



# 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)

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Tuesday, July 6, 2004

2:30 PM

Twenty-sixth Regular Meeting

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

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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 and Bob Spence  
Absent: Rhonda L. Shoemaker

**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 6/28/2004.  
Seconded by Bob Spence.

**The motion passed by a voice vote.**

(APPROVED)

**4 HEARINGS**

*Public hearing regarding Ordinance #3510, submitting to the qualified voters of Jackson County, Missouri, at the general election to be held on November 2, 2004, a question levying a retail sales tax of one-fourth (1/4) of one 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.*

*Jack Holland, chief negotiator for the bi-state issue, made a presentation. He mentioned that Mayor Berkley from the Jackson County Sports Authority, Terry Harmon from the Arts Council of Metropolitan Kansas City, Juanita Moore from the American Jazz Museum and Jerry Riffel, representing the Kansas City Performing Arts Center were present to answer any questions. Mr. Holland distributed a outline to show the status of the bi-state initiative. He noted that if the language presented in the Ordinance is not approved by the County Legislature and would need to be modified, it would take an initiative petition to put it on the ballot.*

Further action to be completed, will require submittal to the Clay and Platte County Commissions in Missouri and the Unified Government of Wyandotte County in Kansas City, Kansas. The ballot language in Ordinance #3510 would approve a one-quarter cent sales tax under the bi-state compact; one eighth would be for improvements at the Truman Sports Complex, one eighth would be for arts funding, a portion to fund the Performing Arts Center in downtown Kansas City. The ballot initiative is required to be on the ballot in Johnson, Jackson and Clay County and passed by those three entities to become effective. The reason for adding Clay County is because currently Johnson County generates about 42% of the total five county sales tax revenue, and Jackson County about 37%. Their concern was that if only two counties (Johnson and Jackson) passed it and it became effective, then effectively the Johnson County taxpayers would be paying about 55% of the total revenue to fund bi-state. The concern was that more Missouri counties should be required to participate to more equally divide the burden.

Ronald E. Finley, County Legislator, asked if any studies were done to show the economic impact of the Performing Arts Center, since they heard testimony on the benefits of the Chiefs and the Royals.

Jack Holland responded that the Metropolitan Arts Council did an economic impact study three years ago. The results showed that the arts economy is larger than the sports economy in metropolitan Kansas City.

Terrance Nash, Jackson County resident, opposed the bi-state initiative. He said it is a major league rip off for the taxpayers. He said the leases are one sided and the sales tax projections are not realistic and there is no accountability. He said the 1990's will not be repeated with cheap oil and low interest rates so the assumption of 4% sales tax growth is unrealistic and false. The claims that the tax will last 12-15 years are a sales pitch. Best case scenario, bi-state II sales tax will last 16 years if all 5 counties pass the tax. If only Jackson, Johnson and Clay counties pass the tax, it will need to run 18 years. He urged voters to vote no on this proposal.

Ronald E. Finley asked if there are any policies in place regarding WBE and MBE.

Jack Holland said he would check into it and report back to the Legislature.

Mr. Jerry Riffel with Lathrop and Gage said with regards to the Performing Arts Center, he expects them to adopt affirmative action policies.

Robert A. Stringfield, representative on the Bi-State Commission for Jackson County, distributed a copy of the Kansas and Missouri Metropolitan Culture District (Bi-State) Commission 2002 Annual Report to the legislators and media.

Ordinance #3510 was adopted at this time. See page 3 for details.

Scott Burnett, Chairman, thanked the legislators and others for their work on this issue and said they would now allow the voters to decide.

The Legislature had a 5 minute recess.

The Finance and Audit Committee meeting reconvened. Jay Haden, Acting County Counselor, gave a report on the waivers of penalties and interest for Jackson County for the years 1999-2003. There was much discussion. The committee meeting was adjourned.

The Land Use Committee meeting was called to order. After addressing the items on their agenda, the meeting was adjourned.

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*Legislature reconvenes.*

**5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE**

*None.*

**6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE**

[3510](#)

Dan Tarwater moved to perfect Ordinance #3510. Seconded by Robert A. Stringfield.

**The motion passed by a voice vote.**

(PERFECTED)

[3510](#)

Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #3510. Seconded by Dennis Waits.

