



Office of
Mary Jo Spino
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

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)

Tuesday, September 7, 2004

2:30 PM

Thirty-fifth 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

Dan Tarwater moved to approve the journal of the previous meeting held on 8/30/2004.
Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

The journal of August 23, 2004 was also approved by the above motion.

4 HEARINGS

Resolution #15151 was adopted at this time. See page 6 for details.

Resolution #15153 was adopted at this time. See page 6 for details.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, mentioned the Kansas City firefighter Gerald K. "Mac" McGowan who died on the way to a call Sunday night after a pumper truck collided with two cars and hit a large tree. The veteran firefighter was 57 years old and a 32 year department veteran. Along with the Legislature, Katheryn sent sincere condolences to his family and fellow firefighters. Katheryn Shields said she was advised that his daughter in law is a Jackson County employee of the Records Department in Independence, Missouri. She said three other firefighters were injured in the wreck and wanted them to know that they are in our thoughts and prayers.

Katheryn Shields expressed condolences to Jackson County's Public Works Director, J.D. Stokes and his family as his father passed away unexpectedly this last weekend. James Dale Stokes of Kansas City, Missouri was 65 years old. She said thoughts and prayers are with J.D. and his family in this time of loss.

Katheryn said it is time for the annual County Executive Charity Golf Tournament to benefit the kids at Operation Breakthrough. The tournament will be held on Friday, September 10, 2004 at 9 A.M. at the Fred Arbanas Golf Course at Longview Lake. The cost is \$250 for hole sponsorship. Anyone interested should contact Michele Newman at 881-3333 or you can send a check to Jackson County Parks and Recreation, Attention: County Executive Charity Golf Tournament, 22807 Woods Chapel Road, Blue Springs, MO 64015. The fax number is 795-1234. She encouraged everyone to join in the fun for a great cause.

Katheryn said that Jack Holland is present to answer any questions concerning bi-state.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3519](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RE (Residential Estates), a certain 73 ± acre tract and approving the preliminary plat "Saddle Brook Estates," creating a twenty two lot residential subdivision.

(Land Use Committee - 5th. Perfection)

[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.

(Finance and Audit Committee - 1st. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3531](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[15143](#) A RESOLUTION awarding a twelve-month term and supply contract on Electronic Solicitation to Bid No. BB200442 for the furnishing of imprinted promotional items for use countywide to BPA Printing & Promotions of Lenexa, KS (\$29,904.81), Hasty Awards of Ottawa, KS (\$4,899.92), Teamco International of Buffalo Grove, IL (\$745.00), and Webster & Associates of Fort Worth, TX (\$9,523.00) in the estimated aggregate amount of \$45,072.73.

(Finance and Audit Committee - 1st. Meeting)

[15144](#) A RESOLUTION authorizing the County Executive to execute an agreement with YouthNet of Greater Kansas City for its Youth Work Quality Standards/Assessment Initiative in the amount of \$100,000.00, as a local match to a private grant.

(Anti-Drug Committee - 1st. Meeting)

Ronald E. Finley, County Legislator, said as he understands it Section 20 is a new section which essentially states that any agreements reached at the central office of Major League Baseball (MLB) will not void this lease. Mr. Holland explained that management at the central office of MLB has changed from two weeks to one week. He asked if they play 90% of their games at home.

Kimberly Spies, general counsel for the Sports Complex Authority, said the Royals play 90% of home games at Kauffman Stadium.

[15145](#) Legislature As A Whole moved do pass. Consent Agenda.

[15146](#) Land Use Committee moved do pass. Consent Agenda.

[15148](#) Land Use Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[3531](#) AN ORDINANCE appropriating \$46,738.00 from the unappropriated surplus of the 2004 Grant Fund to cover the Victim Advocacy Grant received from the Missouri Department of Public Safety.

(ADOPTED)

[15144](#) A RESOLUTION authorizing the County Executive to execute an agreement with YouthNet of Greater Kansas City for its Youth Work Quality Standards/Assessment Initiative in the amount of \$100,000.00, as a local match to a private grant.

(ADOPTED)

[15145](#) A RESOLUTION partially rescinding Resolution 15012, dated May 10, 2004, and authorizing the County Executive to approve a revised First Amendment to the Lease Agreement between the Jackson County Sports Complex Authority and the Kansas City Royals Baseball Corporation, concerning the continued operation of and proposed improvements to the Harry S Truman Sports Complex.

(ADOPTED)

[15146](#)

A RESOLUTION authorizing the County Executive to execute a License and Professional Services Agreement with Entercom-Kansas City, LLC, for the sponsorship of an event at Longview Lake, at an actual cost to the County of \$7,500.00.

