



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

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, April 4, 2005

2:30 PM

Fourteenth 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, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence
Absent: Rhonda L. Shoemaker

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 4/4/2005.
Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

Dan Tarwater, Chairman, presented a 20 year service pin to Marvin Walker, Inmate Case Manager for the Corrections Department.

Resolution #15424 was adopted at this time. See page 5 for details.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3617](#)

Finance and Audit Committee moved to perfect.

Henry C. Rizzo objects to the consent agenda.

[3617](#)

Henry C. Rizzo moved to perfect the Finance and Audit Committee Amendment of 4/4/2005, to delete the word "and" and insert the punctuation mark "," after the letter "(a)", to insert the words "and (e)" after the letter "(b)", to insert the letter "s" at the end of the word "subsection", to insert the words "or (d)" after the letter "(c)" all in the first paragraph in section 1503.13, to delete the words "in the Persian Gulf", to insert the words "or between September 11, 2001 and December 31,2006" after the word "Storm" in section 1503.13 (c) (ii), to insert the section and words "1503.13 (e) Notwithstanding any other provision contained in this section, any Member who is employed on October 1, 2004 and is vested or becomes vested on or after that date shall receive Credited Service for period of employment with the employer for which the Member has not previously received Credited Service." after section 1303.13 (d), to insert the letter "a" before the words "Those Elected Officials", to delete the words "must purchase all prior service with the Employer between January 1, 1990, and December 31, 2003" and insert the words "may elect to purchase prior service with the employer", to delete the date "March 31" and inset the date "June 1", to delete the number "4" and insert the number "5" after the numbers "200", to delete the number "4" and insert the number "5" after the words "December 31, 200" all in section 1523, to insert the words "(b) Any Elected Official may make a one-time election to purchase additional Credited Service made available by Section 1503.13(e). Such purchase must be in accordance with the general provisions of this Section 1523, except that payment of the amount calculated under this subsection 1523(a) must be made no later than December 31, 2005." after section 1523 (a).
Seconded by Fred Arbanas.

The motion passed by a voice vote.

(PERFECTED)

(Robert A. Stringfield opposed)

[3617](#)

Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3617.
Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

(Robert A. Stringfield opposed)

Robert A. Stringfield, County Legislator, said he had some questions and is not sure how to get them answered.

Scott Burnett, County Legislator, said there were a couple of questions Mr. Stringfield had that were answered in committee.

Mr. Stringfield said he did get some information but he doesn't understand some of these codes and what they pertain to. We are talking about two things, bridging service and elected officials. He is opposed to voting on something that applies to elected officials. He should have been able to ask questions but feels that the Legislature is pushing this through. He is voting no on this because he can't get his questions answered.

Scott Burnett said there was a hearing on Ordinance #3617 less than ten minutes ago in the Finance & Audit Committee meeting. Everyone on the Legislature was welcome to attend.

Dan Tarwater said that in fairness, Ordinance #3627 has been on the agenda and this is the third week. Anyone who had questions, has had time to get them answered.

Fred Arbanas, County Legislator, added that this is not something that just came up. This has been worked on for almost a year now. There has been a lot of work done on this by the Personnel Department and he thanked them for all of their hard work.

Robert Stringfield wanted to go on record that he is for bridging service but is not for the second part that deals with elected officials.

Dan Tarwater said this is not affecting the Legislators.

Dennis Waits, County Legislator, said the only elected official this pertains to is the Prosecuting Attorney.

[3617](#)

Fred Arbanas moved the passage of Ordinance #3617 as perfected, repealing sections 1503.13 and 1523, Jackson County Code, 1984, relating to the Pension Plan, and enacting, in lieu thereof, two new sections relating to the same subject. Seconded by Bob Spence.

Yes: 7 - Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Bob Spence

Abstain: 1 - Robert A. Stringfield

Absent: 1 - Rhonda L. Shoemaker

(ADOPTED)

[3618](#)

AN ORDINANCE repealing Schedule III to Chapter 2, Jackson County Code, 1984, relating to the salary ranges of employees not under the Merit System and enacting, in lieu thereof, one new schedule relating to the same subject for the purpose of establishing the position of COMBAT Program Auditor/Evaluator.

