



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)

Monday, November 22, 2004

2:30 PM

Forty-sixth Regular Meeting

Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers

Henry C. Rizzo, Vice-Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

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

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Dennis Waits moved to approve the journal of the previous meeting held on 11/15/2004.
Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

Resolution #15217 was adopted at this time. See page 5 for details.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, wished victory for the Kansas City Chiefs as they will be playing Monday night football. She said she believes the Kansas City Chiefs are the world's greatest sports franchise with the world's greatest fans. She said there was a pep rally at the Barney Allis Plaza at noon.

She said her Administration, with the Legislature's support, has done more for the employee salaries, benefits and pension than at any time in Jackson County history. This has been accomplished at a time of great challenges.

Faced with skyrocketing health care premiums every year since 1997, the Administration opted to hold the employees harmless, so that any salary gains would not be erased by their health care contributions. Premiums have more than doubled since 1997, costing the County an increase of almost \$6 million. Ken Evans distributed a handout on health care that includes this history.

Each year the County Legislature and County Executive have made employee salaries and pension a key priority because employees are providing necessary services to the citizens. In return for good public service, employees deserve to be competitively compensated in wages and benefits. That is why compensation has been such a key budget priority. There was also a handout on salaries that includes the history.

Pension is derived from salaries and overtime. As salaries increase so does the pension. In 1995, Jackson County funded the pension at \$3.7 million. For 2005, the County Executive has budgeted \$7.5 million, almost double the previous amount.

In 1999, the Legislature and Executive worked together to overhaul the salary system. The salary study showed that many Jackson County employees were below the new minimum hourly rate for their positions. This required an increase of over \$700,000.00 in a single year, in an already tight budget, but it was done because it was the right thing to do. In the same year, a "pay for performance system" was established and a 3% merit pool was created to be used by departments to reward employees based upon their performance. She said "pay for performance" is a critically important tool for managing any organization - public or private. "Across the board" increases or cost of living increases (COLA's) went out with the 80's.

Gail Merriweather with Gallagher Burgess helped Jackson County make these important changes beginning in 1999. This has led to many improvements for Jackson County employees and citizens. Gail was present to provide the Legislature with more background about this matter.

Gail said that most organizations have a salary study done and then do nothing with it. She said Jackson County looked at salaries in 2002 and updated the structure in 2003. She thought it was admirable of the County Executive and Legislature to look at "pay for performance" rather than an across the board system. With this performance management system, employees are aware of what the expectations of them are at the beginning of the year. They know the criteria and have all year to perform. Their increases are based on how hard they work to perform those objectives. She said the focus is on productivity and efficiency. She applauds the County for keeping the system in place and updating it as they go along.

Robert A. Stringfield, County Legislator, said the Mid-America Regional Council has a report that compares all government job positions. He has noticed that every week there are job postings for the Corrections Department. He asked if Jackson County is competitive in that area. Also, he asked if Jackson County is losing employees to other metropolitan governmental entities.

Gail Merriweather said she provides the private sector data for the MARC report, so she is familiar with it. She said Jackson County is not losing employees to Clay County, Leavenworth County, or Raymore, Missouri as she works with these entities. She said she has recently placed an add within the County and she has received more than 50 resumes.

Katheryn Shields said there have been many salary upgrades and in particular to the Corrections Department. The immediate problem is because of a large amount of homeland security money that was disbursed. People who have worked in security positions for Jackson County are being offered jobs with the railroad because they can pay them between \$16-\$18 per hour.

Gail said the salary structure was revamped again in 2003 and Jackson County spent 3/4 of a million dollars to bring employees up to the minimum of the salary ranges. Annual increases between 3.1% and 3.2% are common.

Robert A. Stringfield said he thinks there can be improvements made in the Corrections Department. He is still seeing an abundance of overtime which tells him they do not have enough employees. He thinks the turnover rate is higher than what he hopes for. He is worried about the safety aspect.

Katheryn Shields said the Corrections Department is in the midst of negotiating a salary package for next year. The Administration and representatives of the union are trying to address the following problems in the department. Homeland security money has been disbursed and many correction officers are going to work for the railroads for an increase in pay. They have a problem with medical leave use, frequently taken on Monday and Friday. Some of this medical use is causing the overtime costs to rise. There is an issue of not enough applicants. The Administration has asked the Merit Commission for waivers of residency for a one year trial basis, to see if it would attract a larger pool of applicants. Another reason overtime costs have risen is because of increased and ongoing training for the correction officers which is a safety factor. With the Legislature's approval, the National Alliance for the Mentally Ill does an extensive training on how to deal with people with mental illness problems. The unions are very pleased with this training.

