



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, March 8, 2004

1:30 PM

Tenth Regular Meeting

Independence 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, Rhonda L. Shoemaker and Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Bob Spence moved to approve the journal of the previous meeting held on 3/1/2004.
Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Sheriff Tom Phillips presented a 30 year service pin to Captain Chris Campbell from the Jackson County Sheriff's Department..

Katheryn Shields, County Executive, introduced Barbara Salva, her appointment to the Office of Human Relations and Citizens Complaints. She asked the Legislature to join her in welcoming her as she joins this important County Board.

She introduced Tom Haley and Denny Gibler, two new appointments to the Jackson County Plan Commission.

Katheryn Shields said last week she was honored to receive a Letter of Appreciation from the Lee's Summit Police Department for Jackson County's efforts in police Crisis Intervention Team training and the work of our Mental Health Court. Lee's Summit is at the forefront of developing programs that will allow law enforcement to better handle the mentally ill, help them obtain treatment and maximize safety for both police and civilians.

She said she was announcing this, not just to share this information, but to share the accolade as well. She said one of the good things about being the County Executive is that she accepts the honors but they are honors earned along with the Legislature and which they all share. Without the help and cooperation of the Legislature and the hard decisions they make about finding worthy goals, Jackson County could accomplish very little. So each member of the legislature shares in this commendation.

There is another reason she believes it is important to share this Letter of Appreciation from one of our County's fine law enforcement agencies. There are times when political disputes can dominate our lives and threaten to monopolize our attention. For some reason, this seems to be particularly true in even-number years. But, especially when these disputes arise, it is important to remember that, in the real world, outside of the Courthouse, our efforts are doing real good, making the lives of Jackson County citizens better and safer. She thanked Chief Conlee and the men and women of the Lee's Summit police department for all the good work they do, for this Letter of Appreciation and for helping to remind us all of the good that we do accomplish by working together.

Katheryn Shields presented the November 2003 Employee of the Month Award to three employees from the Jackson County Parks and Recreation Special Recreation Day Skills Facility: John Curtis, Day Skills Coordinator, Danny Dwyer and Jon Cantwell. On December 12th, these men saved a man's life at the facility where they work. One of the Day Skills clients began to choke on his lunch when John Curtis began administering CPR and Jon Cantwell called 911. The client responded to CPR and after being transported to the hospital was later released with no lingering problems. She congratulated them and presented them with pins, certificates and checks.

She presented the December 2003 Employee of the Month Award to two employees in the Parks and Recreation Department, Joe Wolverton, Lake Jacomo Marina Manager and Jim Autry Jr., Assistant Marina Manager. On December 22, 2003 both men were called upon to save the life of a citizen. A park patron drove her car down the North boat ramp into very cold water which they later learned she did intentionally. Joe Wolverton pulled the woman to shore and Jim Autry called for help. The woman was transported to the hospital by ambulance. The Sheriff's Department Crisis Intervention Team followed up with the woman and advised her to undergo a voluntary mental evaluation which she did. She congratulated them and presented them with pins, certificates and checks.

She presented Employee of the Year Awards for 2003 to Elena Ramirez and Melissia Meridith from the Jackson County Assessment Department. In addition to their regular duties they provided invaluable assistance to the Abstract Section. They seamlessly coordinated their efforts, working as a team, working overtime and weekends to ensure the continued success of the Abstract Section. She congratulated them and presented them with pins, certificates and checks.

Fred Arbanas, County Legislator, said he missed the Sheriff's presentation regarding firearms. He said he advocates allowing the Jackson County Park Rangers to carry firearms. He asked Katheryn Shields if this would be forthcoming.

Katheryn Shields said she has discussed this with Sheriff Phillips and they both support the concept that if we have armed park rangers, they should be part of the Sheriff's Department and under the supervision of a trained law enforcement official. She asked the Sheriff to submit numbers to her for the cost of transferring the park rangers into members of the Sheriff's staff. The costs will include salary considerations as well as uniforms and equipment. She will try to have the figures to present to the Land Use Committee in a couple of weeks. A general figure a couple of years ago was over \$100,000.00.

