

# LEAWOOD LEDGER

www.leawoodvillage.com

VOLUME 12 ISSUE 55

SEPTEMBER 2012

## Village Trustees

Denny Desmond  
Chairman  
781-3558  
Brad Long  
Vice Chairman  
781-3166  
Caleb Head  
Treasurer  
439-6817  
Dale Owen  
Clerk  
781-6370  
Fran Owen  
Secretary  
781-6370

## Planning & Zoning Commission

Kurt Higgins,  
Chairman  
623-4864  
Rick McCord  
782-2853  
Phyllis Sapp  
781-5642  
Denny Desmond  
781-3558  
Brad Long  
781-3166  
Don Swanson  
782-2975  
R. E. Smith  
624-4688  
Cliff Barker

## Board of Adjustments

Rich Reed  
624-4180  
Ted Young  
206-0270

## Notice of Open Public Meetings

Public notice is hereby given that **The Planning & Zoning Commission** will meet at **6:00 P.M. Tuesday, September 18, 2012** and the **bi-monthly meeting of the Board of Trustees** of the Village of Leawood, MO will be held at **6:30 P.M.** to consider and act upon the matters on the following agenda and other subject matters as may be presented at the meeting and determined to be appropriate for discussion at that time. **The meetings will be conducted at the Redings Mill Fire Station, 5202 S Range Line Road.**

### Agenda – Planning & Zoning

- Approve the minutes from the previous meeting.
- Review draft of the updated Comprehensive Plan prepared from Dick Largent of Community Development Solutions to replace the 2001 Comprehensive Plan.

### Agenda – Trustees Meeting

- Approval of the minutes from the July 17th Board of Trustees meeting
- Approval of treasurer's and financial reports and approval for payment of bills
- Approve the proposal to replace street signs in Southern Hills.
- Approve the proposal for trimming tree limbs hanging low over roadways in Southern Hills.
- Approve the proposal for liability bond insurance for trustees.
- Review draft of the update Comprehensive Plan.
- Review the Hazardous Mitigation Plan from 2011.

### Financial Information- August 31, 2012

2012 (eight months) revenues of \$46,258 (includes \$12,775 real estate taxes) were significantly higher than expenses of \$17,745 for a net surplus of \$28,513. As a result the cash balance increased from \$77,729 to \$106,242. As of August 31 the balance in the General Fund is \$88,098 and the DOR Road Fund is \$18,144. The cash balances at Community Bank and Trust are \$70,906 in checking and \$35,336 in money market for a total of \$96,554 which agrees with the CBT statements.

YTD revenues are below budget by \$6,518 and prior year by \$9,879 as the revenues from the Missouri Department of Revenue for road funds has decreased by \$6,779 versus budget and \$6,371 versus last year apparently due to a reduction in the 2010 census population of Leawood from over 900 in 2000 to 642. Last year's revenue also included \$740 from the SEMA for the ice storm and \$2,100 restitution from Boyd. Expenses are below budget by \$52,035 due to not spending \$40,000 on road repairs and lower legal fees (\$10,813) a. Legal fees were budgeted higher due to the anticipated litigation by David Powel. Expenses are \$100,007 lower than last year, as \$103,180 was spent on road repairs.

## Comprehensive Plan

Leawood's Comprehensive Plan (CP) has not been updated since 2001. Dick Largent will present the revised CP at the September 18<sup>th</sup> meeting. Plans are to have the final document posted to the web site for residents to review. All necessary actions will be followed to insure the CP is properly legally filed.

## Hazardous Mitigation Plan

The plan was initiated in August 2010 with assistance from Harry S Truman Coordinating Council (HSTCC). Due to dealing with other issues, HSTCC has delayed emphasis for villages to implement recommendations (eight recommendations for Leawood). HSTCC has requested that Leawood review the feasibility of implementing these, which will be discussed at the September 18<sup>th</sup> trustee meeting.

## Leawood Village Web Site

[www.leawoodvillage.com](http://www.leawoodvillage.com) is the village website available for your viewing.

## [leawoodvillage@msn.co](mailto:leawoodvillage@msn.co)

If you have any questions, suggestions, or concerns, please call any trustee or send an e-mail.

## Notice Public Meeting

September 18, 2012  
P & Z Commission  
6:00 P.M.

