



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, June 21, 2004

2:30 PM

Twenty-fourth 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, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

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 6/14/2004.
Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

Scott Burnett, Chairman, said he sent an email to members of the Legislature and Jay Haden, Acting County Counselor sent information to them regarding the proposed Sales Tax holiday passed by the Missouri Legislature in 2003. It will be effective August 13 - 15, 2004. He said some counties have opted out. If an organization does not opt out, there are certain items such as school books, school supplies, some clothing, some computers that are exempt from sales tax during the three day period. If members need more information, Scott Burnett asked that they let him know. He said if the County takes no action, then it stays in the process. If Jackson County chooses to opt out, action needs to be taken by July 9, 2004. He also welcomes any input from the public regarding this matter.

Ronald E. Finley, County Legislator, said he noticed that the city of Grandview has opted out. He asked what happens if Grandview opts out but Jackson County does not opt out.

Bill Snyder, Deputy County Counselor, explained that they are opting out of the city taxes.

Katheryn Shields, County Executive, said this would need to be considered because a different program would be necessary in Grandview.

Dennis Waits, County Legislator, asked who could appear before the Legislature and give a good analysis of this matter and answer questions.

Scott Burnett asked Bill Snyder to contact the best authority on this subject and have them attend the legislative meeting next week.

Mary Helen Murphy, Chief Operating Officer, contacted the State Department of Revenue to ask some questions. They indicated that it was up to the individual jurisdictions to determine how to implement this holiday and said they were not involved in the logistics of how this would work.

Katheryn Shields said the representative from the Missouri Chamber of Commerce indicated that each business would have a program and the computers would then not charge sales tax on items that are exempt. Jackson County would be opting out of the quarter cent sales tax (Anti-Drug Tax) and the half cent sales tax that goes into the General Fund.

Scott Burnett said he will contact Phil Scaglia and find out who he would recommend to talk to the County Legislature about this sales tax holiday at the next legislative meeting. He will also try to get clarification to the members of the Legislature by email.

Katheryn Shields said the exclusion is on clothing, computers, school and office supplies. She said this will not hurt the County but will help people returning to school.

Scott Burnett said one of the arguments is that Cass and Clay County have opted out so people will flood to Jackson County to purchase items.

Katheryn Shields mentioned that the Missouri Association of Counties does not look on this very favorably. The rationale is that this could be the beginning of further erosion of the tax base and they have concerns.

Scott Burnett added that the Missouri Municipal League does not favor it either.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields reported on the Fort Osage Education Center ground breaking that took place on Friday, June 18, 2004. The Keel Boat came here from St. Louis, it is the group following the river from St. Louis to the Pacific Ocean. She said the Corps of Engineers had a traveling exhibit on Lewis and Clark set up. She said this project demonstrates what Jackson County has been able to do by partnering with the Federal Government and State Government to provide funding to make this interpretive center a reality. The largest sum of money came from the work of the Legislature by selling bonds last year for 3.5 million dollars worth of construction.

Scott Burnett said the Corps of Engineers exhibit will be at Berkley Park in Kansas City, Missouri around the 4th of July, 2004.

Katheryn Shields said this Saturday, June 26, is Lake Fest 2004 at Fleming Park which is located at 22807 Woods Chapel Road. The event is held at the shores of Lake Jacomo and begins at 5 P.M. Festivities will last until the fireworks display at 9:30 P.M. 101 The Fox will be on stage with a K.C. retro band starting at 5 P.M. Giveaways and prizes will be handed out to guests throughout the evening. There will be power boat rides, scenic lake cruises, a colorful boat parade and the largest water balloon contest at any outdoor festival. She encouraged everyone to attend.

6 PERFECTON OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3498](#) Repealing section 9303., Jackson County Code, 1984, relating to the anti-drug sales tax and enacting, in lieu thereof, one new section relating to the same subject.

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

Fred Arbanas moved to waive the reading of Ordinances #3501 through #3508.

Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

The Land Use Committee will have a public hearing regarding Ordinances #3501 - #3508 on Wednesday, June 23, 2004 at 1 p.m. at Fleming Hall.

[3501](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RE (Residential Estates), a certain 19.4 ± acre tract.

(Land Use Committee - 2nd. Perfection)

[3502](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 19.5 ± acre tract.

(Land Use Committee - 2nd. Perfection)

[3503](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RE (Residential Estates), a certain 6.4 ± acre tract.

(Land Use Committee - 2nd. Perfection)

[3504](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 12.1 ± acre tract.

(Land Use Committee - 2nd. Perfection)

[3505](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order changing from District GB (General Business) to District GB-p (General Business-Planned Development), a certain 2 ± acre tract.

(Land Use Committee - 2nd. Perfection)

[3506](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 5.6 ± acre tract.

(Land Use Committee - 2nd. Perfection)

[3507](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RE (Residential Estates), a certain 1.5 ± acre tract.

