

# LEAWOOD LEDGER

www.leawoodvillage.com

VOLUME 12 ISSUE 52

MARCH 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

## Board of Adjustments

Rich Reed  
624-4180  
Troy Royer  
624-7141  
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, March 20, 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 January 17th Planning & Zoning hearing.
- Review and make a recommendation to the Board of Trustees of the ordinance #2012-1 authorizing, approving, detaching, and transferring the approximately 42+ acres at the northeast corner of 44<sup>th</sup> Street and Connecticut Avenue from the Village of Leawood to the City of Joplin.
- Initiate, review and update 2001 Comprehensive Plan

### Agenda – Trustees Meeting

- Approval of the minutes from the January 17th Board of Trustees meeting.
- Approval of treasurer's and financial reports and approval for payment of bills.
- Update on Mercy Hospital.
- Hear recommendation from the P&Z Commission of Ordinance #2012-1 for property at northeast corner of 44<sup>th</sup> Street and Connecticut Avenue and have the first and second readings for approval.

### Financial Information- February 29, 2012

2012 (two months) revenues of \$20,988 (includes \$12,070 real estate taxes) were significantly higher than expenses of \$5,318 for a net surplus of \$15,670. As a result the cash balance increased from \$77,729 to \$93,399. As of February 29th the balance in the General Fund is \$82,012 and the DOR Road Fund is \$11,387.

The cash balances at Community Bank and Trust are \$58,071 in checking and \$35,328 in money market for a total of \$93,399 which agrees with the CBT statements.

YTD revenues are below budget by \$1,926 and prior year by \$2,244 as the revenues from the Missouri Department of Revenue for road funds have decreased by \$1,840 versus budget and \$1,706 versus last year apparently due to a reduction in the 2010 census population of Leawood from over 900 in 2000 to 642 due to the deannexation of Wildwood to Joplin. Expenses are below budget by \$2,052 and last year by \$916 due to lower legal fees.

## April Election for Board of Trustees

Three residents initially filed for the April 3<sup>rd</sup> election to the Board of Trustees: Cliff Barker (1824 East 44<sup>th</sup> Street) and incumbents, Fran Owen and Caleb Head. Barker has withdrawn his candidacy due to personal issues, but his name will still appear on the ballot. Due to his expertise and experience Barker will be nominated to become a member of the Planning & Zoning Commission.

### Animal Control

Several complaints have been received recently concerning dogs running free. Residents are reminded that the Village has an animal control ordinance. You can find more information concerning this ordinance at the village web site listed below.

### Leawood Village Web Site

[www.leawoodvillage.com](http://www.leawoodvillage.com) is the village website available for your viewing. The site includes information about financial statements, Comprehensive Plan ordinances, *Leawood Ledger*, meeting minutes and contact information.

## Notice of Public Meeting

**March 20, 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 then requested that Powell provide 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 instead delivered his “Deannexation Agreement”. His 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.” #3 “This agreement shall be void if not executed by all parties by 10:00 pm, January 17, 2012.” Powell then 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; #3 Deatherage (current owner of property on the 17th) 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 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 property 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 final approval