

**VILLAGE OF LOCH LLOYD
BOARD OF TRUSTEES
June 11, 2025 Special Meeting Minutes**

THE VILLAGE OF LOCH LLOYD BOARD OF TRUSTEES MET IN SPECIAL SESSION ON JUNE 11, 2025, IN THE BANQUET ROOM OF THE LOCH LLOYD COUNTRY CLUB LOCATED AT 16750 COUNTRY CLUB DRIVE, VILLAGE OF LOCH LLOYD, MISSOURI. MEMBERS PRESENT INCLUDED CHAIRMAN ELSBERRY, TRUSTEE/CLERK LAFATA, TRUSTEE WORSTELL-BENJAMIN, TRUSTEE MURPHY AND TRUSTEE ETHERINGTON. ALSO IN ATTENDANCE WAS VILLAGE ATTORNEY ZERR.

CALL TO ORDER

Chairman Elsberry called the meeting to order at 6:10 p.m. and requested a roll call to confirm quorum.

ELECTION OF CHAIRMAN OF THE BOARD

Chairman Elsberry opened the floor to nominations for service as Chairman of Board of Trustees. Chairman Elsberry recognized **Trustee Worstell-Benjamin who nominated Trustee Elsberry to serve as continuing Chairman of the Board of Trustees.** Chairman Elsberry accepted the nomination. Chairman Elsberry recognized **Trustee Murphy who nominated Trustee Etherington to serve as Chairman of the Board of Trustees.** Trustee Etherington accepted the nomination.

There being no further nominations, Chairman Elsberry closed the floor and called for a vote.

Votes for Trustee Elsberry – 2

Votes for Trustee Etherington – 3

Village Attorney Zerr declared the election in favor of Trustee Etherington. Chairman Etherington will serve as Chair of the Board of Trustees for a one (1) year term, or until his successor is sworn in and seated. Trustee Elsberry relinquished control of the meeting over to Chairman Etherington. Chairman Etherington provided a number of opening remarks for his service as Chair.

ELECTION OF VILLAGE CLERK

Chairman Etherington opened the floor to nominations for service as Village Clerk. Chairman Etherington recognized **Trustee Worstell-Benjamin who nominated Trustee Lafata to serve as continuing Village Clerk.** Trustee Lafata accepted the nomination. Chairman Etherington inquired as to any additional nominations.

There being no further nominations from the members of the Board, Chairman Etherington closed the floor to nominations and called for a vote.

Trustee Lafata elected unanimously 5-0, no objections, no abstentions.

ELECTION OF TRUSTEE TO SERVE ON PLANNING AND ZONING

Chairman Etherington introduced the next agenda item and opened the floor to nominations for a Board member to serve on the Planning and Zoning Commission. Chairman Etherington recognized **Trustee Worstell-Benjamin who nominated Trustee Elsberry to serve on the Planning and Zoning Commission.** Trustee Elsberry accepted the nomination. Chairman Etherington recognized **Trustee Murphy who nominated Trustee Lafata to serve on the Planning and Zoning Commission.** Trustee Lafata accepted the nomination.

There being no further nominations, Chairman Etherington closed the floor and called for a vote.

Votes for Trustee Elsberry – 2

Votes for Trustee Lafata – 3

Village Attorney Zerr declared the election in favor of Trustee Lafata. Trustee Lafata will serve on the Planning and Zoning Commission for a one (1) year term, or until his successor is sworn in and seated.

REPORTS FROM COMMITTEES AND OFFICERS

A. Emergency Management

Chairman Etherington then introduced the next agenda item and provided background on the current makeup of the Emergency Management Committee. The members included former-Trustee Douglas who has been serving as the liaison from the Board of Trustee to the Committee. Chairman Etherington recognized Trustee Murphy who expressed a desire to volunteer for service on the Committee. Discussion ensued with input from Trustee Elsberry on the current volunteers and whether they would choose their own officers. Village Attorney Zerr confirmed. There being no further discussion on the topic, Chairman Etherington confirmed that Trustee Murphy would serve as the Board liaison to the Emergency Management Committee. Village Attorney Zerr indicated that the minutes would reflect appointment of Trustee Murphy by acclamation.

