



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

Victor E. Callahan (1st AL), Chairman
Ronald E. Finley (2nd), Vice-Chairman
Scott Burnett (1st), Dennis Waits (3rd), Dan Tarwater (4th),
Terry Young (5th), Bob Spence (6th), Bill Petrie (2nd AL),
Fred Arbanas (3rd AL)

Monday, July 22, 2002

3:30 PM

Twenty Eighth Regular Meeting

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

Victor E. Callahan, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Victor E. Callahan, Bill Petrie, Fred Arbanas, Scott Burnett, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Fred Arbanas moved to approve the journal of the previous meeting held on 7/15/2002.
Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

Bob WitbolsFeugen summarized his case against the Office of Human Relations and Citizen Complaints on behalf of the sunshine law. He asked the County Legislature to indemnify him for the legal expenses he incurred while seeking enforcement of the sunshine law. He asked them to authorize payment that a court would have ordered as a matter of course had the County Counselor's office acted honestly and honorably. He asked the Legislature to restore the process of regress for grievance.

There was much discussion on this issue.

Dennis Waits, County Legislator, believes the Legislature should look at some type of regress for Mr. WitbolsFeugen.

Ronald E. Finley, County Legislator, asked if the judgement had been satisfied.

Jane McQueeney, County Counselor, said her office is working on it and fines should be paid this week. She agreed to make a copy of OHRCC - Chapter 74 for all the legislators as it deals with the review of the decision that OHRCC reached.

Bob WitbolsFeugen said he sent a letter to members of the Legislature on June 24, 2002, requesting an appeal.

Victor E. Callahan, Chairman, asked Mr. WitbolsFeugen to provide the Legislature with a copy of the transcript regarding the County Counselor's representation of Chapter 16 to the court.

Jane McQueeney said she would provide the Legislature with a copy of the pleading in court so that they would have an understanding of the legal issues considered by the judge.

Ronald E. Finley asked the County Counselor to provide a copy of Chapter 16 - Defense and Indemnification - to all members of the Legislature.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

None.

Ronald E. Finley asked for an explanation regarding Resolution #14264.

Jay Haden, Deputy County Counselor, said that this is a proposal that the Legislature entertained during budget hearings.

Victor E. Callahan asked Troy Thomas if the work around the Courthouse on the Square in Independence would be completed prior to Santa-Cali-Gon.

Troy Thomas, Manager of Finance, said he would find out and report back to the Legislature next week.

Dennis Waits asked Mr. Thomas to get an estimate on what it would cost to eliminate the drive through teller lanes at the building located on Truman and Liberty.

Mr. Thomas agreed to get a figure and report back to the Legislature.

Ronald E. Finley asked about the assessment issue in the Kansas City School District.

Troy Thomas said Kansas City School District officials were satisfied with the reports as given.

Scott Burnett, County Legislator, asked Mr. Thomas about the declarations as filed for Missouri Gas Energy which is 4 million less and A T & T Company which is 2.3 million less than last year's figure.

Troy Thomas said that field audits will be done on companies that have substantial drops in their assessed values. He agreed to report on the above named companies at next week's legislative meeting.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

- [3261](#) Amending the districts established by the Jackson County Zoning Order by changing from LB (Local Business) to RU (Residential Urban), a certain 1.5 ± acre tract and approving the preliminary plat "Indigo Hills," creating two commercial lots and 105 residential lots.
(WITHDRAWN BY ARBANAS, CONCURRED BY WAITS AND TARWATER)
- [3262](#) Amending the zoning districts established by the Jackson County Zoning Order by changing from RU (Residential Urban) to LB (Local Business), a certain 0.5 ± acre tract.
(WITHDRAWN BY ARBANAS, CONCURRED BY WAITS AND TARWATER)
- [3268](#) Land Use Committee moved to perfect.
Fred Arbanas objects to the consent agenda.
- [3268](#) Fred Arbanas moved to perfect Ordinance #3268. Seconded by Dan Tarwater.
The motion passed by a voice vote. (PERFECTED)
- [3268](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3268. Seconded by Dan Tarwater.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.
- [3269](#) Land Use Committee moved to perfect.
Fred Arbanas objects the consent agenda.
- [3269](#) Fred Arbanas moved to perfect Ordinance #3269. Seconded by Dan Tarwater.
The motion passed by a voice vote. (PERFECTED)
- [3269](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3269. Seconded by Dan Tarwater.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.
- [3270](#) Land Use Committee moved to perfect.
Fred Arbanas objects to the consent agenda.
- [3270](#) Fred Arbanas moved to perfect Ordinance #3270. Seconded by Dan Tarwater.
The motion passed by a voice vote. (PERFECTED)

[3270](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3270.
Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3268](#) Consent Agenda.

[3269](#) Consent Agenda.

[3270](#) Consent Agenda.

[3271](#) Consent Agenda.

[3272](#) Consent Agenda.

[3273](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[14255](#) Public Works Committee moved do pass. Consent Agenda.

[14256](#) Finance and Audit Committee moved do pass. Consent Agenda.

[14257](#) Health and Justice Committee moved do pass. Consent Agenda.

Dennis Waits moved to waive the reading of Resolution #14262. Seconded by Fred Arbanas.

The motion passed by a voice vote.

