



Office of  
**Mary Jo Brogato**  
Clerk of the County Legislature

# Jackson County Missouri

## JOURNAL

### County Legislature

Jackson County Courthouse  
415 East 12th Street, 2nd floor  
Kansas City, Missouri 64106  
(816)881-3242

*Victor E. Callahan (1st AL), Chairman*  
*Ronald E. Finley (2nd), Vice-Chairman*  
*Scott Burnett (1st), Dennis Waits (3rd), Dan Tarwater (4th),*  
*Terry Young (5th), Bob Spence (6th), Bill Petrie (2nd AL),*  
*Fred Arbanas (3rd AL)*

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**Monday, January 28, 2002**

**3:30 PM**

**Fourth Regular Meeting**

**Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers**

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Victor E. Callahan, Chairman, called the meeting of the Jackson County Legislature to order.

**1 ROLL CALL**

Present: Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits,  
Terry Young and Bob Spence  
Absent: Fred Arbanas

**2 THE PLEDGE OF ALLEGIANCE**

Recited.

**3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING**

Dennis Waits moved to approve the journal of the previous meeting held on 1/22/2002.  
Seconded by Dan Tarwater.

**The motion passed by a voice vote.**

**(APPROVED)**

**4 HEARINGS**

*None.*

*Victor E. Callahan, Chairman, presented a 20 year service pin to John Merkle, Highway  
Maintenance Foreman in the Public Works Department.*

**5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE**

*Katheryn Shields, County Executive, announced that Irving Achtenberg died last Monday. Mr. Achtenberg was a lawyer who was dedicated to fairness and equality for everyone. He fought hard for civil rights, trying to open up the Kansas City Bar Association to women and African-Americans. He also fought and won three cases before the United States Supreme Court; two expanding the principle that every vote should be counted equally and one establishing that cities violating the constitutional rights of its citizens cannot claim immunity. Mr. Achtenberg was politically active as well. He helped found the Jackson County Young Democrats and the Democratic Council of Jackson County. He was also involved in the local NAACP, ACLU and the American Veterans Committee. He was the first non-African American to receive the NAACP's Harold Holiday award for his work on the behalf of the advancement of civil rights. She extended her condolences to all who knew Irving Achtenberg and asked for a moment of silence to observe the loss of one of Jackson County's finest citizens.*

*Mark Trosen, Development Administrator/Public Works Department, reported on the progress of the food inspection program in Jackson County. In the fall of 2001, the Administration presented a comprehensive plan. With the approval of the Legislature, the 1999 Missouri Food Code was adopted, salary adjustments for food inspectors were made competitive with other jurisdictions and funding was provided for an additional animal control officer, so the department could assign the nuisance control responsibilities to the animal control division and dedicate three full time employees to food inspections. Also, laptop computers and software were purchased and are being used by the inspectors. In 2001, the department permitted 659 food establishments. All establishments were inspected at least once and 84% of the establishments were inspected twice in 2001. The establishments that received one inspection are considered low priority. He thanked the County Executive and Legislature for their support in the food establishment program and asked if they had any questions.*

*Victor E. Callahan, Chairman, commended Mark Trosen on the hard work he has put into the program and said he appreciated his leadership.*

*Ronald E. Finley, County Legislator, asked if the city of Lee's Summit is taking any steps to do their own inspections.*

*Mark Trosen said not to his knowledge.*

*Katheryn Shields said the only correspondence they have had with the cities in Jackson County was in 1999 when we informed them that the inspection fees for restaurants would be increased so that we could hire more inspectors.*

*Victor E. Callahan asked if 2 inspections per year was the goal.*

*Mark Trosen said food establishments are prioritized. High priority establishments are inspected 2-3 times per year, low priority are inspected two times per year. High priority food establishments include busier locations as well as buffets.*

**6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE**

Dennis Waits moved to waive the reading of Ordinances #3218 through #3220.

Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

The Land Use Committee will have a public hearing on Ordinances #3218 through #3220 on Monday, February 11, 2002 at 2:00 p.m. in the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.