B. Signatures on Checks

Chairman Etherington then introduced the next agenda item and recognized Clerk Lafata who provided background on the current authorized signers. At this time, the signatures allowed for the accounts of the Village included Clerk Lafata, former-Trustee/Chairman Schultz, and former-Trustee Withey. With the most recent election results, the only authorized representative would be Clerk Lafata. Recommendation was made by Clerk Lafata that all of the currently elected Trustees should be authorized to sign checks on the accounts of the Village. Discussion ensued. Chairman Etherington then opened the floor for a motion on the issue. Chairman Etherington recognized **Trustee Murphy who motioned to have all five (5) Trustees be**

authorized as signatories on the Village accounts and financial holdings (including but not limited to those maintained at Country Club Bank and Great Southern Bank, respectively). Chairman Etherington then recognized **Trustee Elsberry who seconded the motion.** Chairman Etherington then opened the floor for discussion on the motion.

Inquiry by Chairman Etherington on the process moving forward to complete the designation of signatories. Clerk Lafata provided a response on the foreseen process, including provision of personal information that will be needed by representatives of Great Southern Bank. Great Southern Bank will allow the process to be completed by “docu-sign”. Country Club Bank will require the meeting minutes from this meeting/vote. Country Club Bank in Belton will then arrange for signatures with the individual Trustees through their own process.

There being no further discussion on the motion, Chairman Etherington called for a vote. **Motion passed unanimously, 5-0. No abstentions, no objections.**

C. Zoning Administrator

Chairman Etherington introduced the next agenda item and recognized Zoning Administrator Lafata for a report and update. Clerk Lafata provided the following status report on each pertinent project:

1. The Argyle Extension which was recently rezoned and platted is still awaiting approval of an agreement with the Water/Sewer District. They are currently shooting for the later part of July to have it done so that they can begin moving dirt in August.

2. The Bret Glass Project which was rezoned at the same meeting as the Argyle Extension. Their preliminary plat is completed, but they are running into problems with two neighboring property owners in the River Ridge subdivision (on the Kansas side), based upon an adverse possession claim.

3. The Sechrest Project developer has completed the stormwater engineering and design which has been approved by the Village Engineer, GBA. The deed restriction has been completed and recorded. The legal description is being validated and confirmed by GBA. The water and sewer agreement is the same water and sewer agreement as needs to be completed for the Argyle Extension and will likely be on the same timeframe. The developer has completed a draft of the vehicular and pedestrian studies which has been submitted to GBA for approval. The agreement with the South HOA has been completed. There are some remaining items that will need to be completed under the development agreement, including the maintenance agreement for the remainder of the Sechrest property.

4. The Neighbors’ Project remains in communication between the Village Planner and their engineer regarding plan review items. The last correspondence was on May 14. Mr. Shires has already responded to them. We continue to await their further response.

Chairman Etherington recognized Trustee Murphy for questions on the anticipated timeline for the Neighbors' application. Zoning Administrator Lafata responded that any answer or timeline provided would be a guess. It is up to the applicant to come back with answers to the basic questions.

Chairman Etherington recognized Trustee Elsberry who inquired on the stormwater study completed for the Sechrest property and approved by GBA. Trustee Elsberry requested a copy of the same. Zoning Administrator Lafata agreed to provide the same. Trustee Elsberry further inquired on the "laundry list" of additional potential studies that may be required of the Sechrest developer. Specifically, Trustee Elsberry inquired as to which studies had been identified by GBA as being needed. Zoning Administrator Lafata responded, including the need for the Water/Sewer Study that will be completed between the developer and the North Cass Water and Sewer District. Further inquiry by Trustee Elsberry on impacts of the Sechrest development on the lake. Zoning Administrator Lafata confirmed that he will need to follow-up with GBA on the extent of that study and who would complete it. Trustee Elsberry also requested information on whether all of the studies would be required. Zoning Administrator Lafata confirmed that all of the studies in the development agreement would need to be completed unless GBA waived it. On the vehicular and pedestrian traffic study, it was determined from an initial evaluation by GBA, that the impact would not require a more detailed/deeper study.

There being no further questions or concerns, Chairman Etherington closed discussion on the reports. No action sought or taken.