(APPROVED)

[14262](#) Finance and Audit Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[3268](#) AN ORDINANCE approving a conditional use permit (CUP) in District A (Agricultural) for a period of ten (10) years to operate a child day care center at 1608 Clark Road.

(ADOPTED)

- [3269](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from GB (General Business) to RU (Residential Urban), a certain 6.5 ± acre tract and approving a preliminary plat, "Salem East-13th Plat," creating a twenty-one (21) lot residential subdivision.
(ADOPTED)
- [3270](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 5 ± acre tract.
(ADOPTED)
- [3271](#) AN ORDINANCE approving the Solar Woods/Solar Stone Redevelopment Plan, designating the redevelopment area, selecting a developer for the redevelopment area, and approving actions and documents related thereto in connection with the redevelopment of certain property within the County.
(ADOPTED)
- [3272](#) AN ORDINANCE approving amendments to the tax increment financing plan for Solarwoods and Solarstone Business Park, Phase No. 1, and approving actions and documents related thereto in connection with the redevelopment of certain property within the County.
(ADOPTED)
- [3273](#) AN ORDINANCE authorizing the execution of a termination of plan contract terminating the tax increment financing plan for Solarwoods and Solarstone Business Park, Phase No. 2, repealing certain previously enacted ordinances, and authorizing other related actions in connection with the redevelopment of certain property within the County.
(ADOPTED)
- [14255](#) A RESOLUTION authorizing payment of \$453.00 to the City of Levasy from the Levasy CURS account to cover costs of the City's 2002 street and road maintenance program.
(ADOPTED)
- [14256](#) A RESOLUTION awarding a term and supply contract on Bid No. 46-02 for the furnishing of sanitary service for use by the Facilities Management Department to Airtronics International, Inc., of Raytown, MO, to provide for its needs for the upcoming one-year period, in the estimated amount of \$5,000.00.
(ADOPTED)
- [14257](#) A RESOLUTION authorizing the County Executive to execute a Memorandum of Understanding with Local 96, Service Employees International Union, regarding the terms and conditions of employment of members of its bargaining unit.
(ADOPTED)

[14262](#)

A RESOLUTION awarding twelve-month term and supply contract for the purchase of miscellaneous computer hardware & software for use by the MIS Department, under the State of Missouri's Contract No. C200100001, to World Wide Technology, Inc., of St. Louis, Missouri (\$300,000.00); under the State of New Mexico's Contract No. 90-00151 to Dell Marketing of Round Rock, TX (\$135,000.00), Compaq Computer Corporation of Houston, TX (\$45,000.00), and Gateway, Inc., of North Sioux City, SD (\$35,000.00); and under the City of Kansas City, Missouri's Contract No. PA4027-02, to Midwest Technology Connection of Kansas City, MO (\$126,050.00), to provide for departmental needs for the upcoming one-year period, in the estimated aggregate amount of \$653,050.00.

(ADOPTED)

To adopt Ordinances 3268, 3269, 3270, 3271, 3272, 3273. To adopt Resolutions 14255, 14256, 14257, 14262.

Dennis Waits moved the passage of the consent agenda. Seconded by Dan Tarwater. The motion passed by a roll call vote:

Yes: 8 - Victor E. Callahan, Bill Petrie, Fred Arbanas, Scott Burnett, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

None.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE[14263](#)

Dennis Waits moved the passage of Resolution #14263, authorizing the Jackson County Legislature to hold a closed meeting on Monday, July 22, 2002, 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. Seconded by Dan Tarwater.

Yes: 8 - Victor E. Callahan, Bill Petrie, Fred Arbanas, Scott Burnett, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

(ADOPTED)

[14264](#)

Ronald E. Finley moved the passage of Resolution #14264, authorizing the County Executive to execute a contract with the Curators of the University of Missouri, for funding of low-cost legal services through its Entrepreneurial Legal Clinic, at a cost to the County not to exceed \$5,000.00. Seconded by Dan Tarwater.

Yes: 8 - Victor E. Callahan, Bill Petrie, Fred Arbanas, Scott Burnett, Ronald E. Finley, Dennis Waits, Terry Young and Bob Spence

(ADOPTED)

[14265](#)

Dennis Waits moved the passage of Resolution #14265, authorizing the Jackson County Counselor to settle a claim involving the estate of Marc McFall, for a total payment of \$ 7,500.00. Seconded by Bill Petrie.

Yes: 6 - Victor E. Callahan, Bill Petrie, Scott Burnett, Dennis Waits, Terry Young and Bob Spence

No: 1 - Fred Arbanas

Absent: 1 - Ronald E. Finley

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

Resolution #14263 was adopted at this time. See above for details.

Legislature goes into closed session.

Legislature reconvenes.

Resolution #14265 was adopted at this time. See above for details.

Victor E. Callahan said he spoke with other members of the Legislature last week about the bi-state decision. He said an integral part of the bi-state had always been the stadiums and there was some discussion about the arts only project. Many members shared the concern that the arts only project was not a good deal for Jackson County. However, the taxpayers will ultimately decide the fate of the tax. It is the Legislature's responsibility to see to it that the proposal is what was promised and what would be a good deal for Jackson County. He thanked all legislators for making themselves available last week and for their input on this issue.

15 ADJOURNMENT

Dennis Waits moved to adjourn the meeting. Seconded by Bill Petrie.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, July 29, 2002 at 3:30 p.m. in the Legislative Assembly Area, Kansas City, Missouri.