**3218**

AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 35 ± acre tract, and approving the preliminary plat "Peaceful Acres 2nd Plat - Lots 4-7," creating a four-lot residential subdivision.

*(Land Use Committee - 1st. Perfection)*

**3219**

AN ORDINANCE granting a conditional use permit in District A (Agricultural) for a period of twenty (20) years to extend an existing 75-foot above the ground tower to a height of 120 feet for the purpose of providing high speed internet service, as to a 10 ± acre parcel.

*(Land Use Committee - 1st. Perfection)*

**3220**

AN ORDINANCE renewing a conditional use permit in District A (Agricultural) for a period of twenty-five (25) years to continue the operation of a gun club, firing ranges and other activities involving firearms as to a 60 ± acre parcel.

*(Land Use Committee - 1st. Perfection)*

**3221**

Anti-Drug Committee moved to perfect. Consent Agenda.

**3222**

Land Use Committee moved to perfect. Consent Agenda.

**7 FINAL PASSAGE OF PROPOSED ORDINANCES**

*None.*

**8 RESOLUTIONS IN COMMITTEE****13970**

Public Works Committee moved do pass. Consent Agenda.

**13976**

Public Works Committee moved do pass. Consent Agenda.

**13977**

Public Works Committee moved do pass. Consent Agenda.

[13978](#) A RESOLUTION authorizing the County Executive to execute an Agreement with Truman Medical Center Behavioral Health Services, a division of Truman Medical Center, Inc., in the amount of \$281,205.00, to provide for a substance abuse treatment program for inmates of the Jackson County Detention Center.

*(Anti-Drug Committee - 1st. Meeting)*

[13979](#) Land Use Committee moved do pass. Consent Agenda.

[13980](#) A RESOLUTION authorizing the County Executive to execute an Agreement with the City of Independence, MO, granting easements across a portion of Hill Park, in connection with the Maywood Road renovation project.

*(Land Use Committee - 1st. Meeting)*

[13981](#) Public Works Committee moved do pass. Consent Agenda.

[13982](#) Finance and Audit Committee moved do pass. Consent Agenda.

**9 CONSENT AGENDA**

[3221](#) AN ORDINANCE transferring \$71,882.00 within and appropriating \$107,824.00 from the unappropriated surplus of the 2002 Anti-Drug Sales Tax Fund to cover the Drug Abatement Response Team (DART) grant for the Prosecuting Attorney's Office funded by the Missouri Department of Public Safety and the transfer of matching funds, and accepting said grant from the Missouri Department of Public Safety.

(PERFECTED)

[3222](#) AN ORDINANCE appropriating \$21,629.00 from the unappropriated surplus of the 2002 Park Fund and \$86,517.00 from the unappropriated surplus of the 2002 Grant Fund and authorizing the County Executive to execute a Program Agreement with the Missouri Highways and Transportation Commission for Little Blue Trace Bicycle Trail improvements.

(PERFECTED)

[13970](#) A RESOLUTION expressing the intent of the Legislature to assist Dean Realty Company in the construction of, and to provide reimbursement for, one or more above ground and underground redevelopment project(s) and matters related thereto.

(ADOPTED)

[13976](#) A RESOLUTION approving a nine-month term and supply contract for the furnishing of John Deere industrial equipment replacement parts and service for use by the Public Works and Parks and Recreation Departments, with Murphy Tractor & Equipment Company of Kansas City, MO, under an existing government contract of the City of Kansas City, MO, Contract No. PA4233, in the estimated amount of \$17,000.00.

(ADOPTED)

[13977](#) A RESOLUTION authorizing the County Executive to execute an agreement with the Kansas City Area Development Council for providing a current profile of Jackson County at a cost to the County not to exceed \$25,000.00.

(ADOPTED)

[13979](#) A RESOLUTION awarding a one-year term and supply contract for the purchase of Toro turf equipment repair parts for use by the Parks and Recreation Department to Turf Professionals Equipment Company of Kansas City, MO, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$11,000.00, as a sole source purchase.

(ADOPTED)

[13981](#) A RESOLUTION authorizing Change Order No. 4 (Final) to the contract with Pyramid Contractors, Inc., of Olathe, KS, for the Liggett Road Bridge Replacement, Project No. 2249, reducing the contract amount by \$88,100.83.