(ADOPTED)

[15148](#)

A RESOLUTION consenting to the construction, by the Kansas City Chiefs Football Club, of decorative fencing, on the grounds of the Harry S Truman Sports Complex.

(ADOPTED)

To adopt Ordinance 3531. To adopt Resolutions 15144, 15145, 15146, 15148.

Dennis Waits moved the passage of the consent agenda. Seconded by Dan Tarwater.
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

Robert A. Stringfield, County Legislator, said this legislation deals with whether the County Legislature wants to continue to allow the Administration to continue discretionary waivers in the future. He is asking for a yes or no vote. He said they had overwhelming public testimony from neighborhood associations, school board representatives, individual citizens against discretionary waivers, and the Kansas City Star had an editorial opposing waivers. The Attorney General said they were illegal. Mr. Stringfield said we have been told that we are the only county that allows these waivers. He said we allow the County Counselor to handle non-discretionary waivers. The tax waiver interest belongs to the entities that are on the levy; school districts, city governments, blind pension, libraries, etc. He said legislators should not be the judge as to what happens to their money, but as a body they should listen to their constituents. Overwhelmingly, they say no discretionary waivers of penalties and interest. He said the buck stops with the Legislature. He does not want to allow this Administration in the future to be able to give discretionary waivers. He said they need to stop playing games with the taxpayers. He said he revealed last week that there is a flaw in the system as far as rules. He asked that he be the sponsor of Ordinance #3535, then he noticed that there are two other sponsors. He said the rules have a flaw which allows a sponsor to withdraw. He has given his word that he will go forward with this and stated he is against discretionary tax waivers.

Dan Tarwater, County Legislator, said the County Executive is reviewing this and going through it very thoroughly and will come back to the legislature with a recommendation. This may be the recommendation, but that is the reason they withdrew the previous legislation and he will make a motion to do the same with this ordinance.

Bob Spence, County Legislator, said he does not believe anyone on the legislature is playing games with this issue. He said everyone understands it is an important issue and demands more study than Mr. Stringfield is willing to give it. He said he supports the motion to withdraw.

Ronald E. Finley, County Legislator, concurred with the motion to withdraw. He said they had a meeting with Ed Rucker, County Counselor and Mary Helen Murphy, Acting Director of Collections. Ms. Murphy is looking at a new policy on the discretionary waiver of penalties and interests. She has requested the opportunity, pursuant to previous discussion, to come back with a policy by mid-October. He feels this is reasonable since she is just taking over the department and no waivers are currently being granted. He said sometimes he gets insulted by expersions being cast on his intentions. He said this issue is much larger than they thought. They are trying to come up with a fair policy to deal with a question that has evolved over the years and to try to help people pay their taxes and remain in their homes. There is an ongoing situation with the Housing Information Center. There are about 60 citizens who are currently making payments under this program. Mr. Rucker and Mr. Finley have discussed this and would like to find a solution. He stated that all tax funds are being collected and have been collected for the last year.

[3535](#)

Enacting section 2129., Jackson County Code, 1984, relating to the collection of delinquent property taxes, and enacting, in lieu thereof, one new section relating to the same subject.

(WITHDRAWN BY SPONSOR TARWATER, CONCURRED BY SPENCE AND FINLEY)

[3536](#)

Repealing sections 280. and 7030., Jackson County Code, 1984, relating to the salary of certain elected officials, and enacting, in lieu thereof, two new sections relating to the same subject.

(Finance and Audit Committee)

Jack Holland, from Oppenheimer and Company, said this ordinance exempts from provisions of MODESA and TIF legislation a quarter cent bi-state tax which will be on the ballot in November 2004. The result will be that when the tax is collected, the entire proceeds of the tax will go for the projects approved by the voters, none will be diverted to MODESA or TIF projects.

Mr. Stringfield asked for an explanation of MODESA.

Jack Holland said it is a section of downtown and south of the downtown loop where there is an application by the city for that to be declared a MODESA district which will allow the city to capture a portion of the state sales tax and property tax for the south loop entertainment district.

Robert Stringfield asked if the other counties needed to be aware of this matter.

Jack Holland said there are no MODESA eligible districts in Clay or Platte County, and it is not an issue in Kansas.

[3537](#)

Dennis Waits moved do pass the Floor Amendment of 9/7/2004, to insert the words "and such statutory provisions relating to Tax Increment Financing Districts within Jackson County," after the words "MODESA" in Section 1 on page 2.

The motion passed by a voice vote.