Henry C. Rizzo, County Legislator, asked the County Executive about the funds frozen within the Anti-Drug Fund. Katheryn Shields said she was not aware of the problem.

Troy Thomas, Chief Financial Officer, said there was a miscommunication between himself and the Finance Department.

Ronald E. Finley understands earlier discussion was with regards to Resolution #15254. He said he is very comfortable with what the County has done as far as health insurance. He thinks it is important to have periodic discussions about employee salaries. He has concerns about the merit pool every year because he thinks some of it may be administered unfairly, he has heard some employees have received 1% and some have received none. He asked Gail for updates from 2003 because he has concerns about the 3% merit pool. If further information is available he and other legislators would like to receive it.

Gail Merriweather said she would be interested in knowing the employees who have not received a merit increase and would like to know the circumstances. The system was set up so that the employees are successful. If the manager did a review and an employee did not get a raise, that manager should have spoken to his report, so there is another opinion about the fairness of what was done. She would like to know if the employee understands the goals and objectives established at the beginning of the year. Gail Merriweather said she appreciates Mr. Finley's concern about what employees are being paid. She reported that she has reviewed the salary surveys from 2004 and 2001 and she has found there are many administrative support positions that are making less today than they did three years ago. Jobs are not paying near what they are worth and this is nationwide as well as market wide.

Katheryn Shields said this issue was raised two years ago and she asked that a report be

generated. The report showed that the only employees not receiving the merit increase were those at the top of their range.

Dennis Waits, County Legislator, said he believes raises should be given at the beginning of the year (January or February) instead of on the anniversary date.

Gail Merriweather said she has worked with Cherokee, North Carolina which is about the size of Jackson County, where they do reviews over a three month period at the end of the year and then increases are given to all employees between January and March of the next year.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Fred Arbanas moved to waive the reading of Ordinances #3562 through #3566.
Seconded by Dan Tarwater.

The motion passed by a voice vote. (APPROVED)

The Land Use Committee will have a public hearing on Ordinances #3562 through #3566 on Tuesday, November 30, 2004 at 1:00 p.m. at Fleming Hall.

[3562](#)

AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 33± acre tract and approving the preliminary plat "Mockingbird Hill Estates," creating a six lot residential subdivision.

(Land Use Committee - 2nd. Perfection)

[3563](#)

AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 10± acre tract located 1/4 of a mile east of Gibson Road on the south side of Benson Road.

(Land Use Committee - 2nd. Perfection)

[3564](#)

AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 11.1± acre tract located approximately 1/4 of a mile east of Elsea Smith Road on the south side of Blue Mills Road.

(Land Use Committee - 2nd. Perfection)

[3565](#)

AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 10.65± acre tract generally located 600± feet north of U.S. Highway 50 on the west side of Al Gossett Road.

(Land Use Committee - 2nd. Perfection)

[3566](#)

AN ORDINANCE granting a conditional use permit (CUP) in District A (Agricultural) for a period of three (3) years to operate a horse boarding, training and riding facility on a 35 ± acre tract.

(Land Use Committee - 2nd. Perfection)

[3568](#) Dennis Waits moved to substitute Ordinance #3568, stating the intent of Jackson County, Missouri to exercise its statutory right to opt out of the provisions of Section 137.073, RSMo, which establishes the way property tax is assessed in the state by requiring separate tax rates for each class of property. Seconded by Dan Tarwater.

The motion passed by a voice vote. (APPROVED)

[3568](#) Legislature As A Whole moved to perfect. Consent Agenda.

[3569](#) AN ORDINANCE to adopt the annual budget and set forth appropriations for the various spending agencies and the principal subdivisions thereof, for the fiscal year ending December 31, 2005.

(Legislature As A Whole - 1st. Perfection)

[3570](#) AN ORDINANCE setting the 2005 Jackson County, Missouri tentative tax levy.

(Legislature As A Whole - 1st. Perfection)

[3571](#) AN ORDINANCE enabling the County to provide a local match for Medicaid Substance Abuse Services funding through the Missouri Department of Mental Health, Division of Alcohol and Drug Abuse by appropriating \$500,000.00 from the unappropriated surplus of the Anti-Drug Sales Tax Fund.

