



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 29, 2004

2:30 PM

Thirteenth 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.

Resolution #14960 was adopted at this time. See page 6 for details.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Dan Tarwater moved to approve the journal of the previous meeting held on 3/22/2004.
Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

Henry C. Rizzo, County Legislator, asked Jay Haden, Deputy County Counselor, about add on Ordinance #3484 which he is listed as sponsor on but did not authorize. He only wanted to research alternatives to the Certificate of Values.

Jay Haden apologized and said he must have misunderstood Mr. Rizzo's directions.

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, gave an update on the Circuit Breaker program. Back in January she told the Legislature that the number of requests for these forms had tripled to over 1,800. This week the total number of requests is 2,553. In terms of money the average refund for the Missouri Circuit Breaker is \$450.00. Assuming those 2,553 people qualify for the average refund, it would mean over \$1 million for Jackson County seniors and the disabled. She thanked the Legislature for their effort and support on this program.

Katheryn Shields mentioned that Jackson County received a Certificate of Achievement from the Government Accounting Standards Board. We received this not only for our compliance with GASB #34 but the fact that we did it so quickly. She asked Gloria Fisher, Director of Finance, Terry Warner, Assistant Director of Accounting/Finance and Tim Bradley, Assistant to the Director, to come forward. GASB #34 required government entities to report in the annual audit all fixed assets (including infrastructure) and their value. This meant a physical inventory of all County land, lakes, parks, buildings, building contents, machinery, equipment and over 430 miles of road. Due to their understanding of this huge undertaking, we not only met the requirements of GASB #34, but we exceeded the expectation of the implementation of this program by three years.

The Government Accounting Standards Board gave Jackson County until 2005 to complete the GASB #34 mandate. Jackson County successfully completed it in its first year. For this outstanding accomplishment, the Government Finance Officers Association of the United States and Canada has presented Jackson County with a Certificate of Achievement, the highest form of recognition in governmental accounting and financial reporting for state and local governments. The attainment of this award represents a significant accomplishment. To quote the letter which accompanied the award, "Congratulations for having satisfied the high standards of the program. We hope that your example will encourage other governments in their efforts to achieve and maintain an appropriate standard of excellence in financial reporting."

Katheryn Shields also recognized J.D. Stokes, Director of Public Works, and his staff for the large role they played in this accomplishment. Where most governments struggle is with the physical infrastructure. Because of the work of J.D. and his staff, we were able to identify and value not only Public Works infrastructure but also the infrastructure in our Jackson County Parks. She thanked the Directors and staff of all the departments whose cooperation and support allowed us to achieve this important goal.

Gloria Fisher, Director of Finance, said that we have gotten this award for the last 17 years for our financial statements but this is the first year we have had the GASB #34 implementation. It was a huge undertaking and she is very proud to keep this excellence award and thanked everyone who helped get this done.

Henry C. Rizzo asked the County Executive about giving breaks on property taxes and how it worked.

Katheryn Shields said that first of all she does not do that. She suggested he talk to Michael Pendergast, Director of Collections.

Mr. Rizzo asked the County Executive if anyone has come to her office and asked for a tax break. She responded that no, no one had every come to her office and asked for a tax break.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[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.
(Legislature as a Whole - Hold)

[3474](#) Land Use Committee moved to perfect.
Fred Arbanas objects to the consent agenda.

[3474](#) Fred Arbanas moved to perfect Ordinance #3474. Seconded by Dan Tarwater.
The motion passed by a voice vote. (PERFECTED)

[3474](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3474.
Seconded by Dan Tarwater.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.
Land Use Committee recommended do not pass Ordinance #3475.

[3475](#) Fred Arbanas moved to perfect Ordinance #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. Seconded by Bob Spence.
Yes: 0
No: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence
(FAILED)

[3476](#) Land Use Committee moved to perfect.
Fred Arbanas objects to the consent agenda.

[3476](#) Fred Arbanas moved to perfect Ordinance #3476. Seconded by Dan Tarwater.
The motion passed by a voice vote. (PERFECTED)

[3476](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3476.
Seconded by Bob Spence.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3472](#) Consent Agenda.

[3479](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[14951](#) Finance and Audit Committee moved do pass. Consent Agenda.