UNFINISHED BUSINESS

A. 2025-2026 Budget Discussion and Approval

Chairman Etherington introduced the next agenda item and recognized Clerk Lafata for an update, report, and information on the proposed 2025-2026 Budget. Clerk Lafata indicated that the budget was previously provided and he had not received any additional follow-up questions from members of the Board in the intervening month. The matter was opened to the Board of further discussion and questions.

Chairman Etherington recognized Trustee Elsberry for questions regarding the current reserve balance, the 50% dip in building permit payments, the use tax cash flow, the rezoning fees for the Sechrest and the Neighbors' property, the business license fees, any proposed expenses for the street/traffic light installation costs, and the estimated legal fees.

Clerk Lafata provided a response with approximate reserve balance of \$180,000. Clerk Lafata noted the assumptions and reasons for why the building permits were elevated this year through remodels, generator construction and otherwise. Clerk Lafata confirmed that the cash flow for the use tax was steady based upon the fact that it did not go into affect until most of the way through the year. The use tax statutory provisions delayed its effectiveness until October 1, with payment in December. Clerk Lafata confirmed that the Sechrest developer had previously paid the rezoning fee, but there would still be costs and fees associated with the preliminary plat

and final plat application. Regarding the business license fee, the only fee collected is for the fireworks stand. Finally, there will be no expected expenses in the next fiscal year for the street/traffic light installation. Clerk Lafata also noted the cost of tackling the Unified Development Ordinance revisions was estimated at \$20,000 to \$25,000 by Mr. Shires at Confluence. Clerk Lafata provided the analysis of legal fees including the potential increase in the UDO and the Sechrest development process.

Chairman Etherington then recognized Trustee Worstell-Benjamin who inquired as to the general fund balance and the “starting” amount versus the “end of year” balance. Trustee Worstell-Benjamin inquired as to how she could obtain a copy of the identified financial reports, and who the current accountant was for the Village.

Clerk Lafata confirmed that the “beginning” and “end” balances would be reflected in the financial reports, not the budget. Clerk Lafata confirmed that he would provide the Board with a copy of the financial reports. The accountant for the Village is Theresa Ryan and has been for years.

Chairman Etherington recognized Trustee Murphy who commented on the costs for professional fees, including anticipated decreases in legal fees. He further noted the potential increases in income for new home permits.

Chairman Etherington recognized Trustee Elsberry who confirmed that the budget is not a static document, specifically, the Village cannot exceed the budgeted amounts without Board action to amend/approve it. Confirmation provided by Clerk Lafata and Village Attorney Zerr. Chairman Etherington also noted that the Village will need to tackle a number of administrative codes that may result in increased legal fees.

Discussion ensued amongst members of the Board with Clerk Lafata suggesting that they incorporate more money into the UDO amendment. Trustee Murphy suggested simply allocating a budgeted amount for UDO. Trustee Worstell-Benjamin inquired as to the basis for the additional investment. Clerk Lafata responded that the UDO is currently 20 years old and is outdated according to Mr. Shires. Village Attorney Zerr confirmed that there are multiple items that were identified during the Sechrest development process to be addressed/revised. Village Attorney Zerr noted the process in other municipal entities to reflect changes due to caselaw, and changes in development trends including chickens, bees, and signage.

Chairman Etherington concluded the discussion and recapped the same, specifically that the budget can be amended throughout the year based upon income and expenses. Trustee Elsberry suggested that Mr. Shires had suggested \$25,000. This was confirmed by Clerk Lafata.

City Attorney Zerr suggested that the Board could discuss and approve the budget. They could approve it as presented, or they could seek to amend it and approve an amended version. Chairman Etherington recognized **Trustee Elsberry who motioned to approve the budget as proposed subject to the addition of \$25,000 as an addition line item in professional fees to amend the Unified Development Ordinance.** Chairman Etherington recognized **Trustee Murphy who seconded the motion.**

There being no further discussion on the motion, Chairman Etherington called for a vote. **Motion passed unanimously, 5-0. No abstentions, no objections.**

B. Zoning Administrator and Village Treasurer Discussion

Chairman Etherington introduced the next agenda item and presented background on the Zoning Administrator and Village Treasurer from last month's meeting. Neither position is required by statute, but is authorized. If there is a Village Treasurer that is appointed by the Board of Trustees, they must be bonded. Theresa Ryan is the current bookkeeper. She does not collect funds on behalf of the Village. She prints checks for signing, but she cannot sign them. She does not have access to our bank accounts. She utilizes the software and statements provided to her in completing the financial statements. An outside accounting firm audits her work. She is checking on the extent of insurance, but there would not have a need for a bond, unless they voted her in as a treasurer.

