providing all required documents as applicable for the business

Westphalia Board of Aldermen Meeting Minutes for July 25, 2023 (continued)

are remitted alongside the licensing fee to the city clerk. Business licensing renewals each year shall only be granted if conditions of this Conditional Use Permit remain in compliance.

3. The conditional use permit shall remain in effect only for the said applicant- Cassie Luebbert and only at the property location of 216 West Main Street, Westphalia, MO. Upon sale of the property or transfer of ownership, grandfathering approval for the retail sales of granola at the property location of 216 West Main Street, Westphalia, MO will become null and void.

A motion was made by Alderman Lori Asel, seconded by Alderman Stanley Heckman to approve the conditional use permit with the inclusion of the recommendations/conditions as submitted by the Planning and Zoning Commission members. Alderman votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes. Mayor Massman noted that applicant-Cassie Luebbert has also submitted a completed business license and it has been reviewed and noted to have all required supporting licenses and documents. A business license will be forwarded to Cassie Luebbert for her business identified as Crunchy Mama by email following this meeting.

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 new blower had been delivered and has been installed. Operation manuals and warranty information has been requested by Operator-Aaron Lachowicz as it was not included at time of delivery of the blower. Lift stations are all operating properly during routine checks. Operators are contracting with Mid Mo Environmental to haul sludge out of the basin to make room to finish the installation of the decant line. Wheat reported that operators will be out continuing manhole inspections during the 3rd quarter. Mayor Massman reported that 2nd quarter reports had been finalized and submitted to DNR.

Mayor Massman continued the meeting with the next agenda item-Westphalia Fire Department update. Fire Department President-Chris Luebbert addressed the city council with a review of what the fire district is tasked with, noting what they are licensed to do and cannot do. Luebbert voiced that the fire department is not able to perform fire inspections. Luebbert requested the council to consider a language revision of a line item on the city's business license application related to fire inspections. Luebbert noted that the fire department has been receiving questions and requests from business license applicants to perform inspections that they are not able to perform. Mayor Massman agreed that the language could serve to be modified and confirmed that she knew that the Westphalia Fire Protection District was not the entity that business license applicants should be contacting. It was suggested that interim to amending the language of the line item, following review of the business license ordinance and per board approval, that if the fire district received any further calls, that they direct the caller back to the city for further explanation. Next, Luebbert wished to inform the council that the fire department is not able to authorize or give approval for the use of fireworks. Luebbert referenced the letter that had been sent out recently, in reference to the Westphalia Hills annual fireworks display, noting concerns with the language that the Westphalia Fire Protection District has final authorization to determine if conditions are safe to proceed or cancel the fireworks display. Luebbert voiced that the language might open the fire district up to potential legal issues. Mayor Massman noted that the letter that had been sent out in May is the same templated letter that has been used since the origination of requests for fireworks displays, whether from the retirement center or that of those in the past for the annual picnics. Legal concerns for both the city and the fire department were mutually noted for authorizations of use of fireworks. Interest in the advisement from the district on area conditions, relative to dry conditions and burning warnings is what was sought. It was discussed that there is an ordinance restricting fireworks within the city limits. Considerations for ongoing authorizations

Westphalia Board of Aldermen Meeting Minutes for July 25, 2023 (continued)

and language amendments regarding approvals are to be further addressed by board members in the future. Lastly, it was noted by Luebbert that membership to the Westphalia Fire Protection District was not something that was required for the department to respond to a fire. It was noted that a difference in costs associated for responding to a district member verses non-member would prove to be significantly higher for a non-member. Membership is not required within the city limits. Alderman Asel made a motion, seconded by Alderman Wieberg, to table discussions for language revisions until after further review of the business license ordinance, application language, and the fireworks ordinance, and letters to approve fireworks displays can occur. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes.

