



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
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Kansas City, Missouri 64106
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*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, April 5, 2004

10:00 AM

Fourteenth Regular Meeting

K.C. Legislative Assembly Area, Kansas City, Missouri

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, Rhonda L. Shoemaker and Bob Spence

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 3/29/2004.
Seconded by Fred Arbanas.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, announced that it is opening day for the Royals. She read a quote she saw in the newspaper this morning from starting pitcher Brian Anderson. He said this about being signed by Kansas City, "If I had signed somewhere else, I'm sure my family would have been supportive. But when I said Kansas City it was like there was a collective "yes". It's where my whole family wanted to go." She thinks that's great news and wishes him luck on opening day.

With spring you don't get just Royals baseball, you also get spring cleaning. We can come up with all sorts of household hazardous waste such as paint, paint strippers, varnishes, adhesives, hobby supplies, batteries, motor oil, antifreeze and pesticides. Because of their hazardous qualities these items can not be thrown out with the regular trash. For several years Jackson County has partnered with the Mid-America Regional Council and other cities in the metropolitan area to provide a legal and environmentally friendly solution to dispose of these materials. There will be 14 mobile events on the Missouri side where people can bring their household hazardous waste. They can go to the following web sites for information: www.jacksongov.org or www.marc.org. They can also call Chris Bussen at 795-1246.

Katheryn thanked the County Auditor and the Legislature for moving forward on the financial audit of COMBAT.

Ronald E. Finley, County Legislator, said that a few weeks ago we had a resolution regarding legislative priorities. There are a number of things the Legislature talked about and he would like to meet with the lobbyist to find out about any progress we have made and if there is anything else we need to do.

Katheryn Shields will check with the lobbyists and see when they would be available to make a report to the Legislature.

Robert A. Stringfield, County Legislator, had asked the Administration for a list of Commissioners and their salaries and wondered when that would be given to him.

Katheryn said she had thought that had already been done but will distribute it this week to every member of the Legislature.

Scott Burnett, Chairman, said it had been suggested that for the next four or five weeks the Legislative meeting be held in Independence because of construction being done on the second floor. For now the Legislature will meet every week in Independence until May 17, 2004. That time will be extended if necessary and he asked Mary Jo Spino, County Clerk, to check with Judge Scoville in Independence to make sure this does not interfere with his business.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

3464

Fred Arbanas moved to reassign Ordinance #3464 to the Land Use Committee, approving the preliminary plat "Windsor Subdivision, Phases 5 and 6," creating a 41-lot residential subdivision, as to a 157.5 ± acre tract. Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

[3481](#) Health and Justice Committee moved to perfect. Consent Agenda.

[3482](#) AN ORDINANCE repealing sections 1130., 1131., 1132., 1133., and 1137., Jackson County Code, 1984, relating to the disposal of County-owned personal property, and enacting, in lieu thereof, three new sections relating to the same subject.
(Finance and Audit Committee - 1st. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[14957](#) Land Use Committee moved do pass. Consent Agenda.

[14958](#) Land Use Committee moved do pass. Consent Agenda.

[14959](#) Land Use Committee moved do pass. Consent Agenda.

[14961](#) Finance and Audit Committee moved do pass. Consent Agenda.

[14962](#) Land Use Committee moved do pass. Consent Agenda.

[14963](#) Finance and Audit Committee moved do pass. Consent Agenda.

[14964](#) A RESOLUTION awarding contracts for the furnishing of classified advertising services for use by the Human Resources Department to The Kansas City Star Co. of Kansas City, MO, and The Call of Kansas City, MO, at an aggregate cost to the County not to exceed \$9,500.00, as a sole source purchase.
(Finance and Audit Committee - 1st. Meeting)

[14966](#) A RESOLUTION amending Rules 2 and 9 of the Rules of the Jackson County Legislature.
(Rules Committee - 1st. Meeting)

9 CONSENT AGENDA

[3481](#) AN ORDINANCE appropriating \$9,614.00 from the unappropriated surplus of the 2004 Grant Fund to cover the Health in Detention grant awarded to the Family Court Division by the Missouri Department of Public Safety.