Chairman Etherington recognized Trustee Murphy who expressed his support for having Ms. Ryan appointed as the Village Treasurer. It would allow for the function to be fleshed in and expanded as needed to help alleviate the obligations of the Village Clerk.

Chairman Etherington recognized Trustee Elsberry who expressed his agreement with appointing Ms. Ryan as Village Treasurer and noted the minimum bond amount of \$50,000. Trustee Lafata responded by reading Section 80250 RSMo regarding the bond obligation in an amount not less than \$1,000. Trustee Elsberry recalled a resident at last month's meeting requesting a regular report from the Village Treasurer to the Board of Trustees. Trustee Lafata suggested that this be provided on a quarterly basis. The notion of the periodic update was affirmed by Trustee Murphy. Village Attorney Zerr indicated that they may want to check with Ms. Ryan before making a vote. Trustee Lafata noted that he has checked with her and she is willing.

Chairman Etherington recognized **Trustee Murphy who motioned to appoint Theresa Ryan as Village Treasurer, to set her bond requirement at \$1,000.00, and that she be requested to submit a financial report during the regular monthly meeting of the Board of the Trustees, to be provided on at least a quarterly basis.** Chairman Etherington recognized **Trustee Elsberry who seconded the motion.** Chairman Etherington then opened the floor for discussion on the motion.

There being no further discussion on the motion, Chairman Etherington called for a vote. **Motion passed unanimously, 5-0. No abstentions, no objections.**

Chairman Etherington then introduced the Zoning Administrator agenda item and recognized Trustee Elsberry. Trustee Elsberry commented that he had spoken with Village Clerk Zerr who recommended that the Zoning Administrator be a certified licensed land planner. Chris Shires was the obvious candidate. Trustee Elsberry has spoken with Mr. Shires who confirmed his willingness to serve as the Zoning Administrator. Trustee Lafata commented that there is not anyone "local" to deal with items that may come up.

Chairman Etherington recognized Trustee Murphy who inquired of Trustee Lafata as to the amount of work Mr. Shires is currently involved in for zoning activities within the Village. Trustee Lafata provided responses on issues raised for any zoning and land use matters.

Chairman Etherington recognized Trustee Elsberry who commented on the impartiality of Mr. Shires as a Zoning Administrator in particular as it relates to Trustee Lafata's role as both Clerk and appointed representative from the Board of Trustees to the Planning and Zoning Commission. Trustee Elsberry expressed his concern that the person who makes "zoning application" decisions would also be voting on those same applications. Trustee Lafata responded with examples of his role in those decisions.

Trustee Murphy acknowledged the power concentration that may be of concern for Trustee Elsberry, but it is also pragmatic and essential to have Mr. Shires in the mix with Village Attorney Zerr. Trustee Murphy expressed concerns for the Des Moines distance being an issue even if it is only three hours away. Trustee Elsberry suggested that the position could be filled remotely from Des Moines. He would only have to travel down for public hearings. Trustee Elsberry identified the independent discretion given to the Zoning Administrator which he believes should be held by an additional third party. Trustee Lafata inquired as to whether the UDO established an obligation for a third party to serve as the Zoning Administrator. Chairman Etherington confirmed that it was not. If there is no Zoning Administrator appointed, it defaults to the Village Clerk which is where the Village is right now.

Chairman Etherington inquired as to the daily activities of the Zoning Administrator that does not involve Mr. Shires. Are there day-to-day activities that if Clerk Lafata was not doing, would thereby fall to Mr. Shires. Clerk Lafata is available for a lot of the time as opposed to Mr. Shires. Chairman Etherington inquired as to the volume of that work which would then fall to Mr. Shires. Clerk Lafata provided the example of the house on Saint James Court which has been delayed in construction and provided all of the work he has performed to push the matter forward. Trustee Elsberry indicated that it should principally be left to GBA to enforce. Trustee Elsberry was very concerned over the discretion that had been granted to the Clerk. Clerk Lafata indicated that the Development Agreement was principally drafted and negotiated by the Village Clerk and Chairman Schutlz. Trustee Elsberry wants someone that they can fire if they want.