(Anti-Drug Committee - 1st. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[15217](#) Bob Spence moved the passage of Resolution #15217, recognizing the Lee's Summit Public Works Department on their recent accreditation by the American Public Works Association (APWA). Seconded by Dan Tarwater.

Yes: 6 - Robert A. Stringfield, Fred Arbanas, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence
Absent: 2 - Scott Burnett and Scott Burnett

(ADOPTED)

[15229](#) Land Use Committee moved do pass. Consent Agenda.

[15230](#) A RESOLUTION authorizing a contract renewal for the furnishing of Asynchronous Transfer Mode (ATM) Data Circuit Services for use by the Management Information Services Department to Southwestern Bell (SBC) of San Antonio, Texas, at a cost to the County not to exceed \$4,400.00 per month and a total contract amount not to exceed \$211,200.00 for a forty-eight month period, as a sole source purchase.

(Finance and Audit Committee - 1st. Meeting)

[15231](#) A RESOLUTION awarding a twelve month term and supply contract on Bid No. 52-04 for the repair, inspection, and service of the County's fire pump and sprinkler systems for use by the Facilities Management Department to Century Fire Sprinklers, Inc., of Kansas City, KS, in the estimated amount not to exceed \$15,000.00.

(Finance and Audit Committee - 1st. Meeting)

[15232](#) Public Works Committee moved do pass. Consent Agenda.

[15233](#) Public Works Committee moved do pass. Consent Agenda.

[15234](#) Public Works Committee moved do pass. Consent Agenda.

[15235](#) Public Works Committee moved do pass. Consent Agenda.

[15236](#) Public Works Committee moved do pass. Consent Agenda.

[15237](#) Public Works Committee moved do pass. Consent Agenda.

[15238](#) Public Works Committee moved do pass. Consent Agenda.

[15239](#) A RESOLUTION setting out the Legislature's intent concerning the allocation of the Anti-Drug Sales Tax annual revenues and the allocation of any unencumbered fund balance.

(Anti-Drug Committee - 1st. Meeting)

9 CONSENT AGENDA

[3568](#) AN ORDINANCE stating the intent of Jackson County, Missouri to exercise its statutory right to opt out of the provisions of Section 137.073, RSMo, which establishes the way property tax is assessed in the state by requiring separate tax rates for each class of property.

(PERFECTED)

[15229](#) A RESOLUTION awarding a contract on Bid No. 48-04 for the purchase of a digital video recording management system for use by Marina Operations of the Parks and Recreation Department to BGP Diversified Security of Kansas City, MO, in an amount not to exceed \$34,366.55.

(ADOPTED)

- [15232](#) A RESOLUTION authorizing the County Executive to execute an agreement with the Missouri Highways and Transportation Commission for the Off-System Bridge Replacement and Rehabilitation Program which will enable the County to accept a Federal Highway Administration grant through the Missouri Department of Transportation for the replacement of the Courtney-Atherton Road Bridge.
- (ADOPTED)
- [15233](#) A RESOLUTION authorizing the County Executive to execute an Agreement with Bridging the Gap, Inc., for the Jackson County Rotating Recycling Center Project, at the actual amount of \$32,000.00.
- (ADOPTED)
- [15234](#) A RESOLUTION authorizing the County Executive to execute an agreement with Keep Kansas City Beautiful in promoting litter abatement and beautification efforts in Jackson County, at the actual cost of \$25,000.00.
- (ADOPTED)
- [15235](#) A RESOLUTION authorizing an extension to the Truman Sports Complex Recycling Project grant funded by the Mid-America Regional Council Solid Waste Management District at no additional cost to the County.
- (ADOPTED)
- [15236](#) A RESOLUTION authorizing a six month extension and a change in equipment purchase to the Kauffman Stadium Recycling Project grant funded by the Missouri Department of Natural Resources at no additional cost to the County.
- (ADOPTED)
- [15237](#) A RESOLUTION authorizing a six month extension to the Arrowhead Stadium Recycling Project grant funded by the Missouri Department of Natural Resources at no additional cost to the County.
- (ADOPTED)
- [15238](#) A RESOLUTION awarding a twelve month term and supply contract for the furnishing of magnesium chloride spray chemical (Ice Ban) to treat rock salt for use by the Public Works Department to Scotwood Industries, Inc., of Overland Park, KS, in the estimated amount not to exceed \$20,000.00, as a sole source purchase.
- (ADOPTED)

To perfect Ordinance 3568. To adopt Resolutions 15229, 15232, 15233, 15234, 15235, 15236, 15237, 15238.