Dennis Waits, County Legislator, said some of the park rangers prefer not to be armed. They want to be park interpreters and take a different role. It may have to be a policy decision to add some sheriff's deputies and create another entity.

Fred Arbanas said he agrees that a number of them need to be park interpreters and be good will ambassadors. However, over the years Jackson County has taken on Longview Lake, Blue Springs Lake and more park grounds and violence has increased in the community. He feels that it is time to start another division to concentrate on taking care of the parks. He is happy that the Administration is working on this matter.

Fred Arbanas thanked Tom Haley and Denny Gibler for serving on the Plan Commission. He said he knows they will spend many hours at meetings and are only paid \$50 per meeting and he is going to try to get that figure increased.

Katheryn Shields agreed that the Plan Commission is a very important function of Jackson County.

Robert Stringfield, County Legislator, asked the County Executive to provide a list of all the Commissioners that have been appointed and how many are receiving funds.

Katheryn Shields said she will try to have a report to him within the next couple of weeks.

Henry C. Rizzo, County Legislator, said Mr. Finley introduced a Resolution this week that states that "the County Executive's recommended budget shall clearly set forth, on the budget page delineating expenditures and revenues for each separate fund, the County Executive's best estimate of sources and amounts of new revenue, as well as the total available fund balance for each fund, and projected revenue and expenses for the current year." He asked the County Executive if she would have any trouble providing this information.

Katheryn Shields said she did not see a final copy of the Resolution and as she understands it, she does not have a problem with it.

Henry C. Rizzo said in the committee meetings, several people testified that there was a shortfall in the COMBAT funding. Programs were under funded by approximately 20%, and in some cases between 25% - 26%. He asked the County Executive the question "If there was a surplus of \$2 million, 2 years ago, why would programs like DARE and the Drug Court Program be under funded?"

Katheryn Shields said they would probably have to review the budget hearings. She thinks the issue is what the County anticipated the revenue to be and how much of the reserve fund the Legislature chooses to expend each year in the budget. She believes the Legislature chose to expend \$6 million this year.

Henry C. Rizzo said Vicki Boyd with COMBAT said the Finance Department gives them the amount and they must stay within that figure to fund their programs.

Katheryn Shields said ultimately the County Legislature approves the budget each year. The Legislature could have provided more money to the COMBAT Commission for prevention and treatment but they authorized \$6 million this year.

Henry Rizzo agreed that the Legislature does approve the budget. However, they approve the budget based on figures provided by the County Executive's office. If the numbers from the County Executive's office state that they are funding these particular programs, he asked Katheryn if she could understand how there is a lack of knowledge of whether or not the programs are being funded at 100%. He thinks Mr. Finley has an answer now to that question.

Katheryn Shields said she does not know why the Legislature would not know they were funded at whatever amount they choose to fund them.

Henry C. Rizzo said there are no line items to show the program is funded at 100%. He thinks Mr. Finley is trying to resolve that problem.

Katheryn Shields said she has no problem providing whatever additional information the Legislature would like to have in the budget.

Ronald E. Finley said he is sorry he missed the Sheriff's presentation, but based on the Supreme Court's opinion, he understands that Jackson County is still enjoined based on the unfunded mandate.

Katheryn Shields said since Jackson County raised the issue of the Hancock Amendment the Supreme Court ruled that the Jackson County Sheriff's Department should not have to perform the additional responsibility of licensing people if the State does not provide the funds as they are required to under the Hancock Amendment. This was only applied to the four counties that raised the issue.

Ronald E. Finley said it should be clear that Jackson County will not issue any gun permits because the State of Missouri has not funded that function.

Ronald E. Finley asked about the waiver of property tax penalties and inquired if there was a staff committee looking at this issue so that a policy could be put in place.

Bill Snyder, Acting Chief Deputy County Counselor, said they are finalizing the draft of the policy based upon what has happened in the past and what is anticipated for the future. This policy will be presented to the County Executive.

Katheryn Shields said after she reviews the policy, it will be brought before the Legislature to see if they agree with the policy established. She will probably ask the Legislature to confirm either by Resolution or Ordinance the circumstances under which Jackson County would waive penalty and interest and who would have the authority to authorize it.

