

Westphalia Board of Aldermen
Public Hearing - 6:00 p.m.
Meeting Minutes for April 30, 2024

The Westphalia Board of Aldermen meeting was called to order by Mayor Tammy Massman to host a public hearing for a Variance application submitted by Sam and Leslie Barnhart requesting the allowance for establishment of multiple businesses (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. Roll Call was taken. Aldermen present were 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.

Mayor Massman addressed the Board of Aldermen, Board of Adjustment members, and gallery to educate that the public hearing portion of the meeting is a platform for citizens to voice any concerns or opinions on the public hearing topic. The Board of Aldermen and Board of Adjustment members are to listen to all public comments. No formal decision regarding the Variance or vote will be taken during the public hearing portion of the meeting. Gallery members were instructed that if they desired to offer any comments; to please state their names and relationship/interest in the variance or to the applicant prior to addressing the council.

Alderman Delbert Wieberg made a motion to open the Board of Adjustment public hearing. The motion was seconded by Alderman Stanley Heckman. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes, and Caitlin Berhorst-yes.

Mayor Massman opened the floor for public comment after a review of the submitted application. Towne Club owner-Keith Abbott who is the neighboring business, addressed the Board of Adjustments and City Council members with concerns for “lack of respect” for their building and property by the applicant’s workers/contractors citing that workers had knocked the man hole cover off the Towne Club’s man hole several times without replacing it. Additionally, excavation work in the rear of the building had compromised the integrity of a set of stairs to access the lower section of the property, making them unsafe; and that trash and fencing have been left behind on Towne Club property. Abbott expressed no concerns with the planned businesses opening, but did ask that respect be given to the community members around you and that of all adjoining property owners.

Applicant-Sam Barnhart offered clarification that multiple services, not multiple businesses will be provided under one business name which was identified as Huntline Hotel LLC dba Westphalia Inn.

No further public comments were offered. A motion was made by Alderman Stanley Heckman to close the Board of Adjustment public hearing. The motion was seconded by Alderman Delbert Wieberg. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes and Caitlin Berhorst-yes.

It was then noted by Mayor Massman that the Board of Adjustment members had previously met to discuss the variance appeal application and had submitted recommendations or conditions they felt the Board of Aldermen should attach to the variance application if the Board of Aldermen were to approve it. Recommendations and Conditions prepared for the Westphalia Board of Aldermen by the Board of Adjustment were read aloud by member Travis Massman. Conditions were as follows:

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1. That the establishment of the identified business plans for ONLY a restaurant, coffee shop, lodging rooms and event space rentals, with a total occupancy of 100 or less patrons, are identified and are accepted as permitted businesses at 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, would be recommended to be grandfathered as a permitted non-conforming structure. It was noted that if any attached structures to the building, such as porches or decks were modified or removed that set back codes would be required to be adhered to, outside of ongoing repair and maintenance responsibilities for the existing structures;
3. That the proposed 28 off-street parking spaces are deemed reasonable and would be acceptable for consideration of the identified total patron occupancy for up to 100 patrons. Signage reflecting the availability of these additional parking spaces denoted for the Westphalia Inn, would be recommended to be posted. Additional lighting sources for said off-street parking areas/spaces were also recommended to be in place addressing public safety and liability concerns;
4. That the requirements as per the Planning and Zoning code, for a hard surface parking area (concrete or asphalt) would be preferred, but that a compacted chatted area would be recommended as being acceptable;
5. That 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 are remitted alongside the licensing fee to the city clerk. Business licensing renewals each year shall only be granted if conditions of this Variance Appeal remain in compliance.
6. That the Variance shall remain in effect only for the said applicants, Sam and Leslie Barnhart, 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.

Applicant-Sam Barnhart informed both the Board of Adjustment members and Board of Aldermen, of plans for the parking area to be asphalt with additional lighting provided and that signage was on order, noting that there were a few things to be buttoned up yet, but that the recommendations seemed reasonable.

Board of Adjustment member-Travis Massman noted the commissions agreement to continue support their previously submitted recommendations/conditions be attached to the application with no further need for deliberation or adjustments. The Board of Adjustment recommended the acceptance and approval of the submitted variance pertaining to the property at 106 East Main Street, Westphalia, MO which is currently zoned as C-1; commercial district.

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Attorney Dougg Stultz emphasized that the current requested variance is only applicable to what is outlined and that if business plans change or alterations are made from the submitted variance with the now attached conditions from the Board of Adjustments, pending approval of the Board of Aldermen, that a new application and request for modifications would be required to be submitted. Applicant-Sam Barnhart acknowledged awareness.

A motion was made by Alderman Stanley Heckman to adjourn the Board of Adjustments public hearing-recommendation portion. The motion was seconded by Alderman Delbert Wieberg. Aldermen votes: Delbert Wieberg-yes, Stanley Heckman-yes, Jake Plassmeyer-yes and Caitlin Berhorst-yes. Board of Adjustment member votes: Dylan Drennen-yes, Travis Massman-yes and Ashley Ryan-yes.

Mayor Massman thanked all those present for their participation and the Board of Adjustment members for their attendance and recommendations. Mayor Massman voiced plans to next return to the regularly scheduled monthly city council meeting.