



Jackson County Missouri

JOURNAL

County Legislature

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

Scott Burnett (1st), Chairman, Henry C. Rizzo (2nd AL), Vice-Chairman,
Robert A. Stringfield, (1st AL), Fred Arbanas (3rd AL),
Ronald E. Finley (2nd), Dennis Waits (3rd), Dan Tarwater (4th),
Rhonda L. Shoemaker (5th), Bob Spence (6th)

Monday, September 27, 2004

2:30 PM

Thirty-eighth Regular Meeting

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

Scott Burnett, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Rhonda L. Shoemaker
Absent: Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Dan Tarwater moved to approve the journal of the previous meeting held on . Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, recognized Ian Hill as June 2004 employee of the month. Ian is a lead clerk in the Collections Department in Independence. Earlier in the year, due to a medical leave situation involving his supervisor, Ian was given the task of managing the office for an 8 week period from April thru May. He rose to the challenge with great efficiency, causing no disruption within the office. She was told he displayed great professionalism and a wonderful attitude, while effectively addressing the challenges presented to him during this period.

Katheryn explained that there was a personnel situation last week regarding improper computer use and pornography. She said this is a serious matter and treated seriously. She said last week they caught him, immediately investigated and confirmed, then immediately fired him. She said the system worked.

She explained that Personnel Rule 17 has been in place since 1999. She informed the Legislature that there is a warning on every computer at login. She also took action to make the policy even stronger. She made a new directive to be signed by every employee. The form signifies that the employee received a copy of the Jackson County Personnel Rules, which specifically prohibit the "displaying, archiving, storing or distributing of any kind of sexually explicit image or document on any County system"; and that the employee understands that it is the policy of Jackson County that all employees should be able to enjoy a work environment free from all forms of discrimination, including sexual harassment. Katheryn Shields directed all department directors to distribute the form and reemphasize that we will deal swiftly and seriously with any violations. She reminded the directors that they need to manage by walking around.

Henry Rizzo, County Legislator, asked the Administration if Jackson County could provide assistance to Elmwood Cemetery like mowing the grass.

Katheryn Shields, County Executive, said the County could possibly piggyback on a contract with the City of Kansas City, Missouri for mowing. She agreed to check into it and come back with ideas at next week's legislative meeting. She said that Union cemetery had the same problem and they set up an endowment fund to maintain the property.

Scott Burnett, Chairman, said he was interested in discussing County assistance for Elmwood cemetery.

Ronald E. Finley, County Legislator, said Union cemetery is maintained by the Parks and Recreation Department of Kansas City, Missouri.

Fred Arbanas, County Legislator, asked for an update on Saddle Ridge.

Ed Rucker, County Counselor, said there has been discussion with McClain and a proposal has been made. However, since this involves a settlement it should be discussed in closed session.

Dennis Waits, County Legislator, asked if the Legislature could schedule a closed session next week to discuss the Jackson County Election Board building and Saddle Ridge.

Ed Rucker said both issues could be discussed in the closed session scheduled for today.

6 PERFECTON OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3546](#) Health and Justice Committee moved to perfect. Consent Agenda.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3533](#) Finance and Audit Committee moved do pass the Finance & Audit Committee Substitute of September 20, 2004. Consent agenda.

Dan Tarwater moved to waive the reading of Ordinance #3543. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

[3543](#) Consent Agenda.

[3544](#) Consent Agenda.

[3545](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[15158](#) Public Works Committee moved do pass. Consent Agenda.

[15159](#) Anti-Drug Committee moved do pass. Consent Agenda.

[15161](#) Public Works Committee moved do pass. Consent Agenda.

[15163](#) Public Works Committee moved do pass. Consent Agenda.

[15164](#) Anti-Drug Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[3546](#) AN ORDINANCE appropriating \$20,000.00 from the unappropriated surplus of the 2004 Grant Fund to cover the Family Court Division's Child Protection Center -Jewish Heritage Foundation Grant received from the Jewish Heritage Foundation.

(PERFECTED)

[3533](#) AN ORDINANCE repealing sections 9020., 9025., 9050., 9051. and 9054., Jackson County Code, 1984, relating to the recording of documents by the Department of Records, and enacting, in lieu thereof, five new sections relating to the same subject.

