



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
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*Dan Tarwater, (4th), Chairman, Henry C. Rizzo (2nd AL), Vice-Chairman,
Robert A. Stringfield, (1st AL), Fred Arbanas (3rd AL),
Scott Burnett (1st), Eugene Standifer Jr. (2nd), Dennis Waits (3rd),
Rhonda L. Shoemaker (5th), Bob Spence (6th)*

Monday, February 7, 2005

2:30 PM

Sixth Regular Meeting

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

Dan Tarwater, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Robert A. Stringfield, Henry C. Rizzo, Scott Burnett, Eugene Standifer Jr.,
Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence
Absent: Fred Arbanas

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 1/31/2005.
Seconded by Scott Burnett.

The motion passed by a voice vote.

(APPROVED)

The journal from February 4, 2005 was also approved at this time.

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, presented a 5 year service pin to Rebecca Lake Wood, Public Administrator.

She presented the 2004 Employee of the Year Award to Lesa Mays, Corrections Officer. Officer Mays began working for Jackson County in June 2001. One day in particular, she took action to save the life of one of the inmates in her charge at the Jackson County Detention Center. Officer Mays serves as the direct supervision officer for A-Pod in the jail annex, and supervises an average of 40-48 inmates. When she realized an inmate was attempting to hang himself, she immediately contacted staff for assistance and went to prevent the inmate from harm. As a result of her alertness and immediate response, there were no serious injuries incurred and the inmate's life was saved. Officer Mays has also received the Department of Corrections Model of Excellence Award, and was Department Employee of the Year for 2003. Katheryn presented her with a pin, a check and a certificate.

Katheryn Shields reported that E-filing is going very well and said she appreciated the support of the Legislature. She said last week Legislators Burnett and Spence were concerned about possible confusion in filling out the on-line form. She said they looked into the matter and did some fine tuning. It is no longer necessary to type in an address if the one in the system is correct. She thanked the legislators for their feedback. She thinks it may be helpful if someone from the Legislature participates in the test group for new features in the future. She reported that as of this afternoon, 20,000 citizens have filed their declarations on-line, which is double the number from last week.

Robert A. Stringfield, County Legislator, said he filed his declaration on-line and it was very user friendly. He said the back of the declaration states that it must be signed and certified by the taxpayer. He asked how Jackson County gets the signature of the taxpayers that file their declarations on-line.

Rick Perry, Chief Operations Officer, said there was legislation that stated electronic signatures are as valid as a signed copy. He said the State Tax Commission approved this procedure.

Robert A. Stringfield said if someone did not declare all their personal property but entered the information on-line, he asked if Jackson County could legally pursue it since they did not sign anything.

Katheryn Shields suggested the County Counselor look into this and report back to the Legislature.

Ken Evans, Public Administrator, said the way the on-line declaration is organized, it cites the statute before the final click which corresponds to an electronic signature. Perhaps legal counsel should check into it and report back.

Robert A. Stringfield said included with the declaration it mentions the Taxpayer Assistance Division with a phone number, he asked if the people in this division were up to date on policies and procedures and how to respond to taxpayers.

Katheryn Shields said she would assume that if they did not know an answer, they would refer the taxpayer to a supervisor.

Robert A. Stringfield said he read a newspaper article that said people were told that if they stored their airplane in another county they would not have to pay taxes in the other county where they live.

Dan Tarwater, Chairman, said the article was about Johnson County, Kansas.

Michael O'Flaherty, Director of Assessment, said to the extent that his office has had a problem, they have rectified it. He said his staff has a level at which they can answer questions and if they cannot answer them, they are usually referred to him.

Robert A. Stringfield read an article in the newspaper about a person from Cuba who sold a piece of property and profited \$25,000. He then looked on-line and found that this person has eleven properties in Jackson County and is using four different mailing addresses. This person has not paid taxes on eight of the eleven properties. He asked if Jackson County has a policy that they could only use one address or can they use several mailing addresses.

Michael O'Flaherty said when a deed is recorded, the grantee (buyer of the property) has to put their mailing address. There is no requirement, that he is aware of, under Missouri law, that they cannot use multiple addresses.

Robert A. Stringfield asked if the Legislature needs to set policy to alleviate this problem with taxpayers who live out of state.

Michael O'Flaherty said if taxes are not paid by the taxpayer over a three year period, then the property is sold on the courthouse steps. So most people want to be sure they get their tax bill.

Katheryn Shields said if the property is sold, the taxes would need to be paid in full to get a clear title.

Robert A. Stringfield said he has some legislation he would like to try to introduce to allow the Prosecuting Attorney to step in after the County Counselor exhausts all possibilities to get taxpayers to pay penalties, interest and back taxes.

Henry C. Rizzo, County Legislator, asked if it was true as stated in the article that other taxpayers are sharing in the tax responsibility for those who do not declare their airplanes.