(Anti-Drug Committee - 2nd. Perfection)

[3620](#)

Public Works Committee moved to perfect. Consent Agenda.

[3621](#)

Anti-Drug Committee moved to perfect. Consent Agenda.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3615](#)

Consent Agenda.

[3619](#)

Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[15417](#)

A RESOLUTION establishing legislative oversight of the Jackson County Office of Human Relations and Citizen Complaints.

(Finance and Audit Committee - 3rd. Meeting)

Robert A. Stringfield asked his legislative aide, Silvia Rizzo, to hand out packets to legislators, media and interested citizens. He said he wanted to address the case of the missing files from January 2003 through May 2003. He said this was alarming to him. He hoped his suspicions were wrong. He said you are right not because others agree with you but because the facts are correct. He handed out the facts to substantiate what he is saying. His resolve all along in this matter with the OHRCC and the Commission has been to deal with the facts and keep focused on the mission to ensure that we are not wasting taxpayers money. He wants the packet to be part of the record. It has been assembled and handed out. The packet includes a letter Mr. Stringfield sent to the Chair of the OHRCC. The letter asked the Chair for his resignation (Exhibit 1, page 1) and he gives a reason for the resignation. It also includes a letter from the Director of OHRCC stating that Mr. Willens has received all complaint files that are available for 2003, 2004 and 2005 (Exhibit 2, page 2). Also there is a copy of a letter from Mr. Willens to the Director (Exhibit 3, page 3) stating he is shocked the Director cannot produce files for individual complaints for the first five months of 2003 and the Director cannot locate 18 folders. A copy of this letter was sent to the Chairman of OHRCC reappointed by the County Executive. Mr. Willens states that the OHRCC has spent almost a half million dollars of taxpayers money over 3 years, receiving on average three complaints per month, which is so totally beyond the pale that he cannot imagine anyone not believing this office is totally dysfunctional. Mr. Willens recommends a strong commission leadership and a system in place to handle a volume of complaints with small staff. Exhibit 4, page 4, 5, 6, 7, 8, 9 are case summaries for 2003 that have no files. Exhibit 5, page 10 is a letter to the Chairman of the OHRCC to look at Exhibit 6, pages 11 and 12.

With facts applied to Mr. Willens, Robert A. Stringfield summarized that Jackson County government has spent close to half million dollars for 62 files over a period of 2 1/2 years. Then the OHRCC Commission, under the leadership of the Chair, turn their light switch on without the light bulb in the socket to oversight missing files for over 3 years. Did the Commission pay any attention to the office of the OHRCC while under the leadership of the Chair? What is going on with the County? Missing files again? These are the facts at this time. He asks for the resignation of the Chairman of OHRCC. He said this Commission needs new leadership because there is poor record keeping, documentation is inadequate, no material provided detailing data for analysis, paperwork exposing problems under the Commission, lack of oversight of the Director under the Chair and the Commission, unchecked oversight of the Commission leadership void under the Chair of the Commission. He said this alarming data is under our watch. It is unbelievable that some are in denial that we have problems with this leadership. We have to do something. He asked how long they are going to continue this soap opera, continue to waste taxpayers dollars. Mr. Witbolsfeugen has been right all the time. However, we have not listened. Mr. Stringfield said we do not give due process, which is a problem. The solution is to give the Commission a raise for not doing their job with Resolution #15391 that was adopted on March 21, 2005. He said we justify poor leadership by saying we made a mistake, we justify poor leadership by saying you get a raise for poor performance. He said we have to start making tough decisions because we have the facts and not because others agree with us. Mr. Stringfield said he will try to introduce legislation over the next couple of weeks on the intent of the Legislature to ask the Chairman of OHRCC to resign.

Dan Tarwater, Chairman, thanked Mr. Stringfield for his passionate speech. He indicated that a quorum was not present during his comments. He told Mr. Stringfield that this matter is before the Finance and Audit Committee and it would be appropriate for him to attend the committee meeting to discuss matters on the agenda. Dan Tarwater asked Mr. Stringfield to do so in the future.

