



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

Monday, September 15, 2003

3:00 PM

Thirty-fifth Regular Meeting

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

Dennis Waits, 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, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Fred Arbanas moved to approve the journal of the previous meeting held on 9/8/2003.
Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

The Public Hearing on the tax rate levies will be held at 3:30 p.m.

Public Hearing regarding the property tax rates of Jackson County, Missouri, Board of Services for the Developmentally Disabled, the Mental Health Fund and the Merchants' and Manufacturers' inventory Replacement.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3404](#)

AN ORDINANCE transferring \$5,795.00 within and appropriating \$22,462.00 from the unappropriated surplus of the 2003 Anti-Drug Sales Tax Fund to cover the extension of the Gun Control Prosecution grant for the Prosecuting Attorney's Office funded by the United States Office of Justice Programs and the transfer of matching funds.

(Anti-Drug Committee - 2nd. Perfection)

Fred Arbanas moved to perfect Ordinance #3407.

Ronald E. Finley, County Legislator, said it was his understanding that this Ordinance would be held.

Jay Haden, Deputy County Counselor, said that Greg Ballentine, the 911 coordinator from the Mid-America Regional Council could not appear at today's meeting to make a presentation on the status of the 911 system. Mr. Ballentine will be available next week if the Legislature would rather hold this matter until he is able to make his presentation.

Fred Arbanas withdrew his motion to perfect.

Ronald E. Finley said there are two issues they need to consider. One is the reserve that was created for the upgrade and the second is the lingering issue of the tax being only on those persons who have land lines and not on those who use cell phones.

Ronald E. Finley moved to hold Ordinance #3407. Seconded by Robert A. Stringfield.
The motion passed by a voice vote. (APPROVED)

[3407](#)

AN ORDINANCE reimposing a tax of 2.0% of the tariff rate for each local telephone access line, not to exceed 100 lines per person or per location, for emergency telephone service utilizing a single three-digit number "911."

(Finance and Audit Committee - 1st. Perfection)

Ordinances #3408 through #3411 were considered after the public hearing.

[3408](#)

Bob Spence moved to perfect Ordinance #3408. Seconded by Fred Arbanas.

The motion passed by a voice vote. (PERFECTED)

[3408](#)

Bob Spence moved to suspend the rules to consider final passage of Ordinance #3408. Seconded by Scott Burnett.

The motion passed by a voice vote. (APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[3409](#)

Bob Spence moved to perfect Ordinance #3409. Seconded by Robert A. Stringfield.

The motion passed by a voice vote. (PERFECTED)

[3409](#)

Bob Spence moved to suspend the rules to consider final passage of Ordinance #3409. Seconded by Robert A. Stringfield.

The motion passed by a voice vote. (APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[3410](#)

Bob Spence moved to perfect Ordinance #3410. Seconded by Robert A. Stringfield.

The motion passed by a voice vote. (PERFECTED)

- [3410](#) Bob Spence moved to suspend the rules to consider final passage of Ordinance #3410.
Seconded by Robert A. Stringfield.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.
- [3411](#) Bob Spence moved to perfect Ordinance #3411. Seconded by Robert A. Stringfield.
The motion passed by a voice vote. (PERFECTED)
- [3411](#) Bob Spence moved to suspend the rules to consider final passage of Ordinance #3411.
Seconded by Robert A. Stringfield.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

- [3402](#) Consent Agenda.
- [3408](#) Consent Agenda.
- [3409](#) Consent Agenda.
- [3410](#) Consent Agenda.
- [3411](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

- [14708](#) A RESOLUTION awarding a twelve (12) month term and supply contract for the furnishing of X-ray services for use by the Medical Examiner's Office to Truman Medical Center of Kansas City, MO, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$25,000.00, as a sole source purchase.
(Health and Justice Committee - 2nd. Meeting)
- [14717](#) Land Use Committee moved do pass. Consent Agenda.
- [14718](#) Public Works Committee moved do pass. Consent Agenda.
- [14719](#) Land Use Committee moved do pass. Consent Agenda.

Dennis Waits, Chairman, said that from what he understands the two Sports Authority panels referenced in Resolution #14721 have been returned from Governor Holden.

Robert A. Stringfield read a letter from Governor Holden dated September 11, 2003 returning both panels to the Legislature.

Fred Arbanas asked when the Legislature would be addressing the two panels.

