



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, February 2, 2004

2:30 PM

Fifth Regular Meeting

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

Scott Burnett, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

Present: Robert A. Stringfield, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, 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 1/26/2004.
Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

Resolution #14854 was adopted at this time. See page 3 for details.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, presented a 10 year service pin to Pam Taylor, Jackson County Population Control Coordinator.

She said she helped with a recycling contest that Jackson County sponsored with Bridging the Gap which involved over 60 area schools and churches. Jackson County's recycling efforts have now extended to Arrowhead. The contest challenged schools and churches to "out-recycle" the Chiefs and they did! They recycled 108 tons more in December than they did in November, it was a one month contest. She handed out awards at an event held at Arrowhead Stadium last week.

In the last 4 months, Arrowhead and Kauffman Stadiums have joined with Jackson County to recycle over 22 tons of aluminum, cardboard and plastic.

Ronald E. Finley, County Legislator, asked about the status of the Jackson County Sports Authority. It was his understanding that the two members newly appointed by the Governor will not be confirmed by the Senate.

Katheryn Shields said there will be a hearing on Wednesday, February 4, 2004. There is a committee with 5 Republicans and 4 Democrats. The Democrats are all committed to the Republican appointee, Dick Berkley and the Democratic appointee, Bill Carson. She continues to be optimistic that one more vote will be forthcoming. She said we have a system where the Senate routinely approves appointments by the Governor as long as they are recommended by the Senators in whose district the appointee resides. Senator Wheeler is a strong advocate for Dick Berkley and Senator Bland is a strong proponent of Bill Carson.

Ronald E. Finley questioned the structure of the commission. He wanted to know what happened if the appointments were not confirmed. He asked if the previous members would return and continue to serve on the commission.

Jay Haden, County Counselor, said when Berkley and Carson were appointed, it extinguished the terms of the previous members. If the two appointees are not confirmed, there will be two vacancies and three members actively serving. The expired terms of the members cannot be resurrected per an Attorney General's opinion.

Henry C. Rizzo, County Legislator, said it was his understanding that if the confirmation is turned down then the panel will be returned to the County Legislature.

Jay Haden said Senate rules and the Constitution require an affirmative vote, so no action is like a veto. The Constitution requires that a recess appointment be acted on within 30 days after the Senate convenes.

Henry C. Rizzo stated that when it is in committee it is technically acted on and as long as they do not turn it down it remains effective.

Jay Haden said he spoke with the Senate research staff last Friday and they agreed with the rules as he is trying to convey them to the Legislature.

Katheryn Shields said this is unprecedented and has never happened in the history of the Missouri Senate. She is hopeful that tradition will reassert itself.

Robert A. Stringfield, County Legislator, said he hopes the two names are confirmed but if not he questions the process and whether it needs to be changed or reviewed.

Dan Tarwater, County Legislator, said there has been a change of guard in Jefferson City and they want to control things. After talking to Katheryn and thinking about the Senate's proposal of submitting four panels, he does not agree. If four panels were sent and not confirmed, there would only be one active member on the Sports Authority and no business could be conducted. By sending two panels at a time, the Sports Authority can still operate.

Scott Burnett, Chairman, advised everyone that Senator Wiggins has been diagnosed with cancer and is at St. Luke's Plaza Manor. He asked everyone to keep the Senator in their prayers and visit him if possible.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3459](#) Land Use Committee moved to perfect.

Bob Spence objects to the Consent Agenda.

[3459](#) Bob Spence moved to perfect Ordinance #3459. Seconded by Dennis Waits.

The motion passed by a voice vote. (PERFECTED)

[3459](#) Bob Spence moved to suspend the rules to consider final passage of Ordinance #3459. Seconded by Dan Tarwater.

The motion passed by a voice vote. (APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[3463](#) AN ORDINANCE repealing sections 9056., 9057., and 9058., Jackson County Code, 1984, relating to the Housing Resources Commission, and enacting, in lieu thereof, two new sections relating to the same subject.

(Finance and Audit Committee - 2nd. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3459](#) Consent Agenda.

[3461](#) Consent Agenda.