[15422](#) A RESOLUTION transferring \$117,341.00 within the 2005 Anti-Drug Sales Tax Fund to cover funding for the Sheriff's Office's 2005 Drug Abuse Resistance Education (DARE) program.

(Anti-Drug Committee - 2nd. Meeting)

[15423](#) A RESOLUTION authorizing the County Executive to execute contracts with certain municipalities within Jackson County for the purpose of funding their 2005 Drug Abuse Resistance Education (DARE) programs at a total cost to the County not to exceed \$1,239,433.00.

(Anti-Drug Committee - 2nd. Meeting)

[15424](#) Robert A. Stringfield moved the passage of Resolution #15424, congratulating Robert Mann for his outstanding service at Bridging the Gap for the past fourteen (14) years. Seconded by Eugene Standifer Jr..

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

Absent: 1 - Rhonda L. Shoemaker

(ADOPTED)

[15430](#) A RESOLUTION authorizing the County Executive to execute Memoranda of Understanding with the Jackson County Sports Complex Authority, a body corporate and politic of the State of Missouri, and the Kansas City Chiefs Football Club, Inc., a Texas corporation authorized to do business in Missouri, concerning the continued operation of and proposed improvements to the Harry S Truman Sports Complex.

(Legislature As A Whole - 1st. Meeting)

Dan Tarwater, Chairman, asked Troy Thomas to have Mr. Holland attend the legislative meeting scheduled for Tuesday, April 12, 2005 to make sure we are still on track with everything.

[15431](#) A RESOLUTION authorizing the County Executive to execute Memoranda of Understanding with the Jackson County Sports Complex Authority, a body corporate and politic of the State of Missouri, and the Kansas City Royals Baseball Corporation, a Missouri corporation, concerning the continued operation of and proposed improvements to the Harry S Truman Sports Complex.

(Legislature As A Whole - 1st. Meeting)

[15432](#) Health and Justice Committee moved do pass. Consent Agenda.

[15433](#) Public Works Committee moved do pass. Consent Agenda.

[15434](#) Land Use Committee moved do pass. Consent Agenda.

[15435](#) Finance and Audit Committee moved do pass. Consent Agenda.

- [15436](#) Land Use Committee moved do pass. Consent Agenda.
- [15437](#) Finance and Audit Committee moved do pass. Consent Agenda.
- [15438](#) Finance and Audit Committee moved do pass. Consent Agenda.
- [15440](#) Land Use Committee moved do pass. Consent Agenda.
- [15441](#) Public Works Committee moved do pass. Consent Agenda.
- [15442](#) Finance and Audit Committee moved do pass the Finance and Audit Committee Amendment of 4/4/2005, to delete the figure "679,783.82" and insert the figure "680,183.82" in the heading and on page four, to delete the figure "\$4,310.00" and insert the figure "\$4,710.00" on page three, to delete the figure "\$248,091.57" and insert the figure "248,491.57" in the fiscal note. Consent Agenda.
- [15443](#) Public Works Committee moved do pass. Consent Agenda.
- [15444](#) A RESOLUTION authorizing Change Order No. 1 to the contract awarded under Invitation to Bid No. 48-03, Medical Examiner's Renovation Project, with Kraus-Anderson Construction Company of Lenexa, KS, increasing the contract amount by \$271,327.00 for a total cost to the County not to exceed \$2,161,327.00
(Health and Justice Committee - 1st. Meeting)

9 CONSENT AGENDA

- [3620](#) AN ORDINANCE repealing sections 5400., and 5402., Jackson County Code, 1984, relating to the building code and enacting, in lieu thereof, two new sections relating to the same subject.
(PERFECTED)
- [3621](#) AN ORDINANCE appropriating \$30,000.00 from the unappropriated surplus of the 2005 Anti-Drug Sales Tax Fund to cover the cost of the Organized Crime Drug Enforcement Task Force overtime and authorized expense program through the U.S. Department of Justice.
(PERFECTED)
- [3615](#) AN ORDINANCE authorizing the County Executive to execute and agreement with the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) and appropriating \$98,948.00 from the unappropriated surplus of the 2005 Grant Fund in acceptance of a grant awarded to the Jackson County Sheriff's Office.
(ADOPTED)