Ronald E. Finley asked if we had the authority to waive penalties and whether the County could collect what was waived. He asked if these questions were asked of the Attorney General.

Bill Snyder said that Joel Pelofsky with Spencer, Fane rendered an opinion stating Jackson County does have the authority as a first class charter county. Staff Counsel of the State Tax Commission was going to ask the Attorney General for an opinion but no response has been received.

Katheryn Shields said Mr. Pelofsky reconfirmed an opinion issued by the Jackson County Counselor's office.

Bill Snyder said it was not a County Counselor's opinion but an Attorney General's opinion from 1952. The opinion was that the county had the authority to waive it. The case dealt specifically with personal property taxes, but the case law for that, is the basis why you can do it on real estate.

Ronald E. Finley said he would like to see the opinion.

Katheryn Shields said she would be glad to provide that to him.

He asked if the county is anticipating anything from the Attorney General's office.

Bill Snyder said they asked for an opinion on something a couple of years ago and still have not received a response. He said it was not a criticism, but he would not expect anything right away.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Fred Arbanas moved to waive the reading of Ordinances #3464 through #3466.

Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

[3464](#)

AN ORDINANCE approving the preliminary plat "Windsor Subdivision, Phases 5 and 6," creating a 41-lot residential subdivision, as to a 157.5 ± acre tract.

(Land Use Committee - 5th. Perfection)

[3465](#)

Land Use Committee moved to perfect.

Fred Arbanas objects to the consent agenda.

[3465](#)

Fred Arbanas moved to perfect Ordinance #3465. Seconded by Bob Spence.

The motion passed by a voice vote.

(PERFECTED)

[3465](#)

Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3465.

Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[3466](#)

Land Use Committee moved to perfect.

Fred Arbanas objects to the consent agenda.

[3466](#)

Fred Arbanas moved to perfect Ordinance #3466. Seconded by Bob Spence.

The motion passed by a voice vote.

(PERFECTED)

[3466](#)

Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3466.

Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

Health and Justice Committee moved to perfect Ordinance #3471. Consent Agenda.

Henry C. Rizzo, Vice Chairman, assumes the Chair.

Scott Burnett stated he will reclude himself from this vote. Discussion.

Dennis Waits moved to reconsider Ordinance #3471. He objects sending it to the consent agenda for perfection. Seconded by Bob Spence.

The motion passed by a voice vote. (APPROVED)

Dennis Waits moved to perfect Ordinance #3471. Seconded by Bob Spence.

The motion passed by a voice vote. (APPROVED)

Yes: 2 - Dennis Waits, Bob Spence

No: 4 - Robert A. Stringfield, Henry C. Rizzo, Ronald E. Finley, Rhonda L. Shoemaker

Abstain: 2 - Fred Arbanas, Scott Burnett

Absent: 1 - Dan Tarwater

(PERFECTION FAILED)

Discussion.

Ronald E. Finley moved to reconsider Ordinance #3471. Seconded by Robert A. Stringfield.

The motion passed by a voice vote. (APPROVED)

[3471](#)

Dennis Waits moved to perfect Ordinance #3471, appropriating \$150,000.00 from the unappropriated surplus of the 2004 Grant Fund to cover the Mental Health Court grant received from the U.S. Department of Justice's Office of Justice Programs, and authorizing the County Executive to execute an Agreement with Truman Medical Center Behavioral Health Network, to implement this grant program at a cost to the County not to exceed \$150,000.00. Seconded by Ronald E. Finley.

Yes: 6 - Robert A. Stringfield, Fred Arbanas, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

Abstain: 2 - Scott Burnett and Scott Burnett

(PERFECTED)

Scott Burnett resumes the Chair.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3465](#) Consent Agenda.

[3466](#) Consent Agenda.

[3469](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[14924](#) Health and Justice Committee moved do pass. Consent Agenda.

[14926](#) Land Use Committee moved do pass. Consent Agenda.

[14927](#) Finance and Audit Committee moved do pass. Consent Agenda.

