

# LEAWOOD VILLAGE BOARD OF TRUSTEES MEETING

## March 16, 2010 – MINUTES

### Trustees Present:

Denny Desmond, Chairman  
John Mitchell, Treasurer  
Dale Owen, Clerk  
Fran Owen, Secretary

### Visitors Present:

Caleb Head 111 Highview Drive  
Ray Cavanaugh 1909 E. 47<sup>th</sup> Street  
Kay Cavanaugh 1909 E. 47<sup>th</sup> Street

### Trustee Absent:

David Smith, Vice-Chairman

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 January 19, 2010 Board of Trustees meeting were presented. Motion made by John Mitchell 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 4 Opposed 0. Motion passed.

Financial bank reports for January 2010 and February 2010 were presented by John Mitchell. Copies were reviewed by each trustee and initialed. Payables for January 2010 and February 2010 totaled \$1,595.98 which included \$290.52 automatic deductions for Empire District Electric on January 11, 2010 and \$290.78 on February 10, 2010. Current bank account balance is \$88,097.86. Motion made by Dale Owen and second by Fran Owen to accept the treasurer's report and approve payment of March 2010 pending liabilities totaling \$3,189.86 as well as the April and May estimated auto drafts for Empire District Electric totaling \$590.00. In favor 4 Opposed 0. Motion passed.

Financial Statement for January through March 16, 2010 was presented (report doesn't include the payment to Kwik copy and correction of delinquent tax amount) as well as Year To Date Actual vs. Budget as of February 28, 2010 and Summary of Revenues and Expenses and Fund Balances. Motion made by John Mitchell and second by Dale Owen to accept all the financial reports. In favor 4 Opposed 0. Motion passed. All trustees present initialed all reports.

Village of Leawood Financial Statement – December 31, 2009 were also reviewed by the Trustees. Revenue recap versus expenses report was published in the March 2010 *Leawood Ledger* and a copy posted at the bank. Motion made by John Mitchell and second by Dale Owen to accept the report and file a copy with the Village Clerk as a matter of record. In favor 4 Opposed 0. Motion passed.

### Old Business:

1. **Delinquent Real Estate Taxes** – \$1,817.85 still remains uncollected. John Mitchell presented a sample copy of the letter to be mailed to residents requesting payment of past due taxes for years 2006, 2007 and/or 2008 plus late fee and a \$10.00 handling charge in order to mail them certified. Motion made by Dale Owen and second by Fran Owen to accept the letter and proceed with the mailing. In favor 4 Opposed 0. Motion passed.
  - a. Trustees reviewed the letter received from Jim Otey showing the amount due for 2009 taxes is \$740.19.
  - b. Auditor's report indicated that past due taxes should be turned over to the Newton County Collector's office. John Mitchell advised that he had asked Jim Otey, Newton County Collector, if he could collect delinquent taxes for years prior to 2009. Jim said he could not.
2. **Village Real Estate Tax Collection:**
  - a. Final reading to establish an ordinance to establish to impose and collect by Leawood Village, Missouri, penalties and interest on delinquent and back real estate taxes was made. Motion made by Dale Owen and second by John Mitchell to approve the final reading. In favor 2 Opposed 0 Abstained 2 (Dale Owen & Fran Owen). Motion passed. Ordinance Number is 10-001
  - b. John Mitchell reported that approximately \$740.19 was still to be collected by the Newton County Collector for the tax year 2009.
3. **Storm Debris Removal Reimbursement** – Check still not received as of this meeting. Denny Desmond will continue to work of getting the check.