(Land Use Committee - 2nd. Perfection)

[3508](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order changing from District A (Agricultural) to District RR (Residential Ranchette), a certain 10 ± acre tract.

(Land Use Committee - 2nd. Perfection)

Ronald E. Finley, Chairman of the Finance and Audit Committee, said the committee met at 1 P.M. today to discuss the engagement letter submitted to the committee last Friday. He said they are anxious to proceed. The committee recommends that the ordinance be adopted today and staff finish discussions of the specifics of the contract in two weeks. The firm will report to the committee on what can be audited with the financial audit. The committee expressed its concern to the firm that the Prosecuting Attorney's questions be answered to the best extent possible in the terms of the financial audit.

Dennis Waits, County Legislator, asked what action the Legislature will take if more money is needed to complete this audit.

Bob Spence, County Legislator, said the committee will ask the Legislature for additional monies. He said this engagement is to audit the financial statements of the Anti-Drug Sales Tax Fund. The firm will have a planning session which will take a week to ten days. The auditors will then report back to the Finance and Audit Committee. If a year cannot be audited because of a lack of records, the firm will report this and also give some alternative procedures designed to answer the questions. The firm will also be able to indicate if there will be a fee adjustment.

Dennis Waits asked if Mike Sanders, Prosecuting Attorney had any questions regarding the audit.

Bob Spence said it is his strong feeling that it is inappropriate for the Prosecutor to be still involved in this process. This audit contract is with the Legislature. He applauded the Administration for staying out of this process and he said he wished the Prosecutor would do the same from this day forward.

Michael Sanders, Prosecuting Attorney, asked Mr. Spence if he thought it was inappropriate for him to come before the Legislature and express his concerns. He is very actively involved and interested in this process. He said he has not been involved in any of the negotiation meetings regarding this contract. He wants this audit to go forward and to make sure that his questions are answered.

Ronald E. Finley said that the Finance and Committee meetings have been noticed and are public meetings and will continue that way. Everyone wants this process to move forward expeditiously.

Dan Tarwater, County Legislator, asked the County Executive and Prosecuting Attorney to pledge to work cooperatively with the auditing firm. He said if the auditors report any road block he will remove it.

Katheryn Shields and Michael Sanders agreed to cooperate.

Michael Sanders suggested having open meetings on a regular basis to keep everyone informed on the process.

Dan Tarwater agreed.

[3509](#) Legislature As A Whole moved to perfect.

Ronald E. Finley objects to the consent agenda.

[3509](#) Ronald E. Finley moved to perfect Ordinance #3509. Seconded by Bob Spence.

The motion passed by a voice vote. (PERFECTED)

[3509](#) Ronald E. Finley moved to suspend the rules to consider final passage of Ordinance #3509. Seconded by Dan Tarwater.

The motion passed by a voice vote. (APPROVED)

[3509](#) Ronald E. Finley moved the passage of Ordinance #3509 as perfected, appropriating \$90,000.00 from the unappropriated surplus of the 2004 Anti-Drug Sales Tax Fund and awarding a contract in response to RFQ 17-04 to Cochran, Head & Co., P.C. of Kansas City, MO, to perform an audit of the Anti-Drug Sales Tax Trust Fund, at a cost to the County not to exceed \$90,000.00. Seconded by Dennis Waits.

Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[15026](#) A RESOLUTION authorizing a twelve-month extension to and increasing the term and supply contract for the furnishing of HVAC service and repair for use by various County departments, with U. S. Engineering Company of Kansas City, MO, at an estimated cost to the County of \$412,741.23.

(Finance and Audit Committee - 4th. Meeting)

Scott Burnett, Chairman, said he plans to interview candidates for the Jackson County Sports Complex on August 9th and 16th, possibly with the Legislature voting on August 16th or 23rd. He mentioned that the law becomes effective August 28 and has no emergency clause. Anyone interested in applying can contact the County Clerk.

Ronald E. Finley asked if this has been posted on the web site.

Scott Burnett asked Ken Evans, Public Information Officer, to get it posted on the County's web site.

[15033](#) Nominating candidates for appointment to the Jackson County Sports Complex Authority, for a term to expire July 15, 2007.
(WITHDRAWN BY SPONSOR WAITS, CONCURRED BY FINLEY AND TARWATER)

[15034](#) Nominating candidates for appointment to the Jackson County Sports Complex Authority, for a term to expire July 15, 2008.
(WITHDRAWN BY SPONSOR WAITS, CONCURRED BY FINLEY AND TARWATER)

[15035](#) Nominating candidates for appointment to the Jackson County Sports Complex Authority, for a term to expire July 15, 2009.
(WITHDRAWN BY SPONSOR WAITS, CONCURRED BY FINLEY AND TARWATER)

[15049](#) Land Use Committee moved do pass. Consent Agenda.

[15050](#) Public Works Committee moved do pass. Consent Agenda.