(ADOPTED)

[13982](#) A RESOLUTION authorizing the County Executive to execute a Consolidated Tax Billing and Collection Agreement with the City of Lone Jack, Missouri.

(ADOPTED)

To perfect Ordinances 3221, 3222. To adopt Resolutions 13970, 13976, 13977, 13979, 13981, 13982.

Dan Tarwater moved the passage of the consent agenda. Seconded by Dennis Waits. The motion passed by a roll call vote:

Yes: 7 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

Absent: 1 - Fred Arbanas

## 10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3223](#) Appropriating \$2,452.00 from the unappropriated surplus of the 2002 Health Fund and authorizing the Director of the Department of Finance to issue a check in the amount of \$2,451.92 to the Mid America Regional Council as a pass-through of funds received from the Missouri Department of Public Safety, Division of Fire Safety.

*(Health and Justice Committee)*

[3224](#) Appropriating \$26,546.00 from the unappropriated surplus of the 2002 Health Fund and authorizing the Director of the Department of Finance to issue a check in the amount \$26,545.03 to the Mid America Regional Council as a pass-through of funds received from the Missouri Emergency Response Commission.

*(Health and Justice Committee)*

- [3225](#) Transferring \$58,722.00 within and appropriating \$234,891.00 from the unappropriated surplus of the 2002 Anti-Drug Sales Tax Fund, to cover a seven-month extension to the Multi-Jurisdictional Task Force Grant received from the Missouri Department of Public Safety.  
*(Anti-Drug Committee)*

## 11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

- [13983](#) Awarding a term and supply contract on Electronic Solicitation No. BB200123 for the furnishing of blue grass and zoysia sod for use by the Parks and Recreation Department to Greenhaven Sod of Riverside, MO (\$5,000.00) and Sod Shop, Inc., of Olathe, KS (\$5,000.00) to provide for departmental needs for the upcoming one-year period, in the estimated aggregate amount of \$10,000.00.  
*(Land Use Committee)*

- [13984](#) Increasing the contract for the furnishing of frame relay services between the downtown Courthouse and the Independence Annex with Southwestern Bell Advanced Solutions, Inc., of San Antonio, TX, in the amount of \$24,300.00, for a new total cost of \$32,300.00.  
*(Finance and Audit Committee)*

- [13985](#) Awarding a twelve-month term and supply contract for the furnishing of maintenance and miscellaneous telephone repair services for the Telrad Phone System for use by the Parks and Recreation Department to Ronan Communications, Inc., of Lenexa, KS, in the estimated amount of \$6,100.00, as a sole source purchase.  
*(Land Use Committee)*

- [13986](#) Dennis Waits moved the passage of Resolution #13986, extending for thirty days the term and supply contract on Bid No. 191-98 for the furnishing of inmate food service for use by the Corrections Department to ABL Management of Baton Rouge, LA, in the estimated amount of \$83,000.00. Seconded by Terry Young.  
Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young  
Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

*No dissenting vote to consider Resolutions #13987 through #13995 - not on printed agenda.*

- [13987](#) Terry Young moved the passage of Resolution #13987, authorizing the County Executive to execute an Agreement with the Mid-America Regional Council to provide social services to the aging and needy through the Redemptorist Parish Ministry Center at a cost to the County not to exceed \$21,315.00. Seconded by Dan Tarwater.  
Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young  
Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

[13988](#)

Terry Young moved the passage of Resolution #13988, authorizing an Agreement with the Mid-America Regional Council to provide programs for older citizens of Jackson County through the Minute Circle Friendly House at a cost to the County of \$25,375.00. Seconded by Dan Tarwater.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young

Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

[13989](#)

Terry Young moved the passage of Resolution #13989, authorizing the County Executive to execute an Agreement with the Mid-America Regional Council to provide social services to the aging and needy through the Palestine Senior Citizens' Activity Center at a cost to the County not to exceed \$50,750.00. Seconded by Dan Tarwater.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young

Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

[13990](#)