- 4. Paul Boyd Investigation:**
  - a. Criminal Case – nothing new to report
  - b. Civil Law Suit – general discussion concerning the filing of a civil law suit. Denny Desmond advised that the village attorney, Mike Talley, and Randy Scott, Newton County investigator said this would be a good idea. John Mitchell said he felt that we owed it to the village residents to attempt to recover some of the funds Paul Boyd embezzled. Attorney John Paul would charge \$150.00 per hour and Mike Talley would charge \$125.00 per hour for services.
  - c. Motion made by John Mitchell and second by Dale Owen to begin proceedings with Mike Talley to file the law suit. In favor 4 Opposed 0. Motion passed.
- 5. Empire District Electric:**
  - a. List of street Lights – Dale Owen has received the list.
    1. Light at 44<sup>th</sup> & Indiana needs replaced
    2. Light on Emerald Drive not working
    3. Dale Owen to notify Rick at Empire
- 6. WCA Trash Hauling:**
  - a. Denny Desmond has contacted Danny Salsbury with WCA Waste and was told residents would see a reimbursement on their bills and the increase would be rolled back to 5%.
  - b. Contract will be up September 1st. Village trustees will negotiate a new contract.
  - c. Dale Owen to find out who Silver Creek uses for trash hauling, and how much they are paying.
  - d. Need to place on agenda for May meeting.
  - e. John Mitchell commented on what a good job this company has been doing.
- 7. Road Repairs:**
  - a. David Smith absent from this meeting. Dave sent an e-mail advising that the Joplin Special Road District would not do repairs to roads that were not a part of their program. Trustees will have to find another source for road repair.
  - b. Will discuss further at the May meeting.
- 8. Purchasing Policy –** Trustees reviewed the ordinance. First and second reading to be done at the May meeting. Correction to be made to the date and change to 2010.
- 9. Internet Web Site:**
  - a. Motion made by John Mitchell and second by Dale Owen to hire Chris Chappell to develop and design a web site at an estimated cost of less than \$500.00 with additional charges billed at \$25.00 per hour and \$75.00 per year maintenance cost. In favor 4 Opposed 0. Motion passed.
  - b. Denny to check with Chris concerning security provisions
  - c. Web site will contain village ordinances, minutes, financial information, and key contacts.
- 10. Public Works Director -** tabled
- 11. Missouri Annual Financial Report:**
  - a. Forms to be received in May. Denney will file at that time. Issued closed.
- 12. Missouri State Auditor's Report:**
  - a. Report will not be sent to the Internal Revenue Service, therefore, the civil law suit will be filed
  - b. Reviewed Audit Recommendations: Status and Comments from Board of Trustees – March 16, 2010 (attached)
  - c. Errors and Omissions – need to follow up on this and see what it would entail
- 13. Leawood Village Meeting Location –** Need to pass an ordinance creating a meeting place and time. Denny Desmond to write ordinance and present at May meeting.
- 14. Dangerous Building Complaint:**
  - a. Issue closed, too costly to pursue.
- 15. Village Ordinances –** Dale Owen presented a list of existing ordinances. Will continue to work on getting the list current.
- 16. Village Annual Audit**
  - a. Denny Desmond advised that he had contacted Chris Churchwell's office and talked to Gene Mence, Jr. to see what he would charge to do an audit. His fee was \$4,000 to \$5,000.
  - b. Denny also contacted Hardy & Associates, they refused to bid.
  - c. Nick Meyer would do an audit for \$1500 to \$1800 and not give an unqualified opinion but verify financial reports, bank statement and documents.
  - d. Motion made by Dale Owen and second by John Mitchell to hire Nick Myers to do the audit and approve a prepayment of \$800.00. In favor 4 Opposed 0. Motion passed.
- 17. Village Seal:**
  - a. All village documents will have the seal placed upon them.
- 18. Harry S. Truman Coordinating Council:**
  - a. Issue closed

## 19. Issues and/or Complaints

- a. Beverly Kiehl & John Pendergrass 2027 E. 47<sup>th</sup> Street and Ellen Nichols 2122 E. 47<sup>th</sup> Street - nothing new to report. Denny faxed the request to Dave Hertzburg with the City of Joplin asking what happened to the study the City of Joplin was to have done. .No reply as of this meeting.
- b. *137 Valleyview*:
  1. Complaint about junk in drive way
  2. Denny Desmond advised he had not sent a letter.
  3. John Mitchell to check and see what the property looks like now.

### New Business:

1. **Building Permits:** None issued
2. **Issues and/or Complaints:**
  - (a) 48<sup>th</sup> Street – Rebecca Loden requested something be done to the condition of the road extending West of Casey’s General Store to Loden Lane.
  - (b) Denny Desmond to check and see if this road is in the City of Joplin, or is a private drive or a part of Leawood Village.
3. **New Bank Resolution and Account Signature Cards** – will be done at the April 26, 2010 meeting.
4. **Mike Talley** – Reviewed a contract Mike Talley had prepared for professional legal services he provides to the village. This is an at-will contract.
  - (a) Suggestion to add the following to the contract: Any rate increase must be submitted 90 days prior to renewal of contract. Denny Desmond to notify Mike Talley.
  - (b) First and second reading to be done at the May meeting.
5. **Steve Walker** –Requested authorization to operate a home based internet business to sell fire arms. Motion made by Dale Owen and second by John Mitchell to approve Mr. Walker’s request. In favor 4 Opposed 0. Motion passed. Copy of letter to Mr. Walker to be placed in the Clerk’s files.
6. **Maintaining Records** – Denny to write a resolution and present at the May meeting concerning the sunshine laws regarding village records.
7. **South Middle School** – Dale Moore, Newton County Central Dispatch needed verification of the address for the school. Denny Desmond notified him of the address and also advised him that Dale Owen would be his contact for future address requests.
8. **Speed Limit Ordinance:**
  - (a) General discussion concerning speed limits throughout the village. Only ordinance currently pertains to 50<sup>th</sup> Street.
  - (b) General discussion concerning making the speed limit 35 mph on Indiana Street in Leawood Village. Will place on May agenda to discuss increasing this speed limit.
  - (c) Motion made by Dale Owen and second by John Mitchell to have Mike Talley prepare a speed limit ordinance making the maximum speed limit in the Village of Leawood 25 mph except where posted. In favor 4 Opposed 0. Motion passed. Denny Desmond to contact Mike Talley.

Motion made by Fran Owen and second by John Mitchell to adjourn the meeting. In favor 4 opposed 0. Motion passed. Meeting adjourned at 8:40 P.M. Next meeting will be May 18, 2010.

Minutes prepared by:

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Fran Owen, Secretary    Date

Minutes approved by:

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Denny Desmond, Chairman