(PERFECTED)

[14957](#) A RESOLUTION awarding a contract on Electronic Solicitation No. BB20042 for the printing of park brochures for use by the Parks and Recreation Department to Brian Pollmiller & Associates of Lenexa, KS, in the actual amount of \$21,462.00
(ADOPTED)

[14958](#) A RESOLUTION awarding a contract on Electronic Solicitation No. BB20045 for the furnishing of one (1) timber ax for use by the Parks and Recreation Department to Van Wall Equipment of Olathe, KS, in the actual amount of \$16,900.00
(ADOPTED)

[14959](#) A RESOLUTION awarding a twelve (12) month term and supply contract on Electronic Solicitation No. BB2003100 for the furnishing of aggregate materials (sand) for use by the Public Works and Parks and Recreation Departments to Holliday Sand and Gravel Co. of Lenexa, KS, in the estimated amount of \$46,000.00.
(ADOPTED)

[14961](#) A RESOLUTION authorizing the Trustees of the Land Trust of Jackson County to convey seven (7) parcels of real property located in Kansas City and Sugar Creek, Missouri, for support of various projects for the upgrading and redevelopment of the urban core in accordance with §141.750.0 RSMo, 2000.
(ADOPTED)

[14962](#) A RESOLUTION awarding a term and supply contract on Bid No. 2-04 for the maintenance of pumps for use by the Parks and Recreation Departments to JCI Industries of Lee's Summit, MO, to provide for departmental needs for the upcoming twenty-four month period, in the estimated annual amount of \$15,000.00.
(ADOPTED)

[14963](#) A RESOLUTION awarding a term and supply contract on Bid No. 3-04 for the replacement of doors and restroom partitions and the maintenance and repair of doors for use countywide to Overhead Door Co. of North Kansas City, MO, for countywide needs for the upcoming one-year period, in the estimated amount of \$35,000.00.
(ADOPTED)

To perfect Ordinance 3481. To adopt Resolutions 14957, 14958, 14959, 14961, 14962, 14963.

Dan Tarwater moved the passage of the consent agenda. Seconded by Henry C. Rizzo. The motion passed by a roll call vote:

Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3484](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RE (Residential Estates), a certain 3.1 ± acre tract.
(Land Use Committee)

[3485](#) Granting a conditional use permit in District A (Agricultural) for a period of twenty-five (25) years to construct a 108-ft. monopole commercial communication tower as to a certain tract of land.
(Land Use Committee)

[3486](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RE (Residential Estates), a certain 9.6 ± acre tract.
(Land Use Committee)

There will be a Land Use Committee public hearing regarding Ordinances #3484 through #3486 on Tuesday, April 20, 2004 at 1:00 p.m. at Fleming Hall.

[3487](#) Approving the preliminary plat "Salem East, 14th Plat, Lots 622-660," creating a thirty-nine (39) lot residential subdivision, as to a 12 ± acre tract.
(Land Use Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[14967](#) Awarding a term and supply contract on Bid No. 5-04 for the furnishing of title searches for use by the Collection Department to Golden Shield of Grain Valley, MO, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$33,000.00.
(Finance and Audit Committee)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Scott Burnett, Chairman, spoke to the issue of the Jackson County Sports Complex Authority panel. He said he was reluctant to move very quickly because of all the other confusion with the investigations and with bi-state having to be redone. He welcomed comments from the other members of the Legislature.

Rhonda Shoemaker, County Legislator, said it was the intent of the Legislature several months ago to review resumes, interview candidates and send a panel. If nothing else, she would like to set a time line.

Dennis Waits, County Legislator, said he realizes that the Legislature has expressed an intent to move forward on this issue and has sent a letter to the Governor or Senator Bartle. He reminded everyone that the Governor has selected two new commissioners to serve on the Sports Authority not too long ago. There are two seats currently expired. However, the two people serving now are excellent members and have been contributing on a regular basis. He thinks they are very valuable, they have background in the business community and their respect is top notch. He believes to keep these members on while we are considering bi-state and modifying the lease agreements, has some merit, since they have previously worked on the leases. He feels like setting a time line to replace these members serves no purpose at this point. He said in the past, when the Legislature has sent panels to the Governor, the Governor's office has sat on the panels for quite some time. He is happy with the members serving now and until he is convinced that when panels are sent they will be approved in a timely fashion, he sees no urgency in moving forward.

Rhonda Shoemaker feels the Legislature needs to be better at "due diligence" when the seats expire. If the Governor chooses to sit on the panel, the Legislature can not control that, but it is the Legislature's duty to send those panels down.

Dan Tarwater, County Legislator, said he did not sign the letter to the Governor regarding the Sports Authority panels. He thinks the best thing to do is wait and send the panels after the election for Governor so that it does not turn into a political deal for the Governor. However, he is agreeable with whatever the Legislature As A Whole decides.