[14928](#) Finance and Audit Committee moved do pass. Consent Agenda.

[14929](#) Health and Justice Committee moved do pass.

Dennis Waits objects to the consent agenda because he thinks he may have a conflict.

[14929](#) Ronald E. Finley moved the passage of Resolution #14929, urging the administration to post the County's sex offender registry on the Sheriff's page on the County's internet website, to be replaced by a link to the statewide sex offender registry on the Missouri Highway Patrol's website when available. Seconded by Fred Arbanas.

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

Abstain: 1 - Dennis Waits

(ADOPTED)

[14930](#) A RESOLUTION authorizing the Director of the Department of Finance to issue a check in the amount of \$69,065.50 to County Court Services, Inc., to resolve a claim for unpaid billings on the contract awarded by Resolution 14464, dated February 24, 2003.

(Anti-Drug Committee - 1st. Meeting)

[14931](#) Finance and Audit Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[3465](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 86 ± acre tract, and approving the preliminary plat "Whippoorwill Place - 2nd Plat," creating a fifteen-lot residential subdivision.

(ADOPTED)

[3466](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 20 ± acre tract.

(ADOPTED)

- [3469](#) AN ORDINANCE appropriating \$69,548.00 from the unappropriated surplus of the 2004 Anti-Drug Sales Tax Fund to cover a grant received from the United States Executive Office of the President's Midwest HIDTA Investigative Support Center to allow the Jackson County Drug Task Force to contract with an intelligence analyst.
- (ADOPTED)
- [14924](#) A RESOLUTION awarding a twelve (12) month term and supply contract on Electronic Solicitation No. BB200387 for the furnishing of mattresses, bedding, and linens for use by the Department of Corrections to Bob Barker of Fuquay Varina, NC (\$1,465.20), Walter F. Stephans of Franklin, OH (\$632.04), Tabb Textile of Opelika, AL (\$20,141.35), ATD American of Wyncote, PA (\$4,149.43), and Robinson Textiles of Los Angeles, CA (\$9,544.50), in the estimated aggregate amount of \$35,932.93.
- (ADOPTED)
- [14926](#) A RESOLUTION authorizing the purchase of proprietary carbonated soft drinks for resale by the Parks and Recreation Department at its concessions operations from Coca-Cola Bottling Company of Lenexa, KS (\$65,000.00), and Pepsi Cola General Bottlers of Olathe, KS (\$25,000.00) at an estimated aggregate cost to the County not to exceed \$90,000.00.
- (ADOPTED)
- [14927](#) A RESOLUTION authorizing the County Executive to execute an agreement with the Kansas City Area Development Council to provide a current profile of Jackson County at a cost to the County not to exceed \$25,000.00.
- (ADOPTED)
- [14928](#) A RESOLUTION awarding a twelve (12) month term and supply contract on Bid No. 52-03 for the furnishing of car wash service for use by various County departments to WhiteWash dba Spot-Not Car Wash of Kansas City, MO (\$7,000.00) and Quick Clean Car Wash, Inc., of Independence, MO (\$250.00), in the estimated aggregate amount of \$7,250.00.
- (ADOPTED)
- [14931](#) A RESOLUTION authorizing the Director of the Department of Finance to make payment in the amount of \$6,508.44, representing certain taxes on real estate within Jackson County that has been sold or transferred since January 1, 2004, which were mistakenly not billed or collected on the County's 2003 tax bills.
- (ADOPTED)

To adopt Ordinances 3465, 3466, 3469. To adopt Resolutions 14924, 14926, 14927, 14928, 14931.

Dennis Waits moved the passage of the consent agenda. Seconded by Bob Spence. 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

[3472](#) Appropriating \$40,150.00 from the unappropriated surplus of the 2004 Health Fund and authorizing the County Executive to execute an Agreement for Medical Examiner Services with Cass County, Missouri, for compensation payable to Jackson County in the amount of \$80,000.00.

(Health and Justice Committee)

[3473](#) Repealing sections 5045., 5046., and 5047., Jackson County Code, 1984, relating to boating in County parks and enacting, in lieu thereof, three new sections relating to the same subject, with a penalty provision.