**The motion passed by a voice vote.**

(APPROVED)

[3510](#)

Fred Arbanas moved the passage of Ordinance #3510 as perfected, submitting to the qualified voters of Jackson County, Missouri, at the general election to be held on November 2, 2004, a question levying a retail sales tax of one-fourth (1/4) of one 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 Dan Tarwater.

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Bob Spence  
Absent: 1 - Rhonda L. Shoemaker

(ADOPTED)

**7 FINAL PASSAGE OF PROPOSED ORDINANCES**

*None.*

**8 RESOLUTIONS IN COMMITTEE**

[15057](#)

Finance and Audit Committee moved do pass.

*Fred Arbanas objects to the Consent Agenda.*

[15057](#)

Dennis Waits moved the passage of Resolution #15057, awarding a twelve-month term and supply contract on Request for Proposals No. 4-04 for the furnishing of coffee service for use countywide to Necco Coffee of Kansas City, MO, in the estimated amount of \$45,000.00. Seconded by Robert A. Stringfield.

Yes: 4 - Robert A. Stringfield, Scott Burnett, Scott Burnett and Dennis Waits  
No: 3 - Fred Arbanas, Ronald E. Finley and Bob Spence  
Absent: 1 - Rhonda L. Shoemaker

(DEFEATED)

- [15062](#) Public Works Committee moved do pass. Consent Agenda.
- [15063](#) Land Use Committee moved do pass. Consent Agenda.
- [15064](#) Land Use Committee moved do pass. Consent Agenda.
- [15065](#) Public Works Committee moved do pass. Consent Agenda.
- [15066](#) Public Works Committee moved do pass. Consent Agenda.
- [15067](#) Public Works Committee moved do pass. Consent Agenda.
- [15068](#) Extending the term of and authorizing an increase to the term and supply contract with O'Reilly Auto Parts, in the amount of \$112,828.00, for the furnishing of non-dealer auto/truck parts for use by the Public Works and Parks and Recreation Departments at an estimated annual cost of \$138,328.00.  
*(WITHDRAWN BY SPONSOR SPENCE, CONCURRED BY TARWATER AND STRINGFIELD)*
- [15069](#) Land Use Committee moved do pass. Consent Agenda.
- [15070](#) Health and Justice Committee moved do pass. Consent Agenda.
- [15071](#) Finance and Audit Committee moved do pass. Consent Agenda.
- [15072](#) Anti-Drug Committee moved do pass. Consent Agenda.
- [15073](#) Anti-Drug Committee moved do pass. Consent Agenda.
- [15075](#) Finance and Audit Committee moved do pass.  
*Ronald E. Finley objects to the Consent Agenda.*  
*After much discussion, Resolution #15075 remained in the Finance and Audit Committee.*
- [15076](#) Health and Justice Committee moved do pass. Consent Agenda.

[15078](#) A RESOLUTION authorizing a twelve month extension to the term and supply contract for the furnishing of painting services for use by various County departments with Northeast Painting Company, Inc., of Kansas City, MO, to provide for county-wide needs for the upcoming one-year period, and increasing the estimated annual amount by \$348,380.00 for a revised estimated annual amount of \$353,380.00

*(Finance and Audit Committee - 1st. Meeting)*

[15079](#) Finance and Audit Committee moved do pass.

*Dennis Waits objects to the consent agenda.*

*Dennis Waits moved to approve the Finance & Audit Committee Amendment of July 6, 2004, to delete the figure "31,747.00" and insert the figure "41,747.00" in the heading and fiscal note, to delete the figure "27,451" and insert the figure "37,451" on page two, to delete the numbers, words and figure "001-4101-6662, Software Maintenance , 4,500" and insert the numbers, words and figure "001-4101-5020, Seasonal Salaries, 20,400" on page two and in the fiscal note, to delete the numbers, words and figures "001-4101-8150, Office Furniture, 6,000 and 001-4101-8170, Other Equipment, 2,247" on page two and in the fiscal note, to insert the words, numbers and figures "Legislature As a Whole, 001-0112-6150, Office Furniture, 2,347" on page two and in the fiscal note. Seconded by Fred Arbanas.*

*The motion passed by a voice vote.*

*(APPROVED)*

[15079](#) Dennis Waits moved to adopt Resolution #15079 as amended, transferring \$41,747.00 within the 2004 General Fund in connection with the Kidsafe Grant salaried position. Seconded by Fred Arbanas.

