

**VILLAGE OF LOCH LLOYD
BOARD OF TRUSTEES
March 27, 2025 Meeting Minutes**

THE VILLAGE OF LOCH LLOYD BOARD OF TRUSTEES MET IN REGULAR SESSION ON MARCH 27, 2025 IN THE FIRESIDE ROOM OF THE COUNTRY CLUB LOCATED AT 16750 COUNTRY CLUB DRIVE, VILLAGE OF LOCH LLOYD, MISSOURI. MEMBERS PRESENT INCLUDED CHAIRMAN SCHULTZ, TRUSTEE/CLERK LAFATA, TRUSTEE DOUGLAS, TRUSTEE WITHEY, TRUSTEE MURPHY (PARTICIPATED REMOTELY) AND VILLAGE ATTORNEY ZERR.

CALL TO ORDER

Chairman Schultz calls the meeting to order at 9:02 a.m.

PLEDGE OF ALLEGIANCE.

Chairman Schultz invited the Trustees and audience to stand as they were capable and to join him in the recitation of the pledge of allegiance.

ROLL CALL

Chairman Schultz requested that Village Attorney Zerr conduct a roll call of trustees in attendance for confirmation of quorum. Village Attorney Zerr called the roll, confirming full board presence and presence of a quorum to conduct business. Trustee Murphy was noted as participating remotely.

APPROVAL OF PREVIOUS MEETING MINUTES

Chairman Schultz then opened the floor for a motion to approve the Trustee Meeting Minutes from January 23, 2025. Chairman Schultz recognized Trustee Douglas who motioned to approve the Trustee Meeting Minutes from January 23, 2025, as presented. Chairman Schultz then recognized Trustee Withey who seconded the motion. There being no further discussion on the motion, Chairman Schultz called for a vote. Vote taken by Roll Call Vote

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| Trustee Withey | Aye |
| Trustee Douglas | Aye |
| Trustee Lafata | Aye |
| Trustee Murphy | Aye |
| Chairman Schultz | Aye |

Motion passed unanimously, no objections, no abstentions.

NEW BUSINESS

a. GBA 2018 IRC Building Code Chapter 11

Chairman Schultz then brought up the first new business item on the Agenda for consideration. This included a report and request from George Butler Associates (“GBA”) Village engineer regarding the enforcement and application of Chapter 11 within the currently adopted Building Code of the Village. Chairman Schultz recognized Trustee Lafata for initial background on the topic. Specifically, Chapter 11 of the adopted Building Code relating to

Energy Efficiency, is not being used. Joe Kemptz and Chad Coffelt, both of GBA, were present to provide an explanation of Chapter 11 of the Building Code, what it means, whether the Village needs to enforce it, who else is enforcing it, and how it will impact upon issuance of permits for new construction within the Village.

Questions and discussion ensued amongst the Board. Questions answered by Mr. Kemptz and Mr. Coffelt, respectively. The code for Chapter 11 was updated in 2022. There has been a lot of guidance given by following the Overland Park model for institution. Some jurisdictions have deleted Chapter 11 entirely. This is not an overly popular position but has been done in some municipalities. The way it is in our current Code (2018) have no changes. Question presented for Council determination on whether the Village should enforce the energy efficiency standards. It is not retroactive. Existing portions of the home would not be required to comply. Only new additions and new build. Currently, GBA is not evaluating these standards when evaluating new buildings or new additions in the Village. Instituting it would basically create three extra inspections. It has not been on the list of current inspections.

GBA is seeking input from the Board to determine on whether to enforce, or keep going without enforcement. Where that minimum is set is up to communities to decide. Right now, GBA believes that the homes they are looking at are somewhere around a 60-65 on the energy efficiency score. What it comes down to is the extra costs to homeowners.

Trustee Murphy commented on confirmation. Things that are there would be grandfathered. New build and additions/extensions would be subject to the energy efficiency standards if they were to enforce Chapter 11 now. Mr. Zerr, Village Attorney inquired further for clarification of the potential legal impacts.

Trustee Withey inquired as to whether it would require additional building permits and costs of the higher efficient materials.

There being no further discussion on the matter, Chairman Schultz recognized Trustee Douglas who motioned to not enforce Chapter 11 of the 2018 IRC Building Code. Chairman Schultz then recognized Trustee Lafata who seconded the motion. There being no further discussion on the Motion, Chairman Schultz called the vote.