Trustee Murphy identified the distance, time, and cost associated with making Mr. Shires the Zoning Administrator. Chairman Etherington noted that the Zoning Administrator should be "boots-on-the-ground" to monitor what is going on within the community. Trustee Murphy suggested that the matter be given greater consideration when they take up the discussion for UDO amendments, including what the Zoning Administrator should be able to do and should not be able to do.

Trustee Elsberry indicated his willingness to serve as the Zoning Administrator. Trustee Worstell-Benjamin inquired as to the position, duties and roles of the Zoning Administrator. Trustee Elsberry responded that it was discretion to determine when zoning applications are complete, and a number of issues within the development agreement including what studies would be required as part of the development. Trustee Worstell-Benjamin inquired again as to what they

would physically be required to undertake and why it could not be performed remotely. Trustee Elsberry agreed.

Trustee Elsberry motioned to nominate himself as the Zoning Administrator. Trustee Lafata motioned to nominate himself as the Zoning Administrator. Trustee Worstell-Benjamin nominated Mr. Shires as the Zoning Administrator.

There being no further discussion on the matter, Chairman Etherington called for a vote.

Trustee Elsberry – 2 – 3.

Trustee Lafata – 3 – 2.

Chris Shires – 2 – 3.

Motion to appoint Trustee Lafata passed by a vote of 3 – 2. No absentions, no objections. Chairman Etherington declared **Trustee Lafata the elected Zoning Administrator.**

C. Planning and Zoning Candidate Update and Next Steps

Chairman Etherington then introduced the next agenda topic and recognized Clerk Lafata for a report on the same. Clerk Lafata advised that, in response to the instructions provided by Chairman Elsberry at the last meeting, he put out a request to the residents for volunteers on the Planning and Zoning Commission. There were nine (9) responses from individuals who were interested in serving on the Planning and Zoning Commission, each of whom submitted their resumes. The individuals who responded to the P&Z request included: Nate Irvin, Tom Dunn, Sherry Stanford, Jed West, Glen Etherington, Jordan Wilson, Jim Miller, Mark Frankovic, and John Rickman.

Chairman Etherington then inquired of Clerk Lafata regarding the process moving forward. Clerk Lafata advised that in the past, the applicants would come in for 5-10 minute interviews with the members of the Board of Trustees. This gave a chance for them to provide their background, why they want to serve on the P&Z, and what they think they can bring to the P&Z. It allows Q&A with the Board of Trustees. Then the Board of Trustees voted on applicants for approval.

Chairman Etherington then inquired on whether they could do all of the processes at a work session. Village Attorney Zerr recommended that the interview and Q&A take place at a work session, but that the actual vote needs to occur at a legislative meeting of the Board of Trustees. Inquiry from Trustee Elsberry on the number of vacancies to be filled. Clerk Lafata confirmed that there are four (4) current vacancies.

Clerk Lafata inquired of the Trustees as to what they would like to do as next steps for the Planning and Zoning Commission appointments. Chairman Etherington indicated a desire to have interviews for candidates in a couple of weeks. Clerk Lafata will notify the Trustees for a potential date and then notify the candidates accordingly. Discussion ensued between Chairman Etherington and Clerk Lafata with a tentative date of June 25. Village Attorney confirmed that it would be a work session only, with no legislative action taking place. Clerk Lafata indicated an approximate timeframe of 1.5 hours.

Trustee Murphy and Trustee Elsberry requested to have the candidates narrowed down with a chance to review resumes and establish a ranked choice/order in advance to cut it down from nine (9) to six (6). Village Attorney indicated that they could not do so prior to the work session as a group. Further discussion ensued on the process utilized previously with Clerk Lafata providing guidance and responses.