(Land Use Committee)

[3474](#) Granting a conditional use permit (CUP) in District A (Agricultural) for a period of twenty-five (25) years to continue operating a 299-ft. microwave communications tower as to a 1.3 ± acre tract.

(Land Use Committee)

[3475](#) Granting a conditional use permit (CUP) in District A (Agricultural) for a period of twenty (20) years to extend an existing 100-ft. ham radio tower to a height of 135 feet as to a 3 ± acre tract.

(Land Use Committee)

[3476](#) 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)

The Land Use Committee will have a public hearing regarding Ordinances #3474 through #3476 on Friday, March 26, 2004 at 1:00 p.m. at Fleming Hall.

[3477](#) Transferring \$13,202.00 within and appropriating \$46,535.00 from the unappropriated surplus of the 2004 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)

[3478](#) Repealing § 537., Jackson County Code, 1984, relating to County fiscal operations, and enacting in lieu thereof, one new section relating to the same subject.

(Finance and Audit Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

- [14932](#) Authorizing the County Executive to execute an Agreement for Medical Examiner Services with Clay County, Missouri, for compensation payable to Jackson County in the amount of \$190,000.00.
(Health and Justice Committee)
- [14933](#) Authorizing the County Executive to execute an Agreement for Medical Examiner Services with Platte County, Missouri, for compensation payable to Jackson County in the amount of \$63,216.00.
(Health and Justice Committee)
- [14934](#) Authorizing the County Executive to execute an Intergovernmental Cooperative Agreement with the City of Kansas City, Missouri, for animal shelter services, at a cost to the County not to exceed \$18,000.00.
(Public Works Committee)
- [14935](#) Approving the purchase of eleven (11) full-size 4-door sedans with police package for use by the Sheriff's Office from Joe Machens Ford of Columbia, MO, in the actual amount of \$222,981.00, under an existing State of Missouri government contract.
(Health and Justice Committee)
- [14936](#) Awarding a twenty-four (24) month term and supply contract on Request for Proposals No. 1-04 for the furnishing of pre-employment physical exams for use by the Corrections Department to Occupational Health Services (OHS COMPCARE) of Kansas City, MO, in the estimated amount of \$5,000.00.
(Health and Justice Committee)
- [14937](#) Awarding a twelve (12) month term and supply contract for the furnishing of infection control disinfectants for use by the Department of Corrections to EnviroSystems of San Jose, CA, in the estimated amount of \$16,581.00, as a sole source purchase.
(Health and Justice Committee)
- [14938](#) Authorizing the purchase of maintenance agreements for hardware and software for use by the Management Information Systems, Geographic Information Systems, Records, and Corrections Departments, the Public Administrator's and Sheriff's Offices, and the Jackson County Election Board, in the actual aggregate amount of \$523,156.95, as sole source purchases.
(Finance and Audit Committee)
- [14939](#) Authorizing an independent audit of the Jackson County COMBAT (Community Backed Anti-Drug Tax).
(Finance and Audit Committee)

[14940](#) Awarding a contract for the furnishing of security software and hardware maintenance for use by the Human Resources Department to Wornall Secure Business Solutions, Inc. of Kansas City, Missouri, at a cost to the County not to exceed \$11,059.15, as a sole source purchase.

(Finance and Audit Committee)

[14941](#) Authorizing an independent audit of the Jackson County COMBAT (Community Backed Anti-Drug Tax) and detailing the scope of the audit.

(Finance and Audit Committee)

12 COUNTY EXECUTIVE ORDERS

[04-06](#) Pursuant to Jackson County Code Section 7403.3, I hereby appoint Barbara A. Salva to the Office of Human Relations and Citizens Complaints Commission to fill the vacancy occasioned by the expiration of the term of Toni Thornton, for a term to expire on March 1, 2005. A copy of Ms. Salva's resume is attached.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Rhonda L. Shoemaker moved to adjourn the meeting. Seconded by Ronald E. Finley.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, March 15, 2004 at 2:30 p.m. in the Legislative Assembly Area, Kansas City, Missouri.