Dennis Waits said there was some interest in filling these particular slots. There is also two more spots that members are serving on expired terms. All four slots need to be opened and nominations need to be accepted. The Legislature can begin interviewing people in the next week or two. He said he thinks the Governor should select from the panels that the Legislature has sent. As a Legislative body, he feels it is a mistake to only put people on the panel that the Governor will pick.

Robert A. Stringfield said it states that the candidates are nominated by a majority of the Legislature. The panel is then submitted to the Governor. It also mentions that the Governor, with the advice and consent of the Missouri Senate, selects and appoints the Commissioners to the Authority. He said he did not know if the Senators are getting involved in this but it might be a factor. Robert Stringfield said the Legislature met in January 2003 regarding the panels and had three candidates. However, the resolution was withdrawn. He suggested that the Legislature send the panel they discussed in January and then deal with the other three panels.

Jay Haden, Deputy County Counselor, said no candidates were formally nominated. He explained the resolution was withdrawn before nominations were made.

Dennis Waits said the Legislature must keep in mind that the State Senator must approve of the person the Governor picks.

Henry C. Rizzo, County Legislator, said he is in favor of replacing all four panels if the Legislature agrees.

Dennis Waits said he is in favor of the Governor selecting from the people sent to him by the Legislature to replace the members of the Sports Authority whose terms are expired.

Henry C. Rizzo said during the interview process anyone can be interviewed, it is not pre-determined. The Senate must also approve the person. There are two or three steps in the process.

Ronald E. Finley, County Legislator, said he has been involved in three of these selections and it has always been behind. He is concerned that the process is not what it should be. He thinks the Legislature will be busy filling four panels and he hopes enough time is given to accept appropriate applications, give appropriate consideration to the Senators and then interview those interested and submit the panels. The Legislature needs to come to a consensus on what a reasonable schedule is for these four panels.

Dennis Waits said a schedule needs to be set to interview potential nominees and asked for suggestions.

Scott Burnett said he would throw out a schedule for discussion: Interview candidates for the two oldest panels Resolution #14728 and #14729 on September 29, 2003 and vote on the Resolutions on October 6, 2003, then interview for Resolution #14730 and #14731 on October 13, 2003 and vote on the Resolutions on October 20, 2003.

Robert A. Stringfield questioned including names that were submitted before.

Fred Arbanas said he talked to the Governor and he will not accept any of the names sent to him so far.

Henry C. Rizzo said that might not be the Governor's fault for the lock up. It could be caused by a local Senator.

Ronald E. Finley said we should find out what Senatorial Districts the potential candidates are in during the interview process.

The Public Hearing for the tax rates began at 3:30 p.m. Dennis Waits opened the public hearing. No one was present to speak either for or against the proposed tax rates. Dennis Waits closed the public hearing.

[14721](#) Requesting Governor Holden return the two Jackson County Sports Complex Authority panels that previous Legislatures had sent to then Governor Carnahan and directing the Clerk of the Legislature to send said Resolution to the Governor within forty-eight hours of its passage.

(WITHDRAWN BY SPONSOR ARBANAS. CONCURRED BY FINLEY AND STRINGFIELD)

9 CONSENT AGENDA

[3402](#) AN ORDINANCE transferring \$10,000.00 within the 2003 General Fund and \$4,380.00 within the 2003 Anti-Drug Sales Tax Fund, and appropriating \$43,354.00 from the unappropriated surplus of the 2003 Grant Fund to cover the Victim Services Volunteer Coordinator Grant for the Prosecuting Attorney's Office's Victim Services Program, received from the Missouri Department of Public Safety, and the transfer of matching funds.

(ADOPTED)

[3408](#) AN ORDINANCE setting the 2003 Jackson County Board of Services for the Developmentally Disabled (Sheltered Workshop) Levy.

(ADOPTED)

[3409](#) AN ORDINANCE setting the 2003 Jackson County, Missouri, tax levy.

(ADOPTED)

[3410](#) AN ORDINANCE setting the 2003 merchants and manufacturers' inventory replacement tax levy.

(ADOPTED)

[3411](#) AN ORDINANCE setting the 2003 Jackson County Community Mental Health Fund Levy.

(ADOPTED)

[14717](#) A RESOLUTION awarding a contract on Electronic Solicitation No. BB200365 for the furnishing of one (1) hot water pressure washer for use by the Parks and Recreation Department to Kim, Inc., of Kansas City, MO, at an actual cost not to exceed \$5,925.00.