- [3619](#) AN ORDINANCE appropriating \$93,250.00 from the unappropriated surplus of the 2005 Health Fund and authorizing the County Counselor to execute a settlement with St. Luke's Hospital of Kansas City, Missouri, a division of the St. Luke's Health System, to cover the cost of two inmate medical accounts at a cost to the County not to exceed \$93,250.00.
- (ADOPTED)
- [15432](#) A RESOLUTION authorizing the purchase of twenty-five (25) 2005 Ford Crown Victoria Police Interceptors from Joe Machens Ford of Columbia, MO for use by the Sheriff's Department under the terms and conditions of an existing government contract.
- (ADOPTED)
- [15433](#) A RESOLUTION authorizing the County Executive to execute an Intergovernmental Cooperative Agreement between the City of Grain Valley and Jackson County for the installation of a traffic signal at the intersection of Buckner Tarsney Road and Sni-A-Bar Road.
- (ADOPTED)
- [15434](#) A RESOLUTION authorizing the County Executive to execute an agreement with Missouri Department of Transportation concerning the removal and replacement of the Little Blue Trace Trail at U.S. Highway 24 at the Little Blue River, at no cost to the County.
- (ADOPTED)
- [15435](#) A RESOLUTION awarding a twelve (12) month term and supply contract for the furnishing of car wash services for use by various County departments to WhiteWash, Inc., (Spot-Not Car Wash) of Kansas City, MO, (Jackson County) under the terms and conditions of Invitation to Bid No. 8-05.
- (ADOPTED)
- [15436](#) A RESOLUTION authorizing the purchase of proprietary golf equipment for resale by the Parks and Recreation Department from Titleist & Foot Joy Worldwide of Fairhaven, MA, at a total cost to the County not to exceed \$25,000.00.
- (ADOPTED)
- [15437](#) A RESOLUTION rescinding Resolution #15080, dated July 6, 2004, for non-performance stated herein, and awarding the contract to Kansas City Air Filter Co., of Kansas City, MO.
- (ADOPTED)
- [15438](#) A RESOLUTION awarding a twelve (12) month term and supply contract for the furnishing of electrical services for use by various County departments to Infinite Energy Construction, Inc., d/b/a Progress Electric of Grandview, MO.
- (ADOPTED)

[15440](#) A RESOLUTION awarding a twenty-four (24) month term and supply contract for the furnishing of boat lift parts, service, and installation for use by the Parks and Recreation Department to HydroHoist International, Inc., of Claremore, OK, as a sole source purchase.

(ADOPTED)

[15441](#) A RESOLUTION authorizing the County Executive to execute an agreement between the Missouri Highway and Transportation Commission, the Burlington Northern & Santa Fe Railway Company, and Jackson County, MO, for the installation of flashing light signals and gates at the intersection of Courtney Atherton Road and Burlington Northern & Santa Fe railroad tracks, at an estimated cost to the County of \$30,000.00.

(ADOPTED)

[15442](#) A RESOLUTION awarding twelve (12) month contracts for the furnishing of Hardware/Software Maintenance Agreements for use by various departments to the vendors recommended herein, at a total cost to the County not to exceed \$680,183.82, as sole source purchases.

(ADOPTED)

[15443](#) A RESOLUTION authorizing Change Order No. 1 to the contract with Superior Bowen Asphalt Company of Kansas City, MO, for Phase III of the 2004 Pavement Maintenance Program, Project No. 3003, increasing the contract amount by \$28,386.00 for a total cost to the County not to exceed \$496,921.05.

(ADOPTED)

To perfect Ordinances 3620, 3621. To adopt Ordinances 3615, 3619. To adopt Resolutions 15432, 15433, 15434, 15435, 15436, 15437, 15438, 15440, 15441, 15442, 15443.

Henry C. Rizzo moved the passage of the consent agenda. Seconded by Dennis Waits. The motion passed by a roll call vote:

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

Absent: 1 - Rhonda L. Shoemaker

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3622](#) Granting a conditional use permit (CUP) in District A (Agricultural) for a period of twenty (20) years to continue operation of a Day Care Center for school age children at the Fire Prairie Middle School on twenty-five (25) ± acres.