[3462](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[14834](#) Finance and Audit Committee moved do pass. Consent Agenda.

The Finance & Audit Committee recommended the adoption of the substitute for Resolution #14834.

[14854](#) Bob Spence moved the passage of Resolution #14854, congratulating St. Luke's Hospital upon its receipt of the U.S. Department of Commerce's 2003 Malcolm Baldrige National Quality Award for health care. Seconded by Dan Tarwater.

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

Absent: 1 - Fred Arbanas

(ADOPTED)

[14875](#) Finance and Audit Committee moved do pass.

Bob Spence objects to the Consent Agenda because of the Historic Northeast Restoration District.

[14875](#) Ronald E. Finley moved the passage of Resolution #14875, authorizing the County Executive to execute agreements with certain outside agencies funded by the County's General Fund, for various public purposes, at an aggregate cost to the County not to exceed \$125,000.00. Seconded by Dennis Waits.

Yes: 6 - Robert A. Stringfield, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits and Rhonda L. Shoemaker

No: 1 - Bob Spence

Absent: 1 - Fred Arbanas

(ADOPTED)

[14876](#) Public Works Committee moved do pass. Consent Agenda.

[14877](#) Land Use Committee moved do pass. Consent Agenda.

[14878](#) Land Use Committee moved do pass. Consent Agenda.

[14879](#) Finance and Audit Committee moved do pass. Consent Agenda.

[14880](#) Health and Justice Committee moved do pass. Consent Agenda.

Resolution #14880 was adopted pending compliance.

[14881](#) A RESOLUTION authorizing the County Executive to execute a Cooperative Agreement with the Mid-America Regional Council to provide services under the Older Americans Act and provide staff to plan and monitor aging programs at a cost to the County not to exceed \$23,501.00.

(Health and Justice Committee - 1st. Meeting)

The Health and Justice Committee recommended to hold in committee.

Robert A. Stringfield moved to discharge Resolution #14881 from the Health and Justice Committee. Seconded by Rhonda L. Shoemaker.

The motion passed by a voice vote.

(APPROVED)

[14881](#) Health and Justice Committee moved do pass. Consent Agenda.

[14882](#) Finance and Audit Committee moved do pass. Consent Agenda.

[14883](#) Health and Justice Committee moved do pass. Consent Agenda.

- [14884](#) Health and Justice Committee moved do pass. Consent Agenda.
Ronald E. Finley, County Legislator, recommended the public visit the new day care facility located at 12th Street and Park Ave.
Scott Burnett, Chairman, suggested anyone interested in a tour of the new facility should contact the County Clerk's office at 816-881-3242.
- [14885](#) Health and Justice Committee moved do pass. Consent Agenda.
- [14886](#) Health and Justice Committee moved do pass. Consent Agenda.
- [14887](#) Land Use Committee moved do pass. Consent Agenda.
- [14888](#) Health and Justice Committee moved do pass. Consent Agenda.
- [14889](#) Health and Justice Committee moved do pass. Consent Agenda.
This resolution was adopted as corrected.
- [14890](#) Land Use Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

- [3459](#) AN ORDINANCE granting a conditional use permit in District A (Agricultural) for a period of seven (7) years to operate a kennel, subject to conditions, as to certain 10 ± acre tract of land.
(ADOPTED)
- [3461](#) AN ORDINANCE partially rescinding Resolution 14423, dated January 6, 2003, reappropriating \$195,739.00 from the unappropriated surplus of the 2004 Anti-Drug Sales Tax Fund, and authorizing the County Executive to execute a contract with the City of Lee's Summit, Missouri, for the purpose of funding its 2002-2004 Drug Abuse Resistance Education (DARE) program, at a cost to the County not to exceed \$361,738.78.
(ADOPTED)
- [3462](#) AN ORDINANCE appropriating \$29,195.00 from the unappropriated surplus of the 2004 Health Fund and authorizing the Director of the Department of Finance to issue a check in the amount \$29,194.38 to the Mid-America Regional Council as a pass-through of funds received from the Missouri Emergency Response Commission.
(ADOPTED)