[14952](#) Finance and Audit Committee moved do pass the Finance and Audit Committee Amendment of 3/29/2004, to insert the words ", to the extent that sufficient appropriations to the using spending agency are included in the then current annual County budget". after the words "including final payment on the contract" in the BE IT FURTHER RESOLVED paragraph on page 2, to insert the words "Funds for years after 2004 are subject to appropriation in the then current annual County budget." below the words NOT TO EXCEED in the fiscal note. Consent Agenda.

[14955](#) Health and Justice Committee moved do pass. Consent Agenda.

[14956](#) Ronald E. Finley moved to adopt the Finance and Audit Committee Substitute of 3/29/2004, extending the term of and authorizing an increase in the amount of \$226,843.00 to the term and supply contract with Dell Marketing of Round Rock, Texas, for the furnishing of miscellaneous personal computers, hardware and software at a total estimated cost of \$391,843.00. 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)

9 CONSENT AGENDA

[3472](#) AN ORDINANCE 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.

(ADOPTED)

[3474](#) AN ORDINANCE 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.

(ADOPTED)

[3476](#) 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 10 ± acre tract.

(ADOPTED)

[3479](#) AN ORDINANCE transferring \$9,497.00 within the 2004 General Fund and appropriating \$37,989.00 from the unappropriated surplus of the 2004 Grant Fund to cover the Kidsafe grant for the Prosecuting Attorney's Office, received from the United States Department of Justice through the Heart of America United Way and the transfer of the matching funds, and authorizing the County Executive to execute an Agreement with the Heart of America United Way regarding this grant.

(ADOPTED)

[14951](#) A RESOLUTION awarding a twelve-month term and supply contract, on Electronic Solicitation No. BB20046 for the furnishing of miscellaneous electrical supplies and tools for use by various departments, as a split award to Western Extralite Co. of Kansas City, MO and Rexel-Glasco of Kansas City, MO, in the estimated total amount of \$51,000.00.

(ADOPTED)

[14952](#) A RESOLUTION authorizing the awarding and execution of a lease agreement pursuant to the terms and conditions of a Johnson County, Kansas governmental contract, No. 2003-104, with Office Business Solutions of Olathe, Kansas, for the furnishing of photocopier equipment rental and service for use by the Office Services Department, in the estimated annual amount of \$37,118.24 and an estimated total sixty (60) month lease amount of \$185,591.20.

(ADOPTED)

[14955](#) A RESOLUTION acknowledging the Ivanhoe Neighborhood Council in partnership with Keep Kansas City Beautiful as the recipient of the 2003 Keep America Beautiful First Place National Award in Litter Prevention.

(ADOPTED)

To adopt Ordinances 3472, 3474, 3476, 3479. To adopt Resolutions 14951, 14952, 14955.

Fred Arbanas moved the passage of the consent agenda. Seconded by Ronald E. Finley. The motion passed by a roll call vote:

Yes: 6 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley and Rhonda L. Shoemaker

Absent: 2 - Dennis Waits and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3481](#) 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.

(Health and Justice Committee)

Robert A. Stringfield, County Legislator, asked the Chairman when committee meetings would start on April 5, 2004.

Scott Burnett, Chairman, said they will start at 9:00 a.m. on Monday, April 5, 2004 in the Kansas City Legislative Assembly Area. The legislative meeting will begin at the conclusion of the committee meetings.

Fred Arbanas, County Legislator, said that the Land Use Committee will hold its committee meeting on Friday, April 2, 2004 at 1:00 p.m. at Fleming Hall.

[3482](#) 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)

Scott Burnett, Chairman, said that Ordinance #3483 was a housekeeping measure and asked Jay Haden, Deputy County Counselor, to explain more about it.

Jay Haden said that it is a housekeeping matter to make sure that the Jackson County Code reflects the correct expiration date of the Anti-Drug Sales Tax. In November of 1995, voters authorized the continuance of this tax until March 31, 2004. In January of 1996, the Legislature amended the Jackson County Code to reflect this date in the Anti-Drug Sales Tax Chapter. In May of 2003, the Legislature adopted an Ordinance to place on the ballot a continuation of this tax for an additional seven years until 2011. In August of 2003, the voters adopted this and the Jackson County Code needs to reflect this new date so there will be no issue on the legality of the tax or its expiration. The new expiration date is March 31, 2011.

[3483](#) Dennis Waits moved to perfect Ordinance #3483. Seconded by Dan Tarwater.

The motion passed by a voice vote.