(Land Use Committee)

[3623](#) Granting a conditional use permit (CUP) in District A (Agricultural) for a period of twenty (20) years to continue operation of a Day Care Center for school age children at the Elm Grove Elementary School on twelve (12) ± acres.

(Land Use Committee)

- [3624](#) Approving the preliminary plat of Eagle Crest Estates, 1st Plat on forty-four (44) ± acres creating thirteen (13) residential lots.
(Land Use Committee)
The Land Use Committee will have a public hearing regarding Ordinances #3622 through #3624 on Friday, April 22, 2005 at 1:00 P.M. at Fleming Hall.
Fred Arbanas said there was a ground breaking ceremony in Grain Valley, MO at the Public Works facility addressing the wet land project. Bob Spence was to be one of the people at one end of the shovel but was not able to attend. Mr. Arbanas presented a shovel to Bob Spence.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

- [15446](#) Authorizing the County Executive to execute a permanent easement with the City of Independence, MO in conjunction with the installation of a water main along Valley View Road at the East Fork of the Little Blue River.
(Land Use Committee)

- [15447](#) Authorizing the County Executive to execute deeds transferring two parcels of land to the City of Kansas City, MO, in conjunction with relocation and replacement of the Little Blue Road bridge within the Little Blue Trace Park and accepting the conveyance of replacement property from the City of Kansas City, MO.
(Land Use Committee)

- [15448](#) Authorizing the County Executive to execute an agreement for a permanent drainage easement and temporary construction easement with the City of Independence, MO in conjunction with replacement of the Bundschu Road Bridge and to authorize payment of \$16,000.00 to the City to fund the County's portion of the cost of running the Little Blue Trace Trail under the new bridge.
(Land Use Committee)

- [15449](#) Dennis Waits moved do pass the Floor Amendment of 4/4/2005, to insert the words "sole purpose of" after the words "Prosecuting Attorney for the" in the first paragraph on page one, to insert the words "BE IT FURTHER RESOLVED that the transferred amounts are to be used for the purposes stated herein and for no other purposes" after the "BE IT RESOLVED" paragraph on page two.

The motion passed by a voice vote.

(APPROVED)

- [15449](#) Dennis Waits moved to adopt Resolution #15449 as amended, authorizing a transfer within the 2005 budget of the Prosecuting Attorney in the amount of \$659,086.00 to the appropriate line item accounts for the creation of a White Collar Crime Unit and to cover the cost of a reorganization recommended by the Office of the Prosecuting Attorney. Seconded by Henry C. Rizzo.

Yes: 7 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits and Dan Tarwater
Absent: 2 - Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15450](#) Authorizing the County Executive to execute Change Order Nos. 6, 7 and 8 to the contract awarded under Invitation to Bid No. 39-03, Jackson County Courthouse Building Improvements, with Universal Construction Co., Inc., of Lenexa, KS, in the actual amount of \$2,254,700.00, and authorizing the County Executive to approve additional change orders in an amount not to exceed \$225,300.00, increasing the contract amount by \$2,480,000.00 for a total cost to the County not to exceed \$9,211,726.00.

(Finance and Audit Committee)

[15451](#) Awarding a twelve (12) month term and supply contract for the furnishing of grounds equipment for use by Public Works and Parks and Recreation Departments to John Deere Company of Cary, NC, under the terms and conditions of an existing government contract of the State of Oklahoma.

(Land Use Committee)

[15452](#) Awarding twelve (12) month term and supply contracts for the furnishing of beer for resale by the Parks and Recreation Department to County Beverage Company of Lee's Summit, MO, High Life Sales of Kansas City, MO and Big Sky Distributors of Kansas City, MO, as proprietary purchases.

(Land Use Committee)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

Dan Tarwater announced that he read in the Kansas City Star that Michael O'Flaherty, Director of Assessment, made a hole in one at Longview Golf Course at number seven with a nine iron.

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 TUESDAY, April 12, 2005 at 2:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.