Vote taken by Roll Call Vote

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| Trustee Withey | Aye |
| Trustee Douglas | Aye |
| Trustee Lafata | Aye |
| Trustee Murphy | Aye |
| Chairman Schultz | Aye |

Motion passed unanimously, no objections, no abstentions.

**b. Update of Variances to the UDO and Approval Process by Board of Adjustment
(225 Loch Lloyd Parkway)**

Chairman Schultz then brought up the next business item on the Agenda for consideration including the process for approval of variances by the Board of Adjustment and a prospective

violation by the structure located at 225 Loch Lloyd Parkway. Chairman Schultz recognized Clerk Lafata who reported that the way the residence sits on the lot violates the set-back obligations (front, rear and side setbacks). Someone determined that the side of the house where the garage was the “front” of the house. Concerns from neighbors about how it looks from the street. It was approved by the Development Review Committee of the South HOA. But that does not alter the application of the Unified Development Ordinance adopted by the Village. GBA, nor John Evans, were responsible for evaluating the setbacks within the Code. Clerk Lafata would like to have GBA begin reviewing this as part of their evaluations and to notify him of any setback variances that may be required, or to confirm compliance with the applicable setbacks. A letter has already been sent to all of the builders regarding setback obligations moving forward.

Clerk Lafata indicated that any variances would come before the Board right now. However, it should be a Board of Adjustment. The Village has not yet established the Board of Adjustment. Does the Board want to review and consider variance applications, or does the Board want to create and populate and Board of Adjustment to do this work/evaluation?

Questions and discussion ensued amongst the Board. Mr. Zerr provided legal analysis from the current code provisions under the Unified Development Ordinance.

Chairman Schultz instructed Clerk Lafata to send out a new notification email indicating the desire to populate the Board of Adjustment, and requesting Trustee Withey to talk with the Ms. Linda Enright, previously identified resident who was interested in serving on the Board of Adjustment as a volunteer.

c. Update on MODOT Stoplight

Chairman Schultz then brought up the next business item on the Agenda for consideration. Chairman Shultz recognized Clerk Lafata who provided an update on the Missouri Department of Transportation (“MODoT”) anticipated schedule for the stoplight construction along Holmes Road and notification of the need to deliver the \$162,000 check to MODoT as part of the cost-share agreement. Clerk Lafata confirmed that the bid package will be finalized by April 10. Bids will be opened on May 16, 2025. The contract awarded by MODoT by June 5, 2025. Comments from Trustee Withey. No action sought by Clerk Lafata or staff. No action taken by the Board.

d. Update on Repayment of MODOR

Chairman Schultz then brought up the next business item on the Agenda for consideration by the Board. Chairman Schultz updated the Board on the alleged failure to file financial statement as issued by the Missouri Department of Revenue (“MODoR”). The Village responded with reasons why the tax was not owed. In recent weeks, the Village received a response from MODoR confirming that it is not owed. In addition, MODoR will refund the \$8,000 that had been taken out of the Village sales tax payment. No action sought by Chairman Schultz or staff. No action taken by the Board.

e. Approval of Audit

Chairman Schultz then brought up the next business item on the Agenda for consideration by the Board. Chairman Schultz recognized Clerk Lafata who noted that the audit was provided to the members of the Board at the last regular meeting for review and consideration. He provided three additional comments from the auditors for future corrective purposes including;

- (a) The accountant gave all of the information to the auditor with some unclassified materials required from the accountant to the auditor,
- (b) When the Village split out the road tax from the general fund, they did not put forth a budget for that year, and
- (c) When the Village started the Sechrest rezoning consideration, prior to an application being submitted, the Village put the money into an escrow account. This action should have been voted upon by the Village Board of Trustees to establish the escrow account. The escrow account has now been eliminated.

Questions and answers ensued. Clerk Lafata answered the questions.

Clerk Lafata then sought acceptance and approval of the audit as presented.

There being no further discussion on the matter, Chairman Schultz recognized Trustee Douglas who motioned to accept and approve the audit as presented. Chairman Schultz then recognized Trustee Withey who seconded the motion. There being no further discussion on the Motion, Chairman Schultz called the vote.