Board of Trustees  
6:30 P.M.

Redings Mill Fire Department  
5202 S. Range Line  
Visitors Welcome

## **Ordinance 2012-1 for Property at the Northeast corner of 44<sup>th</sup> Street and Connecticut Avenue Voluntary Annexation of into the City of Joplin**

**Background** The Planning & Zoning Commission voted 6 to 0 at the public hearing on December 1, 2011 to recommend to the Board of Trustees to deny the Powell/Deatherage request to rezone a tract of property (40+ acres) on the northeast corner of 44<sup>th</sup> Street and Connecticut Avenue from A-1 Agricultural to C-3 Planned Shopping Center. The Board of Trustees voted 5 to 0 at the December 8<sup>th</sup> public hearing to accept the recommendation of P&Z Commission and deny the rezoning request. On December 15<sup>th</sup> David Powell submitted a Missouri Sunshine Law Records Request for various types of documents. An initial response with some documents was provided to David Powell.

On December 22<sup>nd</sup> Powell requested a “meeting of the minds” to deannex Powell’s property from Leawood. At the request of Denny Desmond, our Village attorney Mike Talley met with Powell’s attorney, Dan Whitworth, on January 9<sup>th</sup> at Powell’s request, to hear why Powell believes the Village should agree to deannexation. At the meeting Whitworth advised that he had been directed by Powell to file a lawsuit against the Village to accomplish either an invalidation of the Village’s zoning ordinances or to obtain an order of deannexation based on failure to provide services.

On January 13<sup>th</sup> Powell contacted Desmond and reiterated the same points from the January 9<sup>th</sup> meeting and added the following: #1 Desmond would be named personally in the lawsuit, #2) will sue for recovery of legal fees, which are now approximately \$10,000, #3 will drop the possible lawsuit against Desmond and Leawood, if the Village agrees to deannexation. # 4 requested that Desmond present this at the scheduled January 17<sup>th</sup> meeting of the Trustees. Desmond requested that Powell put his request in writing.

**Deannexation Agreement from Powell** At 11:30 am on January 17<sup>th</sup> in response to Desmond’s request Powell delivered his “Deannexation Agreement”. The document included these statements: 1) if “The Village of Leawood does not object to the deannexation from the Village, the 42.5 acres.” 2) “The Powells, their affiliates and Trusts will not sue the Village of Leawood or its Trustees for anything related to this real estate issue including legal expenses incurred.” #4 “This agreement shall be void if not executed by all parties by 10:00 pm, January 27, 2012. Powell further stated to Desmond upon dropping off the document: “1 will file the lawsuit tomorrow, if the agreement isn’t executed. #2 has written another check for \$100,000 (didn’t say what for) and will seek recovery in litigation with Leawood. Deatherage (current owner of property) is ready to sue Leawood for \$865,000 if deannexation isn’t approved.

**January 17<sup>th</sup> meeting of Board of Trustees.** Since the P&Z Commission met prior to the trustee meeting, Desmond requested members to remain at the trustee meeting to review the Powells’ “Deannexation Agreement”. After a lengthy discussion, a motion was made by Dale Owen and seconded by Desmond that the Board of Trustees approves simultaneous deannexation of said proper into Joplin with other details of the agreement to be worked out between the attorneys. If approved, Desmond will notify Powell by telephone this evening. Voting in favor 3 (Denny Desmond, Fran Owen, and Dale Owen) Opposed 2 (Brad long and Caleb Head). Motion passed.

The article in the Joplin Globe on this meeting can be viewed at [www.leawoodvillage.com](http://www.leawoodvillage.com) under the category “other/news”.

**Ordinance 2012-1** is an ordinance authorizing, approving, detaching and transferring the approximately 42.5+ acres at the northeast corner of 44<sup>th</sup> Street and Connecticut Avenue from the Village of Leawood to the City of Joplin. The legal description indicates that all of 44<sup>th</sup> Street and Connecticut Avenue that borders the Powell's property will be annexed into Joplin. The ordinance can be viewed at [www.leawoodvillage.com](http://www.leawoodvillage.com) under “other/news”. This ordinance is on the agenda for the P&Z and Trustee meeting on March 20<sup>th</sup> for approval