

# LEAWOOD VILLAGE BOARD OF TRUSTEES MEETING

## January 17, 2012 – MINUTES

### **Trustees Present:**

Denny Desmond, Chairman  
Brad Long, Vice Chairman  
Caleb Head, Treasurer  
Dale Owen, Clerk  
Fran Owen, Secretary

### **Visitor Present:**

See Attached List

Denny Desmond, Chairman, called the meeting to order at 6:30 P.M. at the Redings Mill Fire Department located at 5202 S Rangeline Road.

Minutes from the December 8, 2011 special meeting were presented. Motion made by Caleb Head and second by Dale Owen to forgo the reading of the minutes as everyone had received copies and accept the minutes as presented. In favor 5 Opposed 0. Motion passed.

Minutes from the November 16, 2011 meeting were presented. Motion made by Dale Owen and second by Caleb Head to forgo the reading of the minutes as everyone had received copies and accept the minutes as presented. In favor 5 Opposed 0. Motion passed.

Original financial bank statements and bank reconciliation statements for November and December 2011 were presented by Caleb Head. Statements were reviewed by each trustee, signed and dated. Ending balance for November 2011 in the checking account was \$37,753.08 and the December 2011 ending balance was \$42,404.63. There were no outstanding checks. Current balance in the investment account for November 2011 is \$35,323.35 and for December 2011 is \$35,324.80. Motion made by Fran Owen and second by Brad Long to accept the financial reports for November and December 2011. In favor 5 Opposed 0. Motion passed. Pending liabilities totaling \$4,649.97 and estimated automatic deductions for Empire District Electric of \$660.00 were presented. Motion made by Fran Owen and second by Dale Owen to pay pending liabilities totaling \$5,309.97. In favor 5 Opposed 0. Motion passed.

The Chairman's Financial Information Report was presented and reviewed. The report contained the Summary of Revenues and Expenses and Fund Balances as well as the Financial Statement as of December 31, 2011, Year to Date Actual vs. Budget as of December 31, 2011 and a recap of the Leawood Bank Statements. Year to date actual versus budget for 2011 resulted in an unfavorable difference of \$93,664 resulting from the street repairs. Actual versus budget for 2011 would have been below budget without the road repairs. All trustees present initialed all reports. Motion made by Caleb Head and second by Brad Long to approve the Chairman's Financial Reports. In favor 5 Opposed 0. Motion passed.

### **Old Business:**

- 1 **Missouri State Auditor's Report** - Nothing new to report. (Trustees need to develop a bidding policy).
- 2 **Operating Procedures and Policies** - Board members continue to develop the policy.
- 3 **Snow Removal Contract** – Denny Desmond reported Paul Horton still has not returned a signed contract. Denny will send Horton another copy of the contract and make it for two years (2012-2014)
- 4 **44<sup>th</sup> & Connecticut Property:**
  - A) Attached is a copy of a statement Denny Desmond read to the board members concerning this property.
  - B) Leawood Village Attorney and Dan Whitworth (Powell's attorney) suggested that Mr. Powell stop by and talk to Denny Desmond with regards to the lawsuit. This occurred at 4:33 P.M. on Friday, January 13, 2012. Denny read a statement he sent to the village attorney concerning this meeting. Mr. Powell reiterated some of the same points in your January 9, 2012 e-mail concerning a meeting with Powell and Whitworth and added the following: (1) in regards to no services to Powell's property (he specifically noted police, water, fire and sewer) and stated that (2) Denny would be named in the lawsuit (3) no map was attached to the comprehensive plan or zoning ordinance. He reported that he would sue for recovery of legal fees which now are in the range of \$10,000. He would drop the lawsuit against Denny Desmond and the Village of Leawood if he is allowed to deannex into the City of Joplin. Wants to resolve to part as friends.
  - C) Bard Long reported that the Powell property was already included in the village when the village was incorporated and that the services provided by the village already exist. Bard reported he is looking for the original documents of the village.
  - D) In regards to publication of notices, Denny reported that it was doubtful that they searched the Globe for publications as they probably did not go to the public library and go through the microfilm to find the publication notices.

- E) Denny Desmond reported that David Powell dropped off his de-annexation agreement at his residence today at 12:00 noon and advised that the board of trustees had until 10:00 PM tonight to accept his offer or Mr. Powell would advise his attorney to file a lawsuit against Leawood Village and the board of trustees the following morning. If Mr. Powell prevailed in the lawsuit, Leawood would be liable for his legal costs and damages. Note: Mr. Powell was not present at tonight's meeting.
  - F) General discussion of the residents in attendance and board of trustees resulted in a general consensus that the village could not afford another lawsuit and that it was the responsibility of the board to look out for the best interest of the residents.
  - G) We either fight or not fight Mr. Powell's proposal. Denny reported that if the trustees approve the deannexation the agreement would be rewritten as some of the information should not be contained in the agreement. Mr. Powell's request did not state deannexation into Joplin.
  - H) All trustees were extremely concerned about how the village residents would accept the board's decision. However considering the time frame the board was given to make the decision and the monetary issues involved there was no choice but to approve Mr. Powell's request.
  - I) Motion made by Dale Owen and second by Denny Desmond that the Board of Trustees approve simultaneous deannexation of the said property into Joplin with other details of the agreement to be worked out between Mike Talley and Dan Whitworth. If approved, Desmond will notify Powell by phone this evening. In favor 3 (Denny Desmond, Dale Owen, Fran Owen) Opposed 2 (Brad Long, Caleb Head). Motion passed.
- 5 St. John's Hospital:** Nothing new to report.
- 6 2012 Budget** – The final budget for 2012 was approved. Revenues are budgeted at \$76,834 and expenses at \$102,780 for a \$26,396 deficit which will reduce cash to \$51,333. Road repairs (\$60,000 and legal fees (\$24,000) account for 82% of the budget. Motion made by Dale Owen and second by Caleb Head to approve the 2012 budget. In favor 5 Opposed 0. Motion passed.
- 7 Hazardous Mitigation Plan** – Still working on.
- 8 Southern Hills Barrier Removal** – Andy Nimmo reported that he had drawn up plans for changing the barrier and the Redings Mill Fire Department and the Joplin Fire Department will split the cost. Andy will present the plans at the March meeting. The barrier must be installed on the Leawood side and not the Wildwood.
- 9 Comprehensive Plan** – Turned over to Planning & Zoning Commission. Issue closed.
- 10 Repaving Wildwood Entrance** - Nothing new to report. Still waiting on documentation. The village had received a bill for \$16,000 for repaving the entrance into Wildwood.

**New Business:**

- 1 Building Permits** – None issued.
- 2 Complaints** – None received.
- 3 Board of Trustees Meeting Location** – Board members had looked at various locations for the bi-monthly meeting, however, they decided to continue to meet at the Redings Mill Fire Station on Rangeline.
- 4 April Election** – Denny advised that Cliff Baker has filed. Caleb Head and Fran Owen turned in their paperwork at tonight's meeting.
- 5 Leawood Village Population** – last census shows the village count at 642. Down from the last census as a result of Wildwood becoming a part of Joplin.

Motion made by Fran Owen and second by Dale to adjourn the meeting. In favor 5 Opposed 0. Motion passed. Meeting adjourned at 8:33. Next meeting will be March 20, 2012.

Minutes prepared by:

Minutes approved by:

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Fran Owen, Secretary Date

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Denny Desmond, Chairman