Next on the agenda was a consideration request for a car show to be held on Friday, September 8, 2023, from 5:00 p.m. to 11:30 p.m. by event organizer, Chris Stuckenschneider within the city limits. Mayor Massman reported that she had reviewed event parameters from the prior year with the organizer and no changes were requested, outside of the organizer felt that he had no jurisdiction to enforce businesses obtain a caterer's license or cease outside alcohol sales during or after the close of the event if a caterer's license had not been obtained. Mayor Massman read aloud the event parameters being requested for the council. The event area would stretch from the corner of West Main Street and North Maries Avenue to the corner of East Main Street and Bridge Avenue/Mill Street. The organizer will post all flyers and banner/notifications publicly and prominently prior and during the event. The organizer will be responsible for closing and monitoring Main Street from North Maries Avenue and West Main Street to the intersection of Bridge Avenue, Mill Street, and East Main Street intersection; additional closures at Mill Street by the Post Office and the church parking lot entrances. This entire stretch of Main Street will remain closed from 5:00 p.m. until 11:30 p.m., which would make the spectator traffic going in and out of the church and school parking lots from the back entrance via Bridge Avenue through Holterman's lower driveway instead of via Main Street. The organizer will obtain permission for the church parking lot to be used for parking and obtain permission for the entry and exit to the church parking lot be through the Holterman property. If there is inclement weather before or during the event, the organizer will rope off the grass area behind the church to prevent vehicles from parking in that area. Show cars entering and/or exiting the event area are to be directed to travel East only. Cars are to Enter the event area at the West Main Street and North Maries Avenue intersection and Exit at the corner of East Main Street and Mill Street/Bridge Avenue. All show cars are to be removed from the street by 11:30 p.m. when Main Street will be reopened and barricades removed. Additionally, the organizer will request for mutual aid support of law enforcement to issue tickets for any violations. The organizer will be responsible for setting up and taking down the barricades, helping with traffic control, ensure there are no conflicts with the church and schools schedules, informing all car shows and spectators that NO burnouts are allowed, arranging for rental of port-a-pots, make verbal contacts with business owners and others in the area of the upcoming car show event, and include these specifications on their flyers, as well as their Facebook and other social media posts. It is to be noted that the city is not sponsoring this event and any of the coordinating, advertising, and overseeing of the event is the responsibility of the organizer. The organizer is aware and has agreed to obtain special event insurance. A copy of the policy denoting the city as additionally insured will be required to be provided to the city by the organizer for policy review, in advance of the event to ensure activation and ample coverage is applied for by the organizer. The organizer is aware that payment of the special event insurance is the responsibility of the organizer. It is anticipated that the cost of the special event insurance will be solicited by organizer through donations and/or fundraising efforts. Mayor Massman continued discussions alerting the board that special approval will be needed for alcohol consumption within the closed venue area. Mayor Massman noted that Division of Alcohol and Tobacco does have specific guidelines and permit requirements that active liquor license holders do need to abide by, identifying that a special "caterer's" permit was required for sales and consumption to occur off-premise for the local restaurants. The business owners with active liquor

Westphalia Board of Aldermen Meeting Minutes for July 25, 2023 (continued)

licenses would need to individually contact the city to request for permission of alcohol sales outside of their premise, on the date of the event, within the specified event venue area, and only during the time frame that the event has been approved to occur. Without the city's permission and without the acquisition of a special caterer's license from Division of Alcohol and Tobacco, the businesses would be in violation of State liquor laws and be subject to revocation of their state and local licenses. Mayor Massman noted that in previous years that there was approval for five port-a-pots, spaced out along the venue, with the city paying the expense for the port a pots. Belief was that the cost for the port-a-pots was about \$75-\$100.00 each. Cleanup efforts that evening after the end of the event, and a double check cleanup effort the following morning are the responsibility of the organizer and that of the businesses. Discussions about the event parameters, roles and special requirements continued among board members. Considerations for the need of multiple motions were reviewed. Alderman Delbert Wieberg made a motion to approve the request by organizer, Chris Stuckenschneider to have a car show on September 8, 2023, during the timeframe of 5:00 p.m. to 11:30 p.m., located in Westphalia, MO, from the corner of West Main Street and North Maries Avenue to the corner of East Main Street and Mill Street/Bridge Avenue; including previously outlined organizer's parameters; that proof of special event insurance would be secured and provided to the city clerk, listing the city as additionally insured prior to the event. The motion was seconded by Alderman Stanley Heckman. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes. An addendum motion was made by Alderman Delbert Wieberg to approve providing a "letter of consent" for outside liquor sales; issued by the city; if formally requested; to those businesses that currently hold an active liquor license; specified for the date, time frame and within the planned car show event area, that would enable the said business to then obtain a caterer's license from the Division of Alcohol and Tobacco, for state adherence of liquor laws allowing alcohol sales and consumption off the business premise for the same said date, time frame specified and within the identified event venue area only. The motion was seconded by Alderman Stanley Heckman. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes. A motion was then made by Alderman Delbert Wieberg, seconded by Alderman Lori Asel, to approve the organizer to obtain six port-a-pots for the event with expenses to be paid by the city. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes. No rain out date was denoted.

Mayor Massman continued the meeting with discussions for city roofing repairs. Mayor Massman noted that no new information or other quotes had been submitted for any other work items beyond the roofing repairs. Massman questioned if any of the Aldermen had any information to share. Alderman Asel requested input from persons within the gallery regarding the community's opinions for city hall repairs. Alderman Heckman voiced that following the last meeting, his understanding was that aldermen interested in moving forward with repairs would work to obtain other bid information for a holistic project evaluation; noting that it was hard to approve just roofing repairs without knowing other anticipated and estimated costs that would follow for other updates and improvements. Mayor Massman informed the gallery that the cheapest quotes received to date for repairs to the building's exterior were as follows: tuckpointing services in the amount of \$3,200.00 and roof repairs at a quote of \$18,775.00. The same scope of work was provided to all bidders. Discussions among the council members and gallery followed. Preservation of the city hall building by the city was noted to be an agreed upon consensus by gallery members. Attorney Stultz offered that if cost was a concern for the council, that a council member or even a volunteer could be assigned the task to look into other possible funding sources; grants, historical preservation funding, etc. A motion was made by Alderman Jake Plassmeyer, seconded by Alderman Lori Asel to approve the Weathercraft roofing bid of \$18,775.00 and a separate bid for tuckpointing services from contractor, Frank Rustemeyer Masonry for tuckpointing services on the City Hall building. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes. Mayor Massman will follow up with the approved contractors to alert them of the council's decision and coordinate the initiation of

Westphalia Board of Aldermen Meeting Minutes for July 25, 2023 (continued)

the exterior work projects. Community resident-Jim Roark volunteered to assist the council with looking into ancillary funding sources.