(ADOPTED)

[14718](#) A RESOLUTION awarding eight-month term and supply contracts for the furnishing of OEM General Motors parts for use by the Public Works and Parks and Recreation Departments to Cable-Dahmer Chevrolet-Mazda of Independence, MO, and Westfall GMC Truck of Kansas City, MO, in the estimated aggregate amount of \$8,000.00, under existing government contracts of the City of Independence, MO.

(ADOPTED)

[14719](#)

A RESOLUTION authorizing the County Executive to execute a Park Management Agreement with the Downtown Community Improvement District for the provision of maintenance and safety-related services at the County's Oppenstein Brothers Memorial Park, at no cost to the County.

(ADOPTED)

To adopt Ordinances 3402, 3408, 3409, 3410, 3411. To adopt Resolutions 14717, 14718, 14719.

Fred Arbanas moved the passage of the consent agenda. Seconded by Bob Spence.
The motion passed by a roll call vote:

Yes: 9 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3412](#)

Fred Arbanas moved to perfect Ordinance #3412. Seconded by Bob Spence.

The motion passed by a voice vote.

(PERFECTED)

[3412](#)

Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3412. Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

[3412](#)

Fred Arbanas moved the passage of Ordinance #3412 as perfected, transferring \$6,000.00 within the 2003 Park Fund and appropriating \$12,000.00 from the unappropriated surplus of the 2003 Grant Fund and authorizing the County Executive to execute a Fish and Wildlife Habitat Development Agreement with the U. S. Fish and Wildlife Service, in the amount of \$6,000.00, as a local match to a federal grant received for the prairie grass restoration project at Fort Osage. Seconded by Bob Spence.

Yes: 9 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

The Land Use Committee will have a public hearing on Ordinances #3413 through #3419 on Thursday, October 2, 2003 at 1:00 p.m. at Fleming Hall.

[3413](#)

Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RE (Residential Estates), a certain 10± acre tract.

(Land Use Committee)

[3414](#)

Amending the zoning districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RE (Residential Estates), a certain 100 ± acre tract, and approving the preliminary plat "Valley View Acres," creating a 24-lot residential subdivision.

(Land Use Committee)

[3415](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 12 ± acre tract.

(Land Use Committee)

[3416](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 10 ± acre tract.

(Land Use Committee)

[3417](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RE (Residential Estates), a certain 2 ± acre tract.

(Land Use Committee)

[3418](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RE (Residential Estates), a certain 9.1 ± acre tract.

(Land Use Committee)

[3419](#) Amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 13 ± acre tract.

(Land Use Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[14722](#) Awarding a term and supply contract for the purchase of ambulance services for use by the Department of Corrections to MAST Ambulance Services of Kansas City, MO, in the estimated annual amount of \$50,000.00, as a sole source purchase.

(Health and Justice Committee)

[14723](#) Authorizing the County Executive to execute an agreement with Minute Circle Friendly House, for the prevention of drug and drug-related offenses, as a local match to private grant, at a cost to the County not to exceed \$21,779.00.

(Anti-Drug Committee)

[14724](#) Awarding a contract for the furnishing of mobile radios and accessories for use by the Public Works Department to Motorola Communications of Glen Rock, NJ, under a State of Missouri government contract, in the actual amount of \$14,991.68.

(Public Works Committee)

[14725](#)

Authorizing the County Executive to execute a Memorandum of Understanding with Truman Medical Center Behavioral Health Services, a division of Truman Medical Center to cover the cost of atypical anti-psychotic medications dispensed at the Jackson County Detention Center at a cost to the County not to exceed \$89,993.00.

(Health and Justice Committee)

[14726](#)

Authorizing the County Executive to execute an Agreement with the National Center for Fathering, to provide training sessions for clients of the Prosecuting Attorney's Office's Family Support Division's Fathering Court Diversion Project, at a total cost to the County not to exceed \$25,000.00.

(Health and Justice Committee)

No dissenting vote to consider Resolution #14727 - not on printed agenda.

14727

Robert A. Stringfield moved the passage of Resolution #14727, expressing the support of the Legislature for U. S. forces serving in current operations. Seconded by Scott Burnett.

Yes: 9 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

Scott Burnett said he needed 5 copies of this resolution to distribute.