Michael O'Flaherty said he is not sure what they were driving at with that statement. Jackson County has over 7 billion in assessed value. The current individual airplanes on the assessment roles is about 1 million. He said this is a self supporting system. We rely on taxpayers filing correct returns with us. He said a couple of years ago, the Assessment Department took some action in this area and added over \$1 million in value to the tax roles. They put in place voluntary measures with Lee's Summit and Grain Valley so they would not renew leases on hangers unless the people have paid their taxes. He said he will look at the article to see if there are things in it that we can utilize.

Henry C. Rizzo said it is important that every taxpayer shares the same burden. He asked Mr. O'Flaherty to let him know if there was anything the Legislature could do to help.

Michael O'Flaherty said he agreed it is an injustice to the rest of the taxpayers.

Dan Tarwater suggested that Mr. O'Flaherty check with other counties to see how they handle this matter.

Robert A. Stringfield asked if the County Ethics Commission was a valid commission.

Katheryn Shields said she does not think it is currently active as they have been unable to find people willing to serve.

Robert A. Stringfield asked who to send people to if they have a question regarding ethics.

Katheryn Shields said he could refer them to the State Ethics Commission or the Jackson County Counselor.

Robert A. Stringfield said he would like the other legislators to consider getting the Ethics Commission organized and functioning again. He said it is in the County Charter and it is a commission needed at this time.

Eugene Standifer Jr. presented a courtesy resolution and plaque to Ronald E. Finley for his years of service as a County Legislator.

Ronald E. Finley thanked everyone for the resolution and plaque. He said he has thoroughly enjoyed his service on the County Legislature and he is enjoying his current job. He wanted to call something to the Legislature's attention. He said he would like them to consider what is going to happen to the citizens of Jackson County in light of the proposed budget presented by the Administration of the State of Missouri. The Governor is a very determined man and he has proposed that there be certain cuts in Medicaid. The cuts in the program will immediately impact 80,000 - 90,000 citizens of the State of Missouri, in health care benefits. The cuts will impact a program called "First Steps" for children under three years old who have disabilities. The Governor claims that either this is cut or education will be cut. The State Legislature is in a difficult position. He would like the County Legislature to consider the Health Levy in Jackson County, Missouri. The levy is balanced with a number of other levies that the County collects. There is a provision in the County Charter that says it cannot raise one levy without lowering another. He asked the Legislature, in their next budget, to consider making an adjustment to the Health Levy before this crisis hits the citizens of Jackson County. He suggested that the public health department perform a study to find out how many people will be impacted and take appropriate action. He said State government is shifting this responsibility back to local government. He said he hopes they will give it their sincere consideration.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Bob Spence moved to waive the reading of Ordinances #3596 through #3598. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

The Land Use Committee will have a public hearing on Friday, February 11, 2005 at 1 P.M. at Fleming Hall on Ordinances #3596 through #3598.

3596

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 45.4 ± acres from District A (Agricultural) to District RE (Residential Estates) and approving the preliminary plat "Windmill Ridge" creating a thirteen (13) lot residential subdivision.

(Land Use Committee - 2nd. Perfection)

3597

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 18.5 ± acres from District A (Agricultural) to District RR (Residential Ranchette).

(Land Use Committee - 2nd. Perfection)

3598

AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 12 ± acres from District A (Agricultural) to District RE (Residential Estates).

(Land Use Committee - 2nd. Perfection)

3599

Health and Justice Committee moved to perfect. Consent Agenda.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[15340](#) Anti-Drug Committee moved do pass.

Dennis Waits objects to the consent agenda.

[15340](#) Dennis Waits moved to adopt the Anti-Drug Committee Substitute of 2/7/2005, authorizing the County Executive to execute agreements to extend the operative terms of existing agreements with certain outside agencies funded by the County's Anti-Drug Sales Tax Fund for the 2005 fiscal year term from January 1, 2005 to December 31, 2005, which are engaged in anti-drug prevention activities and purposes, at an aggregate cost to the County not to exceed \$1,705,548.00. Seconded by Scott Burnett.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

Abstain: 1 - Scott Burnett

Absent: 1 - Fred Arbanas

(ADOPTED)

[15365](#) A RESOLUTION authorizing the settlement of the claim of Kelli Hemstock for alleged violations of title 7 to the Civil Rights Act of 1964 and authorizing the Chief Financial Officer to settle the claim for payment in the amount of \$120,000.00.

(Legislature As A Whole - 2nd. Meeting)

[15367](#) Public Works Committee moved do pass. Consent Agenda.

[15368](#) Public Works Committee moved do pass. Consent Agenda.

[15369](#) Public Works Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[3599](#) AN ORDINANCE appropriating \$10,000.00 from the unappropriated surplus of the 2005 Grant Fund to enable the acceptance of a grant awarded to the Family Court Division by the National Children's Alliance for the Family Court's Child Protection Center for contractual expenses needed for the program from January 1, 2005 through December 31, 2005.

(PERFECTED)

[15367](#) A RESOLUTION awarding a twelve (12) month term and supply contract for the furnishing of fuel management system maintenance and repair for use by the Road and Bridge Division of the Public Works Department to RNI of Hackensack, NJ and P.E.I. of Kansas City (Jackson County), Missouri, as a sole source purchase. This award is made on an as needed basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases is subject to annual appropriation.