- [14834](#) A RESOLUTION appointing Marshall & Ilsley Trust Co., N. A., as Trustee of the Jackson County, Missouri Employees' Pension Plan and UMB Bank as investment manager of the Plan's assets.
(ADOPTED)
- [14876](#) A RESOLUTION 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 to the County not to exceed \$19,092.00.
(ADOPTED)
- [14877](#) A RESOLUTION authorizing the County Executive to execute an Agreement with the Mid-America Regional Council to provide for a recreational and athletic program through the Guadalupe Center at a cost to the County not to exceed \$15,000.00.
(ADOPTED)
- [14878](#) A RESOLUTION authorizing the County Executive to execute agreements with certain outside agencies funded by the County's Park Fund, for various public purposes, at an aggregate cost to the County not to exceed \$64,005.00.
(ADOPTED)
- [14879](#) A RESOLUTION authorizing the County Executive to execute a cooperative agreement with the Mid-America Regional Council for its Government Innovations Forum to provide increased efficiency and effectiveness of local government services, at a cost to the County not to exceed \$6,555.00.
(ADOPTED)
- [14880](#) A RESOLUTION authorizing the County Executive to execute agreements with certain outside agencies funded by the County's Health Fund, for various public purposes, at an aggregate cost to the County not to exceed \$1,495,672.00.
(ADOPTED)
- [14881](#) A RESOLUTION authorizing the County Executive to execute a Cooperative Agreement with the Mid-America Regional Council to provide services under the Older Americans Act and provide staff to plan and monitor aging programs at a cost to the County not to exceed \$23,501.00.
(ADOPTED)
- [14882](#) A RESOLUTION authorizing the County Executive to execute a cooperative agreement with the Mid-America Regional Council for its base operating expenses to provide a variety of services to the citizens of Jackson County and to the County itself, at a cost to the County not to exceed \$63,884.00.
(ADOPTED)

- [14883](#) A RESOLUTION authorizing the County Executive to execute agreements with the Mid-America Regional Council to subcontract with certain outside agencies funded by the County's Health Fund, for various public purposes, at an aggregate cost to the County not to exceed \$190,350.00.
(ADOPTED)
- [14884](#) A RESOLUTION authorizing the County Executive to execute an agreement with United Inner City Services, to provide funding in the areas of emergency assistance, youth services, and day camp, at a cost to the County not to exceed \$76,180.00.
(ADOPTED)
- [14885](#) A RESOLUTION authorizing the County Executive to execute an Agreement with the Mid-America Regional Council to provide hazardous materials emergency response planning at a cost to the County not to exceed \$7,105.00.
(ADOPTED)
- [14886](#) A RESOLUTION authorizing the County Executive to execute an agreement with Operation Breakthrough, to provide funding for tutoring and after-school and summer programs, at a cost to the County not to exceed \$47,064.00.
(ADOPTED)
- [14887](#) A RESOLUTION authorizing the County Executive to execute an agreement with the University of Missouri Extension Council of Jackson County to assist in providing secretarial salaries, office facilities, telephone, postage, travel, equipment, printing, and supplies to support extension staff in programs and services for citizens of Jackson County, at a cost to the County not to exceed \$191,002.00.
(ADOPTED)
- [14888](#) A RESOLUTION authorizing the County Executive to execute an Agreement with the Mid-America Regional Council to provide a variety of programs and services to the aging community at a cost to the County not to exceed \$101,500.00.
(ADOPTED)
- [14889](#) A RESOLUTION awarding a (12) twelve-month term and supply contract on Electronic Solicitation No. BB200399 for the furnishing of laundry chemicals and service for use by the Corrections Department to Ecolab, Inc., of St. Paul, MN, to provide for departmental needs for the upcoming one-year period, in the estimated amount of \$16,000.00.
(ADOPTED)
- [14890](#) A RESOLUTION authorizing the purchase of proprietary beer for resale by the Parks and Recreation Department at its concessions operations from County Beverage Company of Lee's Summit, MO (\$60,000.00), Miller High Life Sales of Kansas City, MO (\$15,000.00), and Big Sky Distributors of Kansas City, MO (\$15,000.00), at an estimated aggregate cost to the County not to exceed \$90,000.00.
(ADOPTED)

To adopt Ordinances 3459, 3461, 3462. To adopt Resolutions 14834, 14876, 14877, 14878, 14879, 14880, 14881, 14882, 14883, 14884, 14885, 14886, 14887, 14888, 14889, 14890.