(PERFECTED)

[3483](#) Dennis Waits moved to suspend the rules to consider final passage of Ordinance #3483. Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

[3483](#) Dennis Waits moved the passage of Ordinance #3483 as perfected, repealing section 9308., Jackson County Code, 1984, relating to the anti-drug sales tax, and enacting one new section in lieu thereof, relating to the same subject. 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)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[14957](#) 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.

(Land Use Committee)

[14958](#) 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.

(Land Use Committee)

[14959](#) 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.

(Land Use Committee)

[14960](#) Dan Tarwater moved the passage of Resolution #14960, acknowledging employees of Jackson County for their participation in and contributions to the 2003 "Corporate Christmas" program. Seconded by Bob Spence.

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

(ADOPTED)

[14961](#) 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.

(Finance and Audit Committee)

[14962](#) 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.

(Land Use Committee)

[14963](#) 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.

(Finance and Audit Committee)

14964

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)

No dissenting vote to consider Resolution #14965 - not on printed agenda.

Scott Burnett, Chairman, assigned Resolution #14965 to the Finance & Audit Committee.

Ronald E. Finley, County Legislator, said that Resolution #14965 requests the Administration to report to the Legislature on matters relating to tax waivers. It asks for a listing of the names of all persons and entities that received waivers in the last five years and a recommendation on a policy on the granting of such waivers in the future. Efforts should be made to collect any property taxes waived if it is legally possible to do so and he believes we should move this process along and requests its adoption.

Henry C. Rizzo said that he does not have a problem with the Resolution, but much of the administration of that resolution we have no control over. All we can do is to request the names. The Legislature has no control over who gets the breaks.

Dennis Waits, County Legislator, said that if we create a policy then we are expressing our intent. If someone else handles it differently at least it will be against the wishes of the Legislature.

Robert A. Stringfield said he asked for a legal opinion and it included possibly working on some guidelines. He asked if Jay Haden would like to address this. He wants to make sure we are covering everything and not just getting a list.

Jay Haden said that Joe Polowski, an attorney who has been doing some contract work for the Counselor's Office, did the opinion. He recommended that this resolution be sent to committee and let the Administration and Counselor's Office come and make a presentation on both what the current policy is, what we've been doing and recommendations for a future policy.

Robert A. Stringfield said that he hopes the Legislature takes this recommendation and places the resolution in committee.

Ronald E. Finley said that his intent is to get to this policy within two weeks. He has heard that some of these waivers were up into the thousands of dollars. There are elderly people in his district who can not pay their taxes and Mr. Pendergast has been very helpful. But he doesn't want the appearance of impropriety.

14965

Ronald E. Finley moved the passage of Resolution #14965, requesting the Administration to report to the Legislature on certain matters relating to the waiver of County personal and/or real property taxes, penalties, and interest. 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)

[14966](#) Amending Rules 2 and 9 of the Rules of the Jackson County Legislature.
(Rules Committee)

12 COUNTY EXECUTIVE ORDERS

[04-07](#) Pursuant to Jackson County Code Section 7403.3, I hereby appoint Dorothy Kennedy to the COMBAT Commission to fill the vacancy occasioned by the resignation of Robery Woodley for the remainder of a term to expire on January 20, 2005. A copy of Ms. Kennedy's resume is on file with the Clerk of the Legislature.

13 UNFINISHED BUSINESS

Fred Arbanas asked the Administration how many members were currently on the COMBAT Commission.

Jay Haden, Deputy County Counselor, said there may still be a vacancy but he would find out and report back.

Dennis Waits, County Legislator, said if there is a vacancy perhaps the Legislature should consider a name to recommend to the Administration.

Ronald E. Finley, County Legislator, encouraged everyone to review the RFQ on the financial audit and communicate any thoughts or concerns with Kelly Markham-Stegall, County Auditor. He asked that they contact her this week as the plan is to get it out for bid.

Bob Spence, County Legislator, asked for additional discussion on Resolution #14956 which is being held in committee. Ms. Shoemaker has further information on this legislation.

Rhonda Shoemaker, County Legislator, said J.D. Stokes, Director of Public Works, said this bid is quarterly. She indicated that the County is approaching the end of the first quarter and if it is not passed today, it will need to go out for bid again.

J.D. Stokes said that next week will begin the second quarter of this calendar year and as a result of the Legislature holding the legislation, he will need to get a quote.