Robert A. Stringfield, County Legislator, agreed with Rhonda Shoemaker in that the Legislature needs to fill the vacancy when the term expires.

Henry C. Rizzo, County Legislator, agreed with Dennis Waits and Dan Tarwater. He said that now is a tumultuous time to send panels to the Governor. He said gubernatorial appointments run in batches. He said they just did a large batch last week and he believes the chances of them having another batch before the end of the session is remote. He agreed that what we have now is working and with bi-state and the Governor's election approaching, the Legislature should leave it as it stands.

Rhonda Shoemaker said she believes the political nature of this issue should not be the concern of the Legislature. She asked if the Legislature could request the Governor to return the panels to the Legislature if not appointed during this legislative session. She knows there have been problems in the past with panels sitting in the Governor's office. She asked if the Legislature has any alternatives when this happens.

Scott Burnett said it was his understanding that the Legislature can not tell the Governor to return the panels.

Henry C. Rizzo agreed.

Ronald E. Finley, County Legislator, said five members of the Legislature signed a letter to the Governor stating that the panels would be sent by March 22, 2004 which has passed. If the majority of the Legislature wants to move forward, he suggested someone offer a motion and a vote be taken. If members have other concerns, that is valid. It would be good to give the twelve applicants who have submitted resumes some indication of what the Legislature intends to do on this matter.

Ronald E. Finley moved to not consider sending the Sports Authority panels at this time. Seconded by Dennis Waits.

The motion passed by a roll call vote:

Yes: 7 - Henry C. Rizzo, Fred Arbanas, Scott Burnett, Ronald E. Finley, Dennis Waits, Dan Tarwater, Bob Spence.

No: 2 - Robert A. Stringfield, Rhonda L. Shoemaker

Fred Arbanas, County Legislator, said he did sign the letter and at the time agreed with the time frame. But the date has now passed and there is a political scene in Jefferson City with the Governor's race. He feels it is too late now to send panels.

Scott Burnett said in conversations with Jack Holland, he gathers that there is much work to be done on bi-state prior to May 1, 2004, which is his concern.

Rhonda L. Shoemaker asked if the Legislature can commit to a time frame today.

Ronald E. Finley said he does not want to commit until everyone is comfortable in taking the step of sending the recommendations.

Dan Tarwater asked Jay Haden if there was a rule stating that panels must be sent by a certain date.

Jay Haden, County Counselor, said Chapter 64, RSMo states the vacancy must be filled within 30 days. There is nothing in the law that says what happens if vacancies are not filled within 30 days. He thinks the law refers to a vacancy as an unexpired term. Technically there is not a vacancy, as the members are held over until their successors are appointed. He explained that vacancies are not filled within 30 days because sometimes the Legislature delayed nominations, sometimes the Governor has delayed appointments and sometimes the Senate has delayed confirmations. He explained that there is no requirement in the law as to when the panel is submitted. The requirement is on the completion of the process. Jay Haden said he will send a copy of the law to the Legislature so they can look at it.

Fred Arbanas thought that from the date the County Clerk sent it to the Governor, he had 30 days to make his appointment.

Jay Haden said he does not believe any specific office holders are named in the law. His recollection of the law is there is no requirement placed on any individual official to perform his or her duties within a certain period of that time.

Ronald E. Finley reported that the Finance and Audit Committee took up the proposed Request for Quote (RFQ) for the financial audit of COMBAT funds. The County Auditor reported small changes in the language. He said that Mr. Rizzo made a motion in committee that Exhibit E (a letter from Michael Sanders, Prosecuting Attorney) be added to the RFQ for response to the questions raised from the contractor auditor. If the auditor can answer the questions they will be answered in the report or if not, they will indicate that they could not answer the questions. With this exhibit, the committee recommended the RFQ to the Legislature As A Whole, for consideration.

Scott Burnett said the consent of the Legislature was to send out the RFQ.

Jay Haden said it did not require any formal action from the Legislature.

Ronald E. Finley said in light of the ongoing amendments regarding bi-state he would like to have the opportunity to have conversations with someone (maybe Mr. Holland) about the status of the various proposals. He asked that they come before the Legislature now rather than to only allow a couple of weeks to consider new leases and a possible ballot measure.

Scott Burnett said he would have Mr. Holland call Mr. Finley. He said Mr. Holland's intent is to contact each of the legislators.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Dan Tarwater moved to adjourn the meeting. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, April 12, 2004 at 2:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.