Village Attorney advised Chairman Etherington that he has authority to set a work session date, time, and location. Alternatively, he could hold off for other members of the Board to confirm their availability, he can. **Chairman Etherington instructed Clerk Lafata to post a work session for evaluation and interview of candidates to be set for June 25, 2025 at 6:00 p.m., at the clubhouse.**

D. Board of Adjustment Candidate Update and Next Steps

Chairman Etherington then introduced the next agenda topic and recognized Clerk Lafata for a report on the same. Clerk Lafata advised that, in response to the instructions provided by Chairman Elsberry at the last meeting, he put out a request to the residents for volunteers on the Board of Zoning Adjustment. There were zero (0) responses from individuals who were interested in serving on the Board of Zoning Adjustment. Chairman Elsberry inquired of Mr. Lafata regarding whether any of the applicants specifically indicated that they did NOT want to be a part of the Board of Adjustment. Clerk Lafata advised the Board that there were individuals who specifically declined to be on the Board of Adjustment. Village Attorney Zerr then provided an overview of the duties and responsibilities of the Board of Adjustment.

Village Attorney Zerr inquired as to whether Chairman Etherington had a desire to take any further action without additional submissions from residents. Discussion ensued. Village Attorney Zerr recommended that they present the option for appointment to the Board of Adjustment to the nine (9) candidates who previously submitted their resumes for the P&Z. This was agreed to by Chairman Etherington.

E. Intermodal Update and Next Steps

Chairman Etherington then opened the next item on the agenda for discussion by recognizing Village Attorney Zerr and Clerk Lafata for updates. Village Attorney Zerr presented details on correspondence received from the Director of Community Development, Matt Wright, at the City of Belton. The correspondence contained a revised area of intended annexation by Belton which was redrawn pursuant to the previous objections submitted by the Village of Loch Lloyd. At the last meeting of the Board of Trustees, there was a motion approved instructing Clerk Lafata and Village Attorney Zerr to reach out to MODOt and representatives of Belton to arrange for their attendance at tonight's meeting for questions and answers by the Board. Attorney Zerr contacted Belton representatives who declined to attend which increases suspicion. Belton representatives did indicate that they would be willing to respond to written questions for future consideration. The underlying basis for the annexation remains the intermodal project that Belton is planning. Clerk Lafata would be better able to respond to information that he has learned on the intermodal.

Clerk Lafata advised that he contacted MODoT who declined to attend unless Belton representatives were present. They needed to be neutral in their answering of questions. They suggested that we schedule a meeting with representatives of the Village separate from a public Q&A. Village Attorney Zerr recommended that the numbers be limited to designated individuals and representatives from the Village including Village Planner Shires, Village Attorney Zerr, Clerk Lafata, Chairman Etherington, etc.

Chairman Etherington recognized **Trustee Lafata who made a motion that Village Attorney Zerr seek to set up a meeting with Belton to discuss and present our questions, and that the meeting include Chairman Etherington, Village Attorney Zerr, and Trustee Elsberry.** Chairman Etherington recognized **Trustee Elsberry who seconded the motion.** Chairman Etherington then opened the floor for discussion on the motion.

Trustee Elsberry recommended that they work on getting something in writing and further commented that their most recent correspondence indicated that their annexation has nothing to do with proposed intermodal project. Clerk Lafata commented that at the last meeting, they provided the documents from the open records request submitted to MODoT. He believed that Trustee Withey had obtained records from Belton on a Sunshine request. He further inquired of Trustee Elsberry as to whether he had been provided the document responses from Trustee Withey. Trustee Elsberry indicated that he believed she may have sent it to him following the meeting and he would check accordingly. Discussion ensued between Chairman Etherington and Trustee Elsberry regarding the statement from Belton that their annexation was unrelated to the intermodal project.

Chairman Elsberry commented that the most recent letter from Belton would appear to be taking an alternative approach in their annexation efforts to perhaps direct truck traffic elsewhere, and not towards Holmes. Clerk Lafata, Village Attorney Zerr, and Trustee Elsberry acknowledged the same, but indicated that it should be the first question asked of Belton when a meeting occurs. Chairman Elsberry inquired as to where the trucks be going.

Chairman Etherington recognized Trustee Murphy who provided some additional background and information on the meeting he had with MODoT. Specifically, the focal point of providing safety and noting that Holmes Road previously had a number of concerns. The currently planned stoplight may not be the only one as they were looking at potentially placing one at Kenneth Road which would present a whole new can of worms. Thinks they may want to finish addressing the Markey Road issues first as well. Getting to the bottom of what Belton truly wants and what they are attempting to address is critical.