Bob Spence asked if he had any knowledge of how much the quote might be.

J.D. Stokes replied it will cost the County over \$70,000.00, which is the estimated quote he received from Dell.

Bob Spence said the concern of the Legislature is that this allocation is being made to the COMBAT fund to reimburse the General fund or services that it provides. He wanted the Legislature to be aware that there is no connection between the budgeted amount being charged to COMBAT on behalf of the General fund or MIS and this particular Resolution. He thinks it would be imprudent of the Legislature to let \$70,000.00 go by the wayside. He moved to take the Resolution out of committee.

Henry C. Rizzo, County Legislator, said the Chairman has spoken clearly that he wants to hold this Resolution in committee and that is his prerogative.

Ronald E. Finley said he asked specifically if there was a deadline and was told by Mr. Stokes that there was no deadline. He understands that the funds were necessary so the computers for the emergency response program could be purchased. Mr. Finley asked if there was a deadline as Mr. Stokes indicated he was looking at federal money.

J.D. Stokes apologized and said he thought the question was if there was a deadline to receive federal money. He misunderstood the question. He said the quote now is in the amount of \$226,843.00 which is the Western States Contracting Alliance (WSCA) contract regarding the quote for the technology center.

Ronald E. Finley said he still has concerns about how much the contract has increased versus what was done in the past two years.

J.D. Stokes said he understands why he would have those questions, since a year ago we did not have in the foreseeable future these kinds of needs for a technology center or the needs for a business recovery plan. Since December 2003, after the bond was passed, he began to work closely with MIS to figure out how to make this work.

Jay Haden said Rule 21, in the Rules of the Legislature, just gives the sponsor the right to move a resolution or ordinance any time prior to the 8th meeting or to discharge to committee. This function takes a vote of five.

Bob Spence asked if the Legislature could carve out this portion for Public Works.

Ronald E. Finley responded yes, as long as it does not include COMBAT funds.

J.D. Stokes said this is strictly the bond for the technology center.

Jay Haden prepared a committee substitute to Resolution #14956 to add Public Works and allow authority to pay for some purchases that exceeded the original estimate and deleted the other items for the MIS Department. It took the figure up to \$526,000.00.

Ronald E. Finley confirmed that the figure for the Public Works Technology Center is \$226,843.00 from Dell.

J.D. Stokes agreed.

Dennis Waits asked how the other figure of \$325,000.00 for MIS fit into this.

J.D. Stokes said the MIS figure was just an estimate and the figure for Public Works is an actual quote from Dell.

Ronald E. Finley said in light of the recent testimony, he moved to recommend \$226,843.00 as an amendment to Resolution #14956.

Jay Haden suggested that Mr. Finley move to discharge the resolution from committee first and then make the amendment on the floor, because technically it is in committee.

Dennis Waits suggested recessing the legislative meeting to reconvene the committee meeting to take up the amendment.

Jay Haden agreed that would be appropriate.

Bob Spence moved for a 3 minute recess. Seconded by Dennis Waits.
The motion passed by a voice vote. (APPROVED)

The Legislature recesses.

The Finance and Audit Committee held a short meeting to offer the committee substitute to Resolution #14956.

The Legislature reconvenes.

Resolution #14956 was adopted at this time. See page 4 for details.

Rhonda Shoemaker asked the County Clerk to change her vote on Resolution #14965 from No to Yes.

Robert A. Stringfield asked the County Clerk to change his vote on Resolution #14965 from No to Yes.

Rhonda Shoemaker said the legislators have received approximately 6 resumes for candidates for the Jackson County Sports Authority. She urged the Chairman of the Legislature to discuss this item at next week's legislative meeting. She asked if the Legislature could start interviewing candidates.

Scott Burnett, Chairman, said he would place it under Unfinished Business on the agenda next week for discussion.

Ronald E. Finley said he was unclear of the status of Ordinance #3464.

Henry C. Rizzo said he withdrew it, as he is researching the issue with St. Louis County. He said he will have something in the next couple of weeks in coordination with the County Counselor.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Ronald E. Finley moved to adjourn the meeting. Seconded by Bob Spence.

The motion passed by a voice vote. (APPROVED)

The next legislative meeting is scheduled to be held on Monday, April 5, 2004 at 10 a.m. in the Kansas City Legislative Assembly Area.