(APPROVED)

[3537](#)

Dennis Waits moved to perfect Ordinance #3537 as amended. Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(PERFECTED)

[3537](#)

Dennis Waits moved to suspend the rules to consider final passage of Ordinance #3537. Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

[3537](#)

Dennis Waits moved the passage of Ordinance #3537 as perfected, exempting from the provisions of the Section 99.915 et seq, Revised Statutes of Missouri, as amended a county-wide sales tax in the amount of one quarter cent in the Kansas and Missouri metropolitan culture district for the renovation of the Truman Sports Complex and enhancement of cultural facilities, organizations, and activities. Seconded by Henry C. Rizzo.

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

(ADOPTED)

Fred Arbanas moved to perfect Ordinance #3538.

Robert A. Stringfield objects.

[3538](#) Repealing section 209., Jackson County Code, 1984, relating to the salary of certain elected officials and enacting, in lieu thereof, a new section relating to the same subject.
(Legislature As A Whole)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[15150](#) Dennis Waits moved the passage of Resolution #15150, authorizing the Jackson County Legislature to hold a closed meeting on Tuesday, September 7, 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, and closing all records prepared for discussion at said meeting. Seconded by Dan Tarwater.

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

(ADOPTED)

[15151](#) Dennis Waits moved the passage of Resolution #15151, congratulating Leonardo (Leo) Agricola Biscari upon successfully completing all requirements to attain Scouting's highest honor, the rank of Eagle Scout. Seconded by Dan Tarwater.

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

(ADOPTED)

Bob Spence explained that a study needs to be done on the flood plain, particularly about 13 hot spots, to see what the fix is before we spend more money to maintain it. This money (\$10,000 from the Corps and \$10,000 from Jackson County) will hire a firm under contract with the Corps of Engineers to perform the study and tell us what needs to be done as far as maintenance or permanent fixes. Time is running out on getting half of this money from the Corps of Engineers, which is why Resolution# 15152 needed to be passed immediately.

[15152](#) Bob Spence moved the passage of Resolution #15152, authorizing the County Executive to execute a cost sharing Agreement with the U.S. Army Corps of Engineers, to provide for the Little Blue River Floodplain Study at an actual cost to the County of \$10,000.00. Seconded by Dennis Waits.

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

(ADOPTED)

No dissenting vote to consider Resolution #15153 - not on printed agenda.

15153

Henry C. Rizzo moved the passage of Resolution #15153, acknowledging Alan Welles for his extraordinary efforts towards changing the lives of the youth in our community through the Sentenced to the Arts program. Seconded by Dan Tarwater.

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

(ADOPTED)

No dissenting vote to consider Resolution #15154 - not on printed agenda.

15154

Bob Spence moved the passage of Resolution #15154, concurring in the decision of the Chief Financial Officer to settle the worker's compensation claim of Lelia Dietiker for payment in the amount of \$32,500.00. Seconded by Henry C. Rizzo.

Yes: 5 - Scott Burnett, Scott Burnett, Ronald E. Finley, Rhonda L. Shoemaker and Bob Spence

Absent: 3 - Robert A. Stringfield, Fred Arbanas and Dennis Waits

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

04-16

I hereby make the following reappointments to the Community Mental Health Fund Board of Trustees:

1. Fran Ryan, term to expire September 30, 2006;
2. Richard Nadeau, term to expire September 30, 2005;
3. William Brunjes, term to expire September 30, 2006;
4. James Torres, term to expire September 30, 2006; and
5. Maureen Hardy, term to expire September 30, 2006.

04-17

Upon occasion of the resignation of Ken Ollison, I hereby appoint James B. Parcel to the Stormwater Commission pursuant to Section 3606.2.a, Jackson County Code, for an unexpired term ending on December 11, 2004. A copy of Mr. Parcel's resume is attached.

Dennis Waits, County Legislator, said the legislature requested a report from the national ombudsmen regarding OHRCC. He knows a draft has been received but would like to know the status of the final report.

Kelly Markham-Stegall, Legislative Auditor, said she spoke with the consultant, Duncan Fowler, today and he has the final report and will forward it to her next week. She will let the legislature know when she receives the report.

Ronald E. Finley said he has asked Ms. Mauer-Smith to attend the Finance and Audit Committee meeting next week to give an update on the collections of child support.

Resolution #15150 was adopted at this time. See page 6 for details.

The Legislature went into closed session.

The Legislature reconvenes.

Resolution #15154 was adopted at this time. See above for details.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Dan Tarwater moved to adjourn the meeting. Seconded by Rhonda L. Shoemaker.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, September 13, 2004 at 2:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.