(ADOPTED)

[15368](#) A RESOLUTION awarding a twelve-month term and supply contract for the furnishing of parts and service for Beuthling, Etyre, Gardner-Denver, Hi-Way and Hyster equipment for use by the Public Works Department to G.W. Van Keppel Co., Inc. of Kansas City, KS as a sole source purchase. This award is made on an as needed basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases is subject to annual appropriation.

(ADOPTED)

[15369](#) A RESOLUTION awarding a twelve (12) month Term and Supply Contract for the furnishing of petroleum products for use by the Public Works Department and Parks and Recreation Departments to Heathwood Oil, Inc. of Kansas City, KS and Champion Brands, LLC of Clinton, MO under the terms and conditions of an existing government contract. This award is made on an as needed basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases is subject to annual appropriation.

(ADOPTED)

To perfect Ordinance 3599. To adopt Resolutions 15367, 15368, 15369.

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, Henry C. Rizzo, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence
Absent: 1 - Fred Arbanas

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

Robert A. Stringfield said this was an ordinance that was introduced but then pulled because there were changes in the Sunshine provisions. The County Counselor worked with Mark Frazier from the Secretary of State's office to make the necessary changes.

[3600](#) Enacting Chapter 12, Jackson County Code, 1984, relating to records retention and open records, consisting of eight sections.

(Finance and Audit Committee)

[3601](#) Granting a conditional use permit (CUP) in District A (Agricultural) for a period of ten (10) years to continue operation of a private aviation field on seventy (70) ± acres, subject to conditions.

(Land Use Committee)

[3602](#) Granting a conditional use permit (CUP) in District A (Agricultural) in perpetuity for a family cemetery on a 1,500 ± square foot tract of land, subject to conditions.
(Land Use Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

Robert A. Stringfield asked that his name be withdrawn as sponsor on Resolution #15371. He also instructed the County Counselor not to put his name on any legislation unless he requests it. He said to disregard his previous e-mail.

[15371](#) Awarding of a twelve (12) month term and supply contract for the furnishing of scanning service for use by the Collections Department to Document Automation Development of Overland Park, KS under the terms and conditions of Electronic Solicitation No. BB20053. This award is made on an as needed basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases is subject to annual appropriations.
(Finance and Audit Committee)

[15372](#) Authorizing the County Executive to enter into an agreement with the Soil and Water Conservation District of Jackson County to provide education and information on soil and water conservation at a cost not to exceed \$19,092.00.
(Land Use Committee)

[15373](#) Dennis Waits moved the passage of Resolution #15373, authorizing the Jackson County Legislature to hold a closed meeting on Monday, February 7, 2005, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under Section 610.021(1) (2) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting. Seconded by Scott Burnett.
Yes: 8 - Robert A. Stringfield, Henry C. Rizzo, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence
Absent: 1 - Fred Arbanas

(ADOPTED)

[15374](#)

Authorizing the purchase of one (1) 2005 Ford Escape from Shawnee Mission Ford of Shawnee, KS for use by the Public Works Department under the terms and conditions set forth in Mid-America Council of Public Purchasing (MACPP) Cooperative Fleet Bid by the City of Overland Park, KS at a cost to the County not to exceed \$19,432.00.

(Public Works Committee)

Bob Spence asked the County Counselor if it was necessary for legislation like Resolution #15375 to come before the Legislature.

Ed Rucker, County Counselor, said it is his understanding that legal action taken in the name of the County should be in the form of legislation.

Katheryn Shields said in the City of Kansas City, any lawsuit undertaken had to come before the City Council.

Bob Spence said he agrees with that statement, except for condemnation for a right of way.

[15375](#)

Authorizing and directing the Office of the County Counselor to institute condemnation proceedings on certain tracts of land required for the purpose of widening Colbern Road between Todd George Road to Cyclone School Road Project No 2411.

(Land Use Committee)

[15376](#)

Authorizing the County Executive to execute an Addendum to the Software License and Use Agreement with Eden Systems Inc. of Seattle Washington, a division of Tyler Technologies Inc., for an upgrade of the County's Financial Information System for use by the Finance Department in an amount not to exceed \$63,525.00.

(Finance and Audit Committee)

No dissenting vote to consider Resolution #15377 - not on printed agenda.

[15377](#)

Bob Spence moved the passage of Resolution #15377, commending and congratulating the Lee's Summit R-7 School District "Kids Country" before and after school program upon being named the Outstanding School Age Care Program by the Missouri School Age Child Care Coalition. Seconded by Scott Burnett.

Yes: 8 - Robert A. Stringfield, Henry C. Rizzo, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

Absent: 1 - Fred Arbanas

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

None.

Resolution #15373 was adopted at this time. See page 7 for details.

Legislature goes into closed session.

Legislature reconvenes.

15 ADJOURNMENT

Dennis Waits moved to adjourn the meeting. Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, February 14, 2005 at 2:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.