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, Ronald E. Finley, Dennis Waits and Bob Spence

Absent: 3 - Scott Burnett, Scott Burnett and Rhonda L. Shoemaker

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE[3572](#)

Enacting one new section to be known as §5570. to Chapter 55 of the Jackson County Code, 1984, relating to legislative subpoenas and the enforcement thereof.

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

Ronald E. Finley asked for the citation that deals with subpoenas. He asked that all members of the County Legislature receive a copy.

Ed Rucker said it was Chapter 2, Section 212. He said he would get copies to the Legislature.

[3573](#)

Repealing section 730., Jackson County Code, 1984, relating to officer and employee residency, and enacting, in lieu thereof, a new section relating to the same subject.

(Finance and Audit Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[15240](#) A RESOLUTION authorizing the Jackson County Legislature to hold a closed meeting on Monday, November 22, 2004, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under Section 610.021(1) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting.

Dennis Waits moved the passage of Resolution #15240. Seconded by Dan Tarwater.

Yes: 4 - Fred Arbanas, Dennis Waits, Dan Tarwater, Bob Spence.

No: 3 - Robert A. Stringfield, Henry C. Rizzo, Ronald E. Finley.

Absent: 2 - Scott Burnett, Rhonda L. Shoemaker.

(FAILED)

[15241](#) Awarding a term and supply contract for the furnishing of brown Aglime to be used on the softball fields for use by the Parks and Recreation Department to provide for departmental needs for the upcoming one-year period to APAC Kansas, Inc. - K.C. Division of Overland Park, KS, in the estimated amount not to exceed \$15,000.00, as a sole source purchase.

(Land Use Committee)

[15242](#) Awarding a thirty-six month term and supply contract for the furnishing of a SmartTrunk Data Circuit for the Telrad phone system for use by the Parks and Recreation Department to Southwestern Bell (SBC) of San Antonio, TX, in the total estimated amount not to exceed \$31,839.70 for the thirty-six month term and an estimated amount not to exceed \$10,786.90 for installation and the first year, as a sole source purchase.

(Land Use Committee)

[15243](#) Awarding a one-year term and supply contract for the furnishing of maintenance, repair, and monitoring services for the Public Works Department's on-site security system in the estimated amount not to exceed \$10,050.00 and authorizing the purchase and installation of new heat/smoke/pull stations, strobes, outdoor and indoor security cameras and a card reader system in the estimated amount not to exceed \$33,000.00 to ADT Security Services, Inc., of Kansas City, MO, at an estimated total cost to the County not to exceed \$43,050.00, as a sole source purchase.

(Public Works Committee)

[15244](#) Awarding a twelve-month term and supply contract for the furnishing of ice melt for use by the Facilities Management and Parks and Recreation Departments, to Nu-Life Laboratories, Inc., of Prairie Village, KS, under an existing government contract of the City of Kansas City, MO, Contract No. PA-4384, in an estimated amount not to exceed \$18,000.00.

(Finance and Audit Committee)

[15245](#) Awarding a term and supply contract for the furnishing of safety vests for use by the Road & Bridge Division of the Public Works Department under Contract No. 14280, an existing government contract of the State of South Dakota to Lohmann & Rauscher, Inc. of Topeka, KS, in an estimated amount not to exceed \$7,000.00.

(Public Works Committee)

[15246](#) Awarding a term and supply contract for the furnishing of toner cartridges for microfilm equipment for use by the Department of Records to Dynamic Computer Solutions of Kansas City, MO, at a cost to the County not to exceed \$15,000.00, as a sole source purchase.

(Finance and Audit Committee)

[15247](#) Dan Tarwater moved the passage of Resolution #15247, authorizing payment of \$8,003.01 to Bryan E. Round, Attorney at Law, for professional services rendered to the Jackson County COMBAT Commission and Anti-Drug Unit of the Jackson County Prosecuting Attorney's Office for the period from November 1, 2003 to January 31, 2004. Seconded by Robert A. Stringfield.

Yes: 5 - Robert A. Stringfield, Fred Arbanas, Ronald E. Finley, Dennis Waits and Bob Spence

Absent: 3 - Scott Burnett, Scott Burnett and Rhonda L. Shoemaker

(ADOPTED)

[15248](#) Awarding a contract for the purchase and installation of a system upgrade for the Telrad telephone system for use by the Parks and Recreation Department to Allegiant Telecom of Lenexa, KS, in the amount of \$14,914.00, as a sole source purchase.