Vote taken by Roll Call Vote

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| Trustee Withey | Aye |
| Trustee Douglas | Aye |
| Trustee Lafata | Aye |
| Trustee Murphy | Aye |
| Chairman Schultz | Aye |

Motion passed unanimously, no objections, no abstentions.

f. Maintenance Agreement Village Generator

Chairman Schultz then brought up the next business item on the Agenda for consideration by the Board. Chairman Schultz recognized Trustee Douglas who provided background information and details on the current status of the backup generator inside a building by the dam for maintenance in the event that power is lost. Based upon its age, there was never a scheduled maintenance program established. Trustee Douglas recommended that the Board approve a maintenance agreement with CM Mose for the same. Two bids were obtained. One from Clifford Power. The second from CM Mose for \$429 for two visits a year.

There being no further discussion on the matter, Chairman Schultz recognized Trustee Withey who motioned to accept the lower bid submitted by CM Mose. Chairman Schultz then recognized Trustee Lafata who seconded the motion. There being no further discussion on the Motion, Chairman Schultz called the vote.

Vote taken by Roll Call Vote

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| Trustee Withey | Aye |
| Trustee Douglas | Aye |
| Trustee Lafata | Aye |
| Trustee Murphy | Aye |
| Chairman Schultz | Aye |

Motion passed unanimously, no objections, no abstentions.

g. Such matters as come before the Board of Trustees

- (i) Chairman Schultz recognized Clerk Lafata who commented on the home on St. James Court where the building permit was issued in 2022 but no construction has been completed. He noted that dirt gets moved then nothing happens for six months. This has continued for a significant time period. The foundation is in but nothing further. Clerk Lafata has reached out to GBA for fencing on the street. GBA has demanded that the property owner put a fence around it on the street. The construction is now pushing 3 years. Inquiry was made for the Board to consider what should be done next. Does anyone have an idea as to why it is lagging.

Questions and comments ensued from members of the Board. Responses and answers were provided from representatives of GBA.

Chairman Schultz requested that Village Attorney Zerr research and review options available for potentially enforcing to either expedite construction or return the property to original natural state. No

- (ii) Chairman Schultz then recognized Trustee Douglas who provided input and details on the Disaster Relief Team radio drill this coming Saturday. It will be a block by block drill with breakfast to follow. They have issues with the radios and they are in contact with representatives to resolve the issues. They may not do the actual drill, but they want to discuss the radio issues with each block captain.
- (iii) Chairman Schultz then recognized Clerk Lafata regarding the Holmes Road improvements, potential annexation, and the RAISE Grant from Belton. Notice from the City of Belton regarding the right-of-way annexation of Holmes Road. Mr. Zerr, Chairman Schultz and Trustee Murphy went to meet with Belton representatives in October.

Motion to retract the letter to Belton and notify them that we object to the annexation proposal. City of Belton has applied to MODOT and USDOT

for a RAISE Grant. As part of the grant, they will take the Richards Gebaur Airforce Base and the Eagles Landing Golf Course. Their plan is to make the largest intermodal facility in the United States. The reason that they want the annexation of Holmes Road is because it's the only way that they can take Holmes Road. Clerk Lafata and Chairman Schultz have communicated to State Representative Sherri Gallick that MODoT requested Belton to do the grant. MODOT denies this.

There being no further discussion on the matter, Chairman Schultz recognized Trustee Douglas who motioned to retract the letter sent to Belton and submit a Sunshine Request for records to MODoT for any information on the RAISE Grant. Chairman Schultz then recognized Trustee Withey who seconded the motion. There being no further discussion on the Motion, Chairman Schultz called the vote.

Vote taken by Roll Call Vote

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| Trustee Withey | Aye |
| Trustee Douglas | Aye |
| Trustee Lafata | Aye |
| Trustee Murphy | Aye |
| Chairman Schultz | Aye |

Motion passed unanimously, no objections, no abstentions.

- (iv) Closing remarks from Chairman Schultz including the notification from yesterday that the Village has been sued by the South HOA.

ADJOURNMENT

There being no further business to come before the Board, Chairman Schultz recognized Trustee Douglas who motioned to adjourn. The motion was seconded by Trustee Lafata. There being no further discussion on the motion, Chairman Schultz called the vote. Vote taken by Roll Call Vote.

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| Trustee Withey | Aye |
| Trustee Douglas | Aye |
| Trustee Lafata | Aye |
| Trustee Murphy | Aye |
| Chairman Schultz | Aye |

Motion passed unanimously, no objections, no abstentions.

Meeting adjourned at 9:55 a.m.

Respectfully submitted,

Jonathan S. Zerr

Jonathan S. Zerr
Village Clerk