Resolutions #14728 through #14731 were read at this time.

Scott Burnett moved to meet and take interviews on Resolutions #14728 and #14729 on September 29, 2003 and then vote on them on October 6, 2003. He also moved to take interviews on Resolutions #14730 and #14731 on October 13, 2003 and vote on them on October 20, 2003. Seconded by Bob Spence. There was no vote taken on this motion.

Dennis Waits said it has been his experience that this process is never completed in one session. It is pertinent to the selection process that we have the people present. He asked the Legislature if they needed to leave this open enough to allow interviews the next week if necessary and he asked if they wanted to nominate by resume only.

Scott Burnett said they can schedule interviews on October 6, 2003 but he would still like to vote on the Resolutions the same day.

Ronald E. Finley said there needed to be a spirit of flexibility.

Dennis Waits agreed to start the process and proceed as necessary.

Scott Burnett said the Legislature should accept resume applications. He said they may not do as well if they are not present but they should still be accepted.

Henry C. Rizzo agrees with Scott Burnett and said that no one should be eliminated from the process.

Ronald E. Finley asked if these resolutions can be adopted today.

Jay Haden said the resolutions cannot be adopted until the panels are selected and their names can be included in the legislation.

The four resolutions dealing with the Sports Complex Authority were sent to committee.

14728

Rescinding Resolution 12801, dated July 12, 1999, and nominating candidates for appointment to the Jackson County Sports Complex Authority.

(Legislature As A Whole)

14729

Rescinding Resolution 13742, dated June 25, 2001, and nominating candidates for appointment to the Jackson County Sports Complex Authority.

(Legislature As A Whole)

[14730](#) Nominating candidates for appointment to the Jackson County Sports Complex Authority.
(Legislature As A Whole)

[14731](#) Nominating candidates for appointment to the Jackson County Sports Complex Authority.
(Legislature As A Whole)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Fred Arbanas said the passage of concealed weapons legislation will increase the requests for permits in the Sheriff's Department. He asked if the Sheriff could attend a legislative meeting and explain the process to the Legislature.

Jay Haden said Sheriff Phillips is out of town for two weeks. He suggested the Legislature invite Captain Moran who will be in charge of implementing this procedure.

Fred Arbanas said he is concerned that this law has passed and yet park rangers are not armed. He suggested the County Executive look at this issue. The task force recommended a few years ago that park rangers carry a weapon.

Dennis Waits agreed and said this issue should be discussed next week when the County Executive is present.

Ronald E. Finley said he would like to know who will be able to give a qualified class, if there is a list of places a person can go and if the statute sets the fee for the class.

Jay Haden said Captain Moran can address all of these questions. He said the permit fee is set by statute and the Sheriff's Department is proposing that the permit fee be \$100 with a renewal fee (every three years) of \$50.

Ronald E. Finley asked if the Legislature could set the fee for the class.

Jay Haden said he believes the Legislature will need to pass an ordinance to set the fee so that it can be collected by the Sheriff's Department.

Scott Burnett believes this will go into effect October 11, 2003.

Jay Haden said there will be costs to the County which should be offset by fees. However, fees will not be available for startup costs. The costs will need to come out of their budget and be reimbursed later when fees are collected. Issues will need to be sorted out prior to the effective date. Trainers will need to meet statutory requirements. Members of the Legislature should ask these questions of Captain Moran.

Dennis Waits asked if the Legislature can give their approval for providers of the training service.

Jay Haden said he will review the law as he printed it off the Internet and try to have answers to the Legislature's concerns at next week's meeting.

Fred Arbanas said he will advise members of the Legislature when Captain Moran can attend the meeting.

Ronald E. Finley said Ordinance #3409 setting the tax levy rate in Jackson County was not an increase to four funds: General, Health, Park and Special Road and Bridge. He was advised by staff that the Legislature can essentially set next year's levy rates during budget time. He said the General and Park fund are at their maximum, but Special Road and Bridge and Health are not at their maximum. He intends to discuss at budget time the inadequacy of health care provided to citizens of Jackson County. He understands from Troy Thomas, Chief Financial Officer, that if an adjustment was made it would not take place until September 2004.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Bob Spence moved to adjourn the meeting. Seconded by Robert A. Stringfield.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, September 22, 2003 at 3:30 p.m. at the Independence Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.