Terry Young moved the passage of Resolution #13990, authorizing the County Executive to execute an agreement with the Visiting Nurses Association Corporation for the delivery of home health services to medically indigent residents of Jackson County at a cost to the County not to exceed \$68,900.00. Seconded by Dan Tarwater.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young

Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

[13991](#)

Terry Young moved the passage of Resolution #13991, authorizing the County Executive to execute an Agreement with the Cabot Westside Clinic to provide a variety of health care and social welfare services to the indigent residents of the Westside of Kansas City, Missouri, at a cost to the County not to exceed \$45,000.00. Seconded by Dan Tarwater.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young

Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

[13992](#)

Dan Tarwater moved the passage of Resolution #13992, authorizing the County Executive to execute an agreement with The Children's Mercy Hospital to provide medical and hospital services to indigent residents of Jackson County at a cost to the County not to exceed \$917,433.00. Seconded by Terry Young.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young

Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

[13993](#)

Dan Tarwater moved the passage of Resolution #13993, authorizing the County Executive to execute a cooperative agreement with the Mid-America Regional Council for its base operating expenses to provide a variety of services to the citizens of Jackson County and to the County itself, at a cost to the County not to exceed \$61,360.00. Seconded by Terry Young.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young

Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

[13994](#)

Terry Young moved the passage of Resolution #13994, authorizing the County Executive to execute an agreement with the University of Missouri Extension Council of Jackson County to assist in providing secretarial salaries, office facilities, telephone, postage, travel, equipment, printing, and supplies to support extension staff in programs and services for citizens of Jackson County, at a cost to the County not to exceed \$200,980.00. Seconded by Ronald E. Finley.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young

Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

[13995](#)

Ronald E. Finley moved the passage of Resolution #13995, authorizing the County Executive to execute an Agreement with Swope Ridge Geriatric Center to provide a continuum of long term care services to Jackson County residents, at a cost to the County not to exceed \$350,000.00. Seconded by Dan Tarwater.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Ronald E. Finley, Dennis Waits and Terry Young

Absent: 2 - Fred Arbanas and Bob Spence

(ADOPTED)

**12 COUNTY EXECUTIVE ORDERS**

*None.*

**13 UNFINISHED BUSINESS**

*None.*



**14 NEW BUSINESS**

Victor E. Callahan, Chairman, asked Jane McQueeney, County Counselor, about a County Commission that had a ruling against it.

Jane McQueeney responded that it was not true.

Victor E. Callahan asked when she would address the Legislature regarding this matter.

She said she sent a memo to the Legislature.

Mr. Callahan said he received the memo right before the issue went to court. He asked if the County Counselor planned on having an executive session so that she could discuss the judge's ruling with the members of the Legislature.

Ronald E. Finley said in her memo it states that three members were fined because of violations of the open meeting laws. It is his understanding that two are members of the commission and one is the Executive Director of the Office of Human Relations and Citizen Complaints. He asked if the individuals have personal liability or was it the County's liability.

Ms. McQueeney said Katheryn Kedigh from her office defended the lawsuit. The judge did not find that there is a County liability as the County is not a party to this lawsuit. It is a charter obligation to defend our Boards and Commissions.

Victor E. Callahan said citizens serve on Boards and Commissions and are not compensated. He thinks that a policy needs to be discussed as to whether the members will be held individually liable or if the County should pay their fines. He said the County Counselor's office should inform the Legislature since there may be budgetary considerations and appropriations that may need to be made with regard to this case.

Jane McQueeney said so far the amount of the fines is \$500; \$100 for each member and \$300 for the Director. She said Judge Clark will issue his final decision by February 8, 2002 and no hearing is contemplated. She said the fines would be self-executing, which means they would be paid out of the County's self insurance fund.

Ronald E. Finley suggested that the County Counselor schedule an executive session after February 8 so that she can give a full report to the Legislature on this lawsuit.

**15 ADJOURNMENT**

Dan Tarwater moved to adjourn the meeting. Seconded by Terry Young.

**The motion passed by a voice vote.**

(APPROVED)

*Meeting adjourned until Monday, February 4, 2002 at 3:30 p.m. in the Legislative Assembly Area, Kansas City, Missouri.*