Yes: 7 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Bob Spence

Absent: 1 - Rhonda L. Shoemaker

*(ADOPTED)*

## **9 CONSENT AGENDA**

[15062](#) A RESOLUTION transferring \$89,000.00 within the 2004 Special Road & Bridge Fund in connection with the Stormwater Grant with the Missouri Department of Natural Resources.

*(ADOPTED)*

[15063](#) A RESOLUTION awarding a contract on Electronic Solicitation No. BB200432 for the furnishing of chain saws, brush cutters, and a diesel chipper for use by the Parks and Recreation Department to Lawn & Leisure of Lee's Summit, MO (\$5,755.20), and Vegetation Management Supply, Inc., of Kansas City, KS (\$20,200.00), in the actual aggregate amount of \$25,955.20.

*(ADOPTED)*

- [15064](#) A RESOLUTION awarding a twelve-month term and supply contract on Electronic Solicitation No. BB200425 for the furnishing of grass seed for use by the Parks and Recreation Department to Williams Lawn Seed, Inc., of Maryville, MO, to provide for departmental needs, in the estimated amount of \$35,200.00.
- (ADOPTED)
- [15065](#) A RESOLUTION awarding a term and supply contract for maintenance and repair on the Crafcro crack sealing machine for use by the Public Works Department to Paving Maintenance Supply, Inc., of Lee's Summit, MO, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$5,000.00, as a sole source purchase.
- (ADOPTED)
- [15066](#) A RESOLUTION awarding a one-year term and supply contract for the furnishing of Caterpillar parts and service for use by the Public Works Department to Dean Machinery Company of Kansas City, MO, at an estimated cost to the County of \$15,000.00, as a sole source purchase.
- (ADOPTED)
- [15067](#) A RESOLUTION awarding a twelve (12) month term and supply contract on Electronic Solicitation No. BB200426 for the furnishing of ready mix concrete for use by the Public Works and Parks and Recreation Departments to Penny's Concrete, Inc., of Shawnee Mission, KS, in the estimated aggregate amount of \$100,000.00.
- (ADOPTED)
- [15069](#) A RESOLUTION awarding a (12) twelve-month term and supply contract on Electronic Solicitation No. BB200427 for the furnishing of holiday lighting for use by the Parks and Recreation Department to Sival, Inc., of Santa Clara, CA, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$30,000.00.
- (ADOPTED)
- [15070](#) A RESOLUTION awarding a twenty-four-month term and supply contract on Electronic Solicitation No. BB200423 for the furnishing of uniforms and alterations for use by the Department of Corrections to Alamar Uniforms of North Kansas City, MO (\$115,000.00), Galls Inc., of Lexington, KY (\$23,000.00), and Law Enforcement Equipment Company of Kansas City, MO (\$28,000.00), to provide for departmental needs in the estimated annual aggregate amount of \$171,000.00.
- (ADOPTED)
- [15071](#) A RESOLUTION awarding a term and supply contract on Bid No. 23-04 for the furnishing of concrete services for use by various County departments to All American Concrete LLC of Raymore, MO, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$175,000.00.
- (ADOPTED)

[15072](#)

A RESOLUTION transferring \$11,033.62 within the 2003 Anti-Drug Sales Tax Fund to cover funding for the Sheriff's Office's 2004 Drug Abuse Resistance Education (DARE) program.

(ADOPTED)

[15073](#)

A RESOLUTION authorizing the County Executive to execute contracts with certain municipalities within Jackson County for the purpose of funding their 2003-2004 Drug Abuse Resistance Education (DARE) or similar anti-drug programs, at a total cost to the County not to exceed \$219,971.38.

(ADOPTED)

[15076](#)

A RESOLUTION awarding a contract on Bid No. 48-03 for the Medical Examiner's Office Renovation Project to Kraus-Anderson Construction Company of Lenexa, KS, in the actual amount of \$1,800,000.00, and authorizing the County Executive to approve change orders in an amount not to exceed \$90,000.00, for a grand total contract authorization of \$1,890,000.00.

(ADOPTED)

To adopt Resolutions 15062, 15063, 15064, 15065, 15066, 15067, 15069, 15070, 15071, 15072, 15073, 15076.