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

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

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3464](#) Approving the preliminary plat "Windsor Subdivision, Phases 5 and 6," creating a 41-lot residential subdivision, as to a 157.5 ± acre tract.

(Land Use Committee)

[3465](#) Amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 86 ± acre tract, and approving the preliminary plat "Whippoorwill Place - 2nd Plat," creating a fifteen-lot residential subdivision.

(Land Use Committee)

[3466](#) Amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 20 ± acre tract.

(Land Use Committee)

The Land Use Committee will have a public hearing regarding Ordinances #3465 and #3466 on Thursday, February 26, 2004 at 1:00 p.m. at Fleming Hall.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[14894](#) Dennis Waits moved the passage of Resolution #14894, authorizing the Jackson County Legislature to hold a closed meeting on Monday, February 2, 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. Seconded by Dan Tarwater.

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

Absent: 1 - Fred Arbanas

(ADOPTED)

[14895](#) Authorizing the County Executive to enter into an Agreement with Dan Bunch Enterprises, Inc., for the leasing of employee parking space, at a cost not to exceed \$25,451.40.

(Finance and Audit Committee)

[14896](#) Bob Spence moved the passage of Resolution #14896, authorizing the Director of the Department of Finance to issue a check in the amount of \$482,800.00, made payable to the Circuit Court Administrator of Jackson County, regarding a dispute between the Jackson County Election Board and its landlord, Tri-City Baptist Church, over the lease/purchase of the premises located at 215 N. Liberty in Independence, Missouri. Seconded by Dan Tarwater.

Yes: 6 - Robert A. Stringfield, Scott Burnett, Scott Burnett, Ronald E. Finley, Rhonda L. Shoemaker and Bob Spence

Abstain: 1 - Dennis Waits

Absent: 1 - Fred Arbanas

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

[04-01](#) Pursuant to Jackson County Code Section 7403.3, I hereby appoint Cynthia Clark Campbell to the Office of Human Relations and Citizens Complaints Commission to fill the vacancy occasioned by the expiration of the term of Michael Hunter, for a term to expire on February 28, 2006. A copy of Ms. Campbell's resume is attached.

[04-02](#) I hereby appoint David P. Ross, to the COMBAT Commission to fill the vacancy occasioned by the expiration of the term of Patricia A. Jones, for a term to expire January 20, 2008. I appoint Robery Woodley to the COMBAT Commission to fill the vacancy occasioned by the resignation of Dorothy Kennedy, for a term to expire January 20, 2005. A copy of each appointee's resume is attached.

[04-03](#)

I hereby appoint Jack R. Crawford to the Plan Commission to fill the vacancy occasioned by the expiration of the term of Thomas J. Brown. I appoint Tom G. Haley to the commission to fill the vacancy occasioned by the expiration of the term of Roger Lake. I appoint Denny Gibler to the commission to fill the vacancy occasioned by the expiration of the term of Robert J. Lund. All appointees shall serve new terms to expire December 31, 2007. A copy of each appointee's resume is attached.

13 UNFINISHED BUSINESS

Dan Tarwater asked Jay Haden about a prevention contract with County Court Services and Addiction Recovery Services that is set to expire soon.

Jay Haden said he checked and they expire at the end of February 2004. He said there is a provision to extend the contracts for one year at the same terms by mutual agreement of the parties. He assumes staff is planning to extend them. COMBAT staff would have authority to extend the contracts unless the prices increased. Jay will make sure that Jim Nunnally is aware of the discussion today.

Resolution #14894 was adopted at this time. See page 8 for details.

Jay Haden, County Counselor, said there could be business to conduct after the closed session.

Legislature goes into closed session.

Legislature reconvenes.

14 NEW BUSINESS

Resolution #14896 was adopted at this time. See page 8 for details.

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, February 9, 2004 at 2:30 p.m. at the Independence Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.