Chairman Etherington recognized Trustee Lafata who followed-up on the MODoT comments of Trustee Murphy. Specifically, MODoT will give high consideration to any concerns raised by the municipalities that would be impacted by their RAISE Grant funds and the plans of Belton. If the Village does not agree to the annexation, then Belton will be stuck without RAISE moneies for expansion of Holmes Road. The key here is getting with Belton to see if they will actually come forth with the truth. If they do not do that, then the only viable next step is to provide a resounding objection to their plan. Trustee Elsberry agreed.

There being no further discussion on the motion, Chairman Etherington called for a vote. **Motion passed unanimously, 5-0. No abstentions, no objections.**

F. SHOA Lawsuit Dismissal

Chairman Etherington opened the next agenda item for discussion and indicated that he would be presenting on the South HOA lawsuit and its recent dismissal. The South HOA sued the developer and the Village over the rezoning of the Sechrest parcels and the development plan that the Trustees approved earlier in the year. Since everyone in the room was fully apprised, he did not go through the details of the action and background. At this time, the lawsuit has been dismissed. Chairman Etherington then thanked the developer and the South HOA for coming together to find a common ground on the issues. It is important for the community and helps them all move forward in the right way, and the right spirit. There remains a lot of work to be done, but with the South HOA now on board and the developer being able to move forward, he is hopeful to see a thawing of the relationship in the near future.

There being no further questions or concerns, Chairman Etherington closed the matter. No action sought or taken.

NEW BUSINESS

A. Emergency Management Generator

Chairman Etherington opened the next agenda item for discussion, including the emergency management generator and repairs required for the same. Chairman Etherington recognized Clerk Lafata for a report. Clerk Lafata reported that there is an emergency generator by the emergency container which functions if the electricity goes out. Two issues have been presented. There is a malfunctioning control module on it apparently someone has been tampering with it. There is an intermittent control function problem which does not kick on the transfer switch from the grid to the generator. The second problem is that the only way to test the unit is to disconnect the main power which is located in the Northwest Cass County Water Supply District utility cabin. It needs to be moved to a better more accessible unit. The control unit is \$800. To redirect the main power to the interior of the Village's emergency container is \$1,395. **Trustee Lafata then made a motion to authorize the expenditure of \$2,195 payable to C.M. Mose and Son to repair the malfunctioning control module and install a power disconnect for the emergency generator in the Village's emergency container.** Chairman Etherington recognized **Trustee Worstell-Benjamin who seconded the motion.**

Chairman Etherington opened the floor for additional discussion on the motion. Trustee Elsberry inquired as to the connection point for the current generator and control panel. Clerk Lafata provided the response. There is an issue that the gas line connected to the generator is owned/controlled by the Northwest Cass County Water Supply District module next to our emergency container. Additional discussion ensued between Trustee Elsberry and Clerk Lafata regarding how to address this in the future. Clerk Lafata provided information on what all the electricity (and potentially the generator) powers which included the emergency container and all

of the battery powered equipment within such as radios, etc. Chairman Etherington commented that the Emergency Preparedness Committee, under Trustee Murphy, should look into whether this is the most efficient method for the Village emergency equipment.

There being no further discussion on the motion, Chairman Etherington called for a vote. **Motion passed unanimously, 5-0. No abstentions, no objections.**

B. SHOA Container Building Permit

Chairman Etherington then opened the floor for the next agenda item regarding the South HOA building permit fine. Chairman Etherington recognized Trustee Elsberry for information on the building permit issue and background for the benefit of the Board. Trustee Elsberry provided information, background and comments on the \$15,000 fine imposed against the South HOA for their failure to timely acquire the building permit for the boat storage container construction. Believes that it would help in mending the relationship between the Village and South HOA in light of the Sechrest development. **Trustee Elsberry then motioned to waiver the \$15,000 fine imposed by the Village on the South HOA for its failure to timely obtain a building permit for their boat storage structure.** Chairman Etherington recognized **Trustee Worstell-Benjamin who seconded the motion.**

Trustee Murphy suggested that rather than waiving the fine, they should modify it. He believes that there has to be enforcement of the rules and concern over the precedent established. He suggested that the fine could be adjusted on a one-time basis to a more nominal amount rather than completely waive it. He asserted that they should look closely at the processes they have in place to make sure that there is notification sent before the issuance of the fine.

