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Cooper Co. Public
Water District No. 2

Board paid \$46,000 more for land plot

Board member abstained from vote for unknown reason

BY SANANDA SAHOO
Reporter

In purchasing land for a water tower, a county water board paid \$46,500 more than an initial offer for a similar piece of land across the road. That land has ties to a board member and construction on it has proven difficult because of federal regulations.

It was overpriced, a former board member who received the initial offer, said recently.

A year after it was purchased, the 1.9-acre plot of land near Jesse P. Viertel Memorial Airport, south of Interstate 70, ran into Federal Aviation Administration (FAA) regulation violations.

Howard Simmons, a resident of Village of Windsor Place, received an offer for his property in

March 2006 from Cooper County Public Water Supply District No. 2. Simmons, who became a board member that April, attended the board meetings at that time as the board member elect.

In April 2006, he was the only member in the five-member water board who voted against a motion to approve a purchase of the land from the Charles W. Loesing Living Trust and the Patricia Loesing Trust.

His reasons: it was over-priced and he didn't want a water tower in his backyard.

"It was priced higher, by all means," Simmons said. "They offered me \$30,000 for close to 2 acres, about the same size of land they bought," referring to the water board.

He didn't sell his land because he didn't want to look out of his kitchen window at a water tower, Simmons said.

One of the board members, Tom Loesing, ab-

stained from voting in a March 2006 meeting on a motion that approved the district attorney to negotiate an option purchase agreement to buy the piece of land. Board members usually abstain from voting on a measure when they have concerns about a personal connection to the interested party.

Tom Loesing, however, seconded the motion to approve the agreement with Charles W. Loesing Living Trust and Patricia Loesing Trust in April 2006.

"I can't talk on (the price difference)," said Mike Conway, attorney for the water board. "I wasn't involved in the negotiations."

Conway was the water board's attorney and clerk and attended the board meeting, according to meeting minutes.

He also couldn't say why Loesing abstained from voting.

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WATER: Mo. Sunshine Law says real estate discussions private

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The piece of land was finally bought in March 2007.

The plot of land that the board members considered in April 2006, had an option price of \$75,000. When it was bought, the price had shot up to \$76,500 as per a contract clause.

Simmons said his plot was on a higher elevation, which is one of the main criteria for plots of land meant for water towers.

Preliminary engineering reports from Cochran Engineering Company prepared in January 2006 do not mention getting a clearance from the FAA even though the report recommends the board to get letters of clearance from state and federal environmental agencies.

In July 2008, the FAA wrote to the water board that a 904-ft water tower in the plot would obstruct airport operations.

The board's meeting minutes leading up to the purchase and after do not refer to any alternatives to the Loesing property under discussion at any point of time.

Issues relating to leasing, purchase or sale of real estate are approved by the state Sunshine Law to be held in closed meetings because public knowledge might adversely affect the amount paid in the transaction.

Mike Conway said there was no bidding process.

Loesing said "there was a bidding process" but declined to comment further.

"It's not something you would bid on," said dis-

trict's attorney Mike Conway. "The members were looking for a specific piece of land with certain requirements where they felt they could build the water tower." Conway declined to say if the board had other options for plots of land for the tower project because he didn't have authorization from the board.

Eastern District Commissioner Ernie Walther, who was the president of the water board in 2006, declined to comment on the details of the discussion that went on to purchase the land.

While the Missouri statutes do not specifically talk about land purchases to build water towers, they say all purchases above \$6,000 should go through a competitive bidding process.