(ADOPTED)

- [3543](#) AN ORDINANCE transferring \$107,410.00 within and appropriating \$370,379.00 from the unappropriated surplus of the 2004 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, the transfer of matching funds in the amount of \$107,410.00, accepting said grant from the Missouri Department of Public Safety, in the amount of \$262,969.00 at a cost to the County not to exceed \$370,379.00 and further authorizing the County Executive to execute a Memorandum of Understanding with the City of Kansas City, MO, and the Kansas City Board of Police Commissioners regarding the DART program.
- (ADOPTED)
- [3544](#) AN ORDINANCE transferring \$100,033.00 within and appropriating \$414,532.00 from the unappropriated surplus of the 2004 Anti-Drug Sales Tax Fund, to cover the Multi-Jurisdictional Task Force Grant received from the Missouri Department of Public Safety.
- (ADOPTED)
- [3545](#) AN ORDINANCE appropriating \$25,896.00 from the unappropriated surplus of the 2004 Health Fund and authorizing the Director of the Department of Finance to issue a check in the amount \$25,895.39 to the Mid-America Regional Council as a pass-through of funds received from the Missouri Emergency Response Commission.
- (ADOPTED)
- [15158](#) A RESOLUTION awarding a term and supply contract under Bid No. 43-04 for the furnishing of rock salt for use by the Public Works Department to Independent Salt Company of Kanopolis, KS, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$160,000.00.
- (ADOPTED)
- [15159](#) A RESOLUTION awarding a contract for the furnishing of DARE specialty items for use by the Sheriff's Office to DARE America (John Nadel, Inc.) of Culver City, CA (\$3,784.00) and Tee's Plus of Groton, CT (\$1,810.00), at an actual aggregate cost to the County not to exceed \$5,594.00, as a sole source purchase.
- (ADOPTED)
- [15161](#) A RESOLUTION authorizing the County Executive to execute permanent and temporary easements and permanent right of ways for a road improvement project along Colbern Road and to execute any necessary documents involving property under the administrative control of the Parks and Recreation Department.
- (ADOPTED)
- [15163](#) A RESOLUTION authorizing the County Executive to execute a cooperative Utility Agreement with Aquila, Inc., of Raytown, Missouri, for the Colbern Road Phase II street and sewer improvement project at a cost to the County not to exceed \$50,106.00.
- (ADOPTED)

[15164](#) A RESOLUTION transferring \$33,116.78 within the 2004 Anti-Drug Sales Tax Fund and authorizing the County Executive to execute an Addendum to the Agreement with Pan Educational Institute for the "Night Lights/Sentenced to the Arts" programs, at a cost to the County not to exceed \$33,116.78.

(ADOPTED)

To perfect Ordinance 3546. To adopt Ordinances 3533, 3543, 3544, 3545. To adopt Resolutions 15158, 15159, 15161, 15163, 15164.

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

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Rhonda L. Shoemaker
Absent: 1 - Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3547](#) Granting a conditional use permit (CUP) in District A (Agricultural) for a period of twenty (20) years to continue operation of a 125 foot high radio transmission tower as to a certain 0.78 ± acre tract.

(Land Use Committee)

[3548](#) Amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 10 ± acre tract.

(Land Use Committee)

[3549](#) Amending the districts established by the Jackson County Zoning Order changing from District GB-p (General Business-Planned Development) to District GB (General Business), a certain 3 ± acre tract.

(Land Use Committee)

The Land Use Committee will have a public hearing regarding Ordinances #3547, #3548 and #3549 on Thursday, October 14, 2004 at 1:00 P.M. at Fleming Hall.

[3550](#) Appropriating \$33,800.00 from the unappropriated surplus of the 2004 Federal Forfeiture Fund and authorizing the Purchasing Director to issue purchase orders for the purchase of legal publications for use by the Prosecutor's Office (\$15,600.00) and the Department of Corrections (\$18,200.00) to West Group of Carol Stream, IL, as a sole source purchase, in the actual amount of \$33,800.00.

(Health and Justice Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

- [15166](#) Authorizing payment of \$229,331.00 to the City of Blue Springs from the Blue Springs CURS account for use in the City's Adams Dairy Parkway Three Phase II and Adams Dairy Parkway Phase VI.
(Public Works Committee)
- [15167](#) Awarding a twelve-month term and supply contract for the furnishing of O.E.M. Ford tractor parts and service for use by the Public Works and Parks and Recreation Departments to Olathe Tractor and Equipment of Olathe, KS, under a City of Independence government contract, at an estimated cost to the County of \$34,000.00.
(Public Works Committee)
- [15168](#) Authorizing an increase and Addendum to Agreement for the furnishing of transitional living expenses for homeless persons to Newhouse of Kansas City, MO, at an increased cost in the amount of \$3,008.00 to the County for a total cost to the County not to exceed \$18,008.00.
(Finance and Audit Committee)
- [15169](#) Authorizing the County Executive to execute an Agreement with the Fort Osage R-1 School District, for its Truancy Prevention program, in an amount not to exceed \$52,706.00, as a local match to a state grant.
(Anti-Drug Committee)
- [15170](#) Authorizing the County Executive to execute an agreement with Swope Parkway Health Center for its "Health Care For The Homeless" program, for the treatment of abusers of illegal drugs, as a local match to a federal grant at a cost to the County not to exceed \$90,000.00.
(Anti-Drug Committee)

Dan Tarwater moved the passage of Resolution #15171. Seconded by Dennis Waits.