[15051](#) Land Use Committee moved do pass the Land Use Committee Amendment of 6/21/2004, to insert the words "and any and all associated conveyance instruments and other documents" after the words "(Blue Springs)", to insert the words "substantially similar to that attached" after the words "in a form" all in the "BE IT RESOLVED" paragraph on page four. Consent Agenda.

9 CONSENT AGENDA

[15049](#) A RESOLUTION authorizing the County Executive to execute a contract with the Jackson County Board of Services for the Developmentally Disabled to provide for partial funding of various programs of the Parks and Recreation Department's Special Recreation Division.

(ADOPTED)

[15050](#) A RESOLUTION authorizing the County Executive to execute an Agreement for Animal Control Services with the City of Lone Jack, Missouri.

(ADOPTED)

[15051](#) A RESOLUTION authorizing the County Executive to execute a Revised Cooperation and Use Agreement with Reorganized School District No. IV of Jackson County (Blue Springs), regarding property in Fleming Park.

(ADOPTED)

To adopt Resolutions 15049, 15050, 15051.

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

Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

None.

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[15052](#) Robert A. Stringfield moved the passage of Resolution #15052, recognizing Leonardo Cabrero for his commitment and dedication to a way of life that radiates honor and integrity. Seconded by Dan Tarwater.

Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15053](#) Robert A. Stringfield moved the passage of Resolution #15053, recognizing Jo Marie Guastello for her selfless efforts within the Columbus Park neighborhood community. Seconded by Dan Tarwater.

Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15054](#) Robert A. Stringfield moved the passage of Resolution #15054, acknowledging Carmelo "Chee-Bay" Guastello for his endless contributions to the North End community and congratulating him on the honor of a street sign bearing the name of "Chee-Bay Way" posted at the intersection of Missouri and Pacific on his 81st birthday. Seconded by Dan Tarwater.

Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15055](#) Bob Spence moved the passage of Resolution #15055, authorizing payment of \$15,417.00 to the City of Buckner from the Buckner CURS account to cover costs of the City's 2004 street and road maintenance program. Seconded by Dan Tarwater.

Yes: 8 - Robert A. Stringfield, Fred Arbanas, Scott Burnett, Scott Burnett, Ronald E. Finley, Dennis Waits, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15056](#) Awarding a twelve-month term and supply contract on Electronic Solicitation No. BB20043 for the furnishing of construction tools for use by the Public Works, Parks and Recreation, and Facilities Management Departments, to Clark's Tool and Equipment of Blue Springs, MO, in the estimated aggregate amount of \$38,000.00.

(Public Works Committee)

[15057](#) Awarding a twelve-month term and supply contract on Request for Proposals No. 4-04 for the furnishing of coffee service for use countywide to Necco Coffee of Kansas City, MO, in the estimated amount of \$45,000.00.

(Finance and Audit Committee)

[15058](#) Awarding a nine-month term and supply contract for the furnishing of International truck parts and service for use by the Public Works and Parks and Recreation Departments to KCR International Trucks, Inc., of Kansas City, MO, under a City of Kansas City government contract, at an estimated cost to the County of \$210,500.00.

(Public Works Committee)

[15059](#) Awarding a twelve-month term and supply contract on Bid No. 21-04 for the furnishing of greenhouse supplies for use by the Parks and Recreation Department to Keller's Flowerhaus & Landscaping of Kansas City, MO, in the estimated amount of \$15,000.00.

(Land Use Committee)

[15060](#) Transferring \$50,000.00 within the 2004 Special Road & Bridge Fund and awarding a contract on Bid No. PW 07-2004 for the 2004 Pavement Maintenance Phase 5, Project No. 3018, to Vance Brothers, Inc., of Kansas City, MO, in the actual amount of \$466,058.72.

(Public Works Committee)

[15061](#) Transferring \$102,828.00 within the 2004 Special Road & Bridge Fund and awarding a contract on Bid No. PW 08-2004 for the 2004 Pavement Maintenance Phase 6, Project No. 3019, to Musselman & Hall Contractors of Kansas City, MO, in the actual amount of \$102,828.00.

(Public Works Committee)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Scott Burnett said if the County Legislature does not meet the week of July 4th, then the Legislature will need to discuss and make a decision regarding the sales tax holiday at next week's legislative meeting.

In reference to the Sports Authority panels, Scott Burnett said since the law will be effective August 28th, the Legislature will have 30 days from that date to submit panels to the Governor. This bill does not have an emergency clause.

Dennis Waits said if the law is effective on August 28, 2004, anyone who is presently on the board whose term has expired is no longer on the board as of August 28th. Therefore, there can conceivably be decisions that have to be made and there will be a commission with only two people on it, which will not be a quorum. So he suggested the Legislature move quickly.

Scott Burnett thinks that the Legislature should interview on August 2, August 9 and August 16, 2004. He said the cut off date for receiving resumes for the Sports Authority would be Friday, July 30, 2004. He asked Bill Snyder, Deputy County Counselor, to make sure the Legislature follows