Next on the agenda was a request from resident-Joyce Weber at 164 East Main Street to discuss an area of off-street parking that has weeds growing on it in front of the property. Weber voices that she has attempted to maintain the area over the past two years, but recognizes that it is city property and would ask that the city attend to the area moving forward. Discussions of the area in concern followed, along with discussions of other city-wide maintenance issues. Alderman Wieberg proposed the council consider hiring a contractor to perform some clean up work. City planning and zoning codes were brought up and discussed again. Attorney Stultz reviewed the intentions behind why codes are in place and why it is important that the council follow those in efforts to protect all citizens. Stultz further reminded the council and advised the gallery that someone has to work toward making these proposals to create, remove or amend any city ordinances or the current city's planning and zoning code, that it has to be vetted and then approved. Conversations then led into the current status of the city's website. Mayor Massman noted that an active website is and has been available for over a year; and even though the website is seen to be somewhat lacking with specific applications or documents that someone may want, that it doesn't negate that the information on how to reach out to obtain it is available. Contact information for the city, the city clerk or a council member to request more information is and always has been available and turnaround is typically within 24-48 hours for all requests. Mayor Massman affirmed that strides have continued to develop the website by herself and recently, over the last two months the city has contracted with Derek Schwartz website design to progress the sites design and information it hosts. Attorney Stultz reinforced to the council and gallery that the city's codes and ordinances are not dis-similar to other cities. Other cities have these zoning codes, applications, etc. in place there also and some are more stringent. Stultz noted that not adhering to them will eventually catch up to you. Attorney Stultz also reminded all present that this is a small town and community and asking members to provide the same outreach as other larger cities have with full time employed staff is a large ask. His understanding is that all city council members work full time outside of their duties to serve on the city council. Mayor Massman requested that the city council, city residents and other community members do better with respect to communication. When information is needed or wanted relative to the city's regulations or requirements, participation in a more active communication effort with council members is imperative, instead of relying on third party hearsay.

Alderman Heckman returned conversations to the agenda item of considering Joyce Weber's request. Alderman Heckman offered to line up someone with board permission to attend to the weed issue in the off-street parking area in front of her property. Alderman Wieberg offered to contact Lane Brandow of Big Timber Landworks to contract out some jobs including spraying of weeds city-wide, including clearing some of the over grown areas down at the sewer treatment plant, and lastly cleaning out some of the ditches that have washed and are filled in with silt and debris. Alderman Asel questioned who owned Big Timber and what the relationship of the contractor was to the city. Alderman Wieberg noted that he was "kind of his son, and works out of Alderman Wieberg's residence." Alderman Asel questioned nepotism and allowances for contracting with family members. Attorney Stultz confirmed that in small towns, where everyone knows each other and are related to almost everyone, that there are allowances for the board to identify the connection publicly and still may approve to award the job for work to be performed. Stultz questioned Asel if she would like to be appointed to take lead on this project, or was objecting to hiring Big Timber. Alderman Asel said no, indicating that she trusted Alderman Wieberg's recommendation. Conversation continued relative to situational context. Alderman Heckman made a motion to hire Big Timber to spray weeds city-wide, attend to the request of resident Joyce Weber and clean up the area of off-street parking and gutter area in front of the property, clear out some of the over grown areas near the sewer treatment plant, and attend to cleaning out the ditches that are

Westphalia Board of Aldermen
Meeting Minutes for July 25, 2023 (continued)

over grown and filed in with silt or debris. Alderman Jake Plassmeyer seconded the motion. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Lori Asel-yes. Mayor Massman cautioned that before work was done in area down at the sewer treatment plant, that contact with the Osage Co R-3 district be initiated and agreement with work being performed at the city's expense would be allowed. It was noted that the area of the sewer's upper drive was on the school districts property, and legal easement was in question. Mayor Massman will inquire about easement with the school district and alert Big Timber if any opposition was received regarding any clearing of weeds and brush.

Next in other business, Mayor Massman noted that Liquor License renewal invoices had been sent out last month and half of them have been returned. Second notices have since been sent out to those businesses who have not sent in payment to the city. Liquor Licenses term on July 31st if not paid. Mayor Massman will alert council members of those who do not render payment by the end of the month and inquire on how the council wishes for the mayor to proceed.

The next city meeting date was set for Tuesday, August 22, 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.