Fred Arbanas, County Legislator, asked for an explanation.

Ed Rucker, County Counselor, explained that Pam Fellin has been an employee in his office since February 2004. She works on contracts and the drafting of ordinances and resolutions. He explained that waivers are granted one year at a time.

Robert Stringfield, County Legislator, asked how many employees have been granted waivers in Jackson County.

Ed Rucker replied that he did not have the number, but it would be a question for personnel.

Robert Stringfield said he is against granting waivers. He thinks Jackson County needs to be consistent with all employees and currently we are asking a majority of them to be Jackson County residents. He said he thinks Pam does an outstanding job.

Ronald E. Finley, County Legislator, said Jackson County needs a specific policy that can be applied consistently. He said we need a specific policy on what constitutes residency. He said he is not comfortable with this waiver because of the lack of policy. He said it is not a reflection on the individual.

Ed Rucker said he would draft a clearer definition of residency for a policy and circulate it for their review.

After discussion, Dan Tarwater withdrew his motion to adopt Resolution #15171. Dennis Waits withdrew his second.

[15171](#)

Granting a one-year waiver of the residency requirement for non-merit employees for Investigator/Paralegal Pamela Fellin pursuant to §730., Jackson County Code.

(Legislature As A Whole)

[15172](#)

Fred Arbanas moved the passage of Resolution #15172, expressing the sympathy of the Legislature to the family and friends of Charlotte J. Waits, upon the occasion of her death. Seconded by Dan Tarwater.

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Rhonda L. Shoemaker

Absent: 1 - Bob Spence

(ADOPTED)

[15173](#)

Expressing the sympathy of the Legislature to the family, friends, and firefighting community upon the tragic and untimely death of Gerald "Mac" McGowan.

(Legislature As A Whole)

[15174](#)

Robert A. Stringfield moved the passage of Resolution #15174, acknowledging Margarito (Mickey) Rodriguez as an honorable member of the greatest generation who selflessly fought to protect and defend our country during World War II. Seconded by Rhonda L. Shoemaker.

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Rhonda L. Shoemaker
Absent: 1 - Bob Spence

(ADOPTED)

[15175](#)

Ronald E. Finley moved the passage of Resolution #15175, authorizing the County Executive to execute an agreement with ReDiscover, formerly known as Research Mental Health Services, Inc., as previously authorized pursuant to Resolution 14866. Seconded by Rhonda L. Shoemaker.

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Rhonda L. Shoemaker
Absent: 1 - Bob Spence

(ADOPTED)

[15176](#)

Authorizing the County Executive to execute Change Order No. 1 to the contract with Jenkins & Associates, Inc., of Shawnee Mission, KS, for office building alterations at the Public Works Department New Technology Center, at a cost to the County not to exceed \$27,966.00.

(Public Works Committee)

Resolution #15178 was adopted at this time. See below for details.

[15177](#)

Dan Tarwater moved the passage of Resolution #15177, authorizing the Jackson County Legislature to hold a closed meeting on Monday, September 27, 2004, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor concerning the status of legal actions, causes of action, and/or litigation, under Section 610.021(1) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting. Seconded by Dennis Waits.

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Rhonda L. Shoemaker
Absent: 1 - Bob Spence

(ADOPTED)

No dissenting vote to consider Resolution #15178 - not on printed agenda.

[15178](#)

Ronald E. Finley moved the passage of Resolution #15178, awarding a one-year contract on Bid No. 51-04 for the furnishing of excess workers' compensation and employer's liability insurance to Corporate Insurance Group, Inc., of Overland Park, KS, as agent for Midwest Employers Casualty Company, in the estimated annual premium of \$165,000.00. Seconded by Robert A. Stringfield.

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Rhonda L. Shoemaker
Absent: 1 - Bob Spence

(ADOPTED)

Pat Hughes, Risk Manager, explained the necessity of Resolution #15178.

Discussion.

Ronald E. Finley, County Legislator, asked Ed Rucker for the status of the self insurance fund.

Ed Rucker, County Counselor, said Jeremy Willmoth, Budgeting Administrator, is working on getting the figures. Ed said he will advise the Legislature as soon as he receives the report from the Finance Department.

Legislature goes into closed session.

Legislature reconvenes.

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Ronald E. Finley moved to adjourn the meeting. Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, October 4, 2004 at 2:30 P.M. in the Kansas City Legislative Assembly Area.