(Land Use Committee)

[15249](#) Authorizing the County Executive to execute an agreement with Truman Medical Center Behavioral Health Network to fund a program dedicated to serving people with severe and persistent mental illnesses, at an actual cost of \$15,000.00.

(Health and Justice Committee)

[15250](#) Authorizing the County Executive to execute two (2) thirty-six month Agreements with SBC - ASI Division (Southwestern Bell) to provide installation of Plexar Service and a new line, and to provide a new Data Circuit to connect the Public Work's Technology Center to the County's Data Network, as a sole source purchase, in the aggregate amount of \$19,122.44 for the year 2005 and an annual aggregate amount of \$15,121.44 for subsequent years, and a total contract amount of \$49,365.32.

(Public Works Committee)

[15251](#) Transferring \$44,100.00 within the 2004 General Fund to cover funding for new carpeting for the Records Department.

(Finance and Audit Committee)

- [15252](#) Awarding a contract on Bid No. PW 12-2004 for Colbern Road Phase II, Project No. 2411, to Ideker, Inc. of St. Joseph, MO, in the amount not to exceed \$5,206,411.53.
(Public Works Committee)
- [15253](#) Transferring \$31,721.00 within the 2004 General Fund to cover funding for office remodeling for the Public Administrator's Department.
(Finance and Audit Committee)
- [15254](#) Requesting authorization for a 3% cost of living adjustment (COLA) for all Jackson County employees subject to appropriation in the 2005 budget.
(Finance and Audit Committee)
- [15255](#) Increasing and extending an award of a term and supply contract on Bid No. 32-03 for the furnishing of glazing services for use by various County departments to Southtown Glass Co. of Kansas City, MO, to provide for countywide needs for the one-year period from August 5, 2004 through August 4, 2005, in the total estimated amount not to exceed \$37,311.00.
(Finance and Audit Committee)
- [15256](#) Awarding a term and supply contract on Electronic Solicitation No. BB200454 for the furnishing of appraisal services relating to real estate tax parcels sold at the 2004 Court Administrator's Tax Sale for use by the Collection Department for the upcoming one-year period to Leon Arnold d/b/a Dobi-Ty Corporation of Kansas City, MO, in an estimated amount not to exceed \$24,000.00.
(Finance and Audit Committee)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Ronald E. Finley asked Ed Rucker if he was advertising for a new attorney.

Ed Rucker, County Counselor, said there are two positions open. One position is for part time counsel for 20 hours per week to help process the business tax law suits. The second position is for a paralegal. He said the jobs were posted at law schools and the Kansas City Metropolitan Bar Association. He said he would check with Mr. Perry to find out where else they are posted.

Ronald E. Finley said in the future he would like to have an explanation from counsel of closed meetings prior to voting on the resolution at the legislative meeting.

Ed Rucker said he or his staff will call legislators prior to the closed meeting advising them of the subject matter. He said the closed meeting today is to discuss pending litigation.

Henry C. Rizzo, Vice-Chairman, said budget hearings are scheduled to be held on Monday, November 29 and Wednesday, December 1, 2004.

Dennis Waits asked the Legislature to reconsider the Resolution dealing with the closed session.

14 NEW BUSINESS

Henry C. Rizzo moved to reconsider Resolution #15240. Seconded by Ronald E. Finley.
Yes: 6 - Henry C. Rizzo, Fred Arbanas, Ronald E. Finley, Dennis Waits, Dan Tarwater, Bob Spence
No: 1 - Robert A. Stringfield
Absent: 2 - Scott Burnett, Rhonda L. Shoemaker

(APPROVED)

Robert A. Stringfield asked that it be noted in the record that he will not attend the closed meeting.

15240

Dennis Waits moved the passage of Resolution #15240, authorizing the Jackson County Legislature to hold a closed meeting on Monday, November 22, 2004, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under Section 610.021(1) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting. Seconded by Henry C. Rizzo.

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

(ADOPTED)

Legislature goes into closed session.

Legislature reconvenes.

15 **ADJOURNMENT**

Dan Tarwater moved to adjourn the meeting. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, November 29, 2004 at 10:30 a.m. in the Legislative Assembly Area, Kansas City, Missouri.