Discussion between Chairman Etherington and Trustee Elsberry ensued over the impacts of waiving the fine completely. Trustee Worstell-Benjamin inquired as to the circumstances surrounding the imposition of the fine. Trustee Lafata provided background details on the CUP process required for structures of the nature completed by the South HOA. Last summer, the South HOA installed two (2) containers and constructed a roof over it without proper permit. When the Village discovered the structures, they sent a notification to the South HOA of the violation and notified them of the need to complete a CUP application. This application was processed through the Planning and Zoning Commission and the Board of Trustees approved it subject to submission of an application for a building permit. The South HOA failed to obtain the building permit within the six (6) months timeframe granted by the Board of Trustees.

The six (6) months ran from October 4 to April 4. On April 7, the Village sent a notification that the South HOA needed to obtain a building permit within six (6) months or risk further enforcement, and that they would be fined \$500 per day until a permit was issued. The permit was submitted by the South HOA with the required materials on April 7. It then took GBA until May 7 to complete their review of the application and approve it. The \$500 was applied to the time from April 7 to May 7. Further inquiry from Trustee Worstell-Benjamin regarding the issues surrounding the lawsuit may have been the reasoning for failure to submit the permit application in a timely manner.

Trustee Elsberry inquired on the dates of the bill, the permit, the notice of violation, and the permit. Clerk Lafata provided responses accordingly. Trustee Elsberry then inquired as to whether GBA had reviewed the other structures to make sure that they are all compliant. Clerk Lafata noted that no notice of violation has been issued as yet until there is a determination by GBA as to the use of the structures. The use will impact whether it is a violation. Trustee Elsberry believes that the fine was “out of whack” and an intentional sleight by the Village to the South HOA. He expressed his concerns that, though perhaps a technical violation, the fines were excessive and therefore they should be waived.

Discussion ensued between Trustee Elsberry and Clerk Lafata regarding the nature of the structure, the nature of the use of the structure, and the validity of the fine imposed.

Chairman Etherington recognized Trustee Murphy who agreed that the Village does not need the money, but also agreed that the Village needed to have some level of enforcement. He also agreed that it was time to “turn the page” with the South HOA. **Trustee Murphy moved to amend the underlying motion to decrease the fine from \$15,000 to \$1,000 and the cost of the permit.** Chairman Elsberry recognized **Trustee Worstell-Benjamin who seconded the motion to amend.**

There being no further discussion on the motion to amend, Chairman Etherington called for a vote. **Motion to amend was approved by a vote of four (4) in favor and one (1) opposed.**

Chairman Etherington opened the floor for any further discussion on the original motion, as amended. There being no further discussion on the motion, Chairman Etherington called for a vote. **Original motion, as amended, passed unanimously, 5-0. No abstentions, no objections.**

COMMENTS FROM VISITORS

A. Dr. Bernard Abrams. Commented upon an easement on Holmes Road from 150-Highway to 58-Highway and the impact of the same on any future rezoning application. Chairman Etherington recognized Village Attorney Zerr for response and additional considerations.

B. Steve Hohbader. Inquired on an issue being back to the February 24, 2025 meeting.

C. Bob Bloss. Thanked the Board for the debate and discussion on the fine imposed against the South HOA for the building permit violation. The South HOA will proceed to pay the same accordingly. The representatives of the South HOA feel like they were following the process the best that they could and believe that they are now fully compliant. They appreciated the discussion undertaken by the Board.

D. Mike Hunter. Inquired for clarification on the Belton revised intent to annex.

SUCH OTHER MATTERS AS MAY COME BEFORE THE BOARD

None presented.

ADJOURNMENT

There being no further business to come before the Board, Chairman Etherington recognized **Trustee Murphy who motioned to adjourn**. Chairman Etherington then recognized **Trustee Lafata who seconded the motion**. There being no further discussion on the motion, Chairman Etherington called the vote. **Motion passed unanimously 5-0, no objections, no abstentions.**

Meeting adjourned at 7:43 p.m.

Respectfully submitted,

Jonathan S. Zerr

Jonathan S. Zerr
Village Clerk