Dan Tarwater moved the passage of the consent agenda. Seconded by Robert A. Stringfield. The motion passed by a roll call vote:

Yes: 5 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett and Ronald E. Finley

Absent: 3 - Dennis Waits, Rhonda L. Shoemaker and Bob Spence

**10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE**

[3511](#) Amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 10 ± acre tract.  
*(Land Use Committee)*

[3512](#) Amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 18 ± acre tract.  
*(Land Use Committee)*

[3513](#) Granting a conditional use permit (CUP) in District GB (General Business) for a period of ten (10) years to construct a 150-ft. monopole commercial communication tower as to a certain 50-ft. by 50-ft. lease area.  
*(Land Use Committee)*

*The Land Use Committee will have a public hearing on Ordinances #3511, #3512, and #3513 on Friday, July 23, 2004 at 1 p.m. at Fleming Hall.*

**11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE**

[15080](#) Awarding a term and supply contract on Electronic Solicitation No. BB20048 for the furnishing of HVAC filters for use by the Facilities Management Department to Bio Environmental Systems Technologies (B.E.S.T.), Inc., of Kansas City, KS, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$20,000.00.  
*(Finance and Audit Committee)*

[15081](#) Awarding a contract on Bid No. PW 03-2004 for the 2004 Pavement Maintenance, Phase 3, Project No. 3003, to Superior Bowen Asphalt Company, LLC, of Kansas City, MO, in the actual amount of \$468,535.05.  
*(Public Works Committee)*

[15082](#) Authorizing the County Executive to execute Change Order No. 2 and Change Order No. 3 to the contract with R. A. Knapp Construction of Kansas City, KS, for the Noland Road Bridge over Little Blue River Project, No. 2390, at an increased cost to the County not to exceed \$27,390.75.  
*(Public Works Committee)*

[15083](#) Authorizing the Jackson County Legislature to hold a closed meeting on Tuesday, July 6, 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.  
*(WITHDRAWN BY SPONSOR BURNETT, CONCURRED BY STRINGFIELD AND ARBANAS)*



- [15084](#) Authorizing the County Executive to execute an Agreement for Animal Control Services with the City of Levasy, Missouri.  
*(Public Works Committee)*
- [15085](#) Dan Tarwater moved the passage of Resolution #15085, authorizing the County Executive to execute an agreement with the St. Patrick's Day Parade Committee, Inc., for funding of security and parade operations for the 2004 St. Patrick's Day Parade and other events at a cost to the County not to exceed \$7,000.00. Seconded by Robert A. Stringfield.  
Yes: 5 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett and Ronald E. Finley  
Absent: 3 - Dennis Waits, Rhonda L. Shoemaker and Bob Spence  
(ADOPTED)
- [15086](#) Authorizing the County Executive to execute a Cooperative Agreement with the City of Lee's Summit, MO, in connection with the Blackwell Road and Woods Chapel Road public improvement projects.  
*(Public Works Committee)*  
  
*No dissenting vote to consider Resolution #15087 - not on printed agenda.*
- [15087](#) Ronald E. Finley moved the passage of Resolution #15087, authorizing execution of professional services agreements with Mike Harmon and Joseph Sciara for the provision of real property appraisal consultation services in connection with the Board of Equalization at an aggregate cost to the County not to exceed \$15,000.00. Seconded by Dan Tarwater.  
Yes: 5 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett and Ronald E. Finley  
Absent: 3 - Dennis Waits, Rhonda L. Shoemaker and Bob Spence  
(ADOPTED)
- [15088](#) Extending the term of and authorizing an increase in the amount of \$446,811.87 to the term and supply contract with Infinite Energy Construction, Inc., dba Progress Electric of Grandview, MO, for the furnishing of electrical service for use by various departments countywide at a total estimated cost of \$596,811.87.  
*(Finance and Audit Committee)*
- [15089](#) Extending the term of and authorizing an increase in the estimated amount of \$322,316.56 to the term and supply contract with R. D. Mann of Kansas City, KS, for the furnishing, installation, and recycling of carpet for use by various departments countywide at a total estimated cost of \$402,316.56.  
*(Finance and Audit Committee)*

**12 COUNTY EXECUTIVE ORDERS**

*None.*

**13 UNFINISHED BUSINESS**

None.

**14 NEW BUSINESS**

None.

**15 ADJOURNMENT**

Dan Tarwater moved to adjourn the meeting. Seconded by Robert A. Stringfield.

**The motion passed by a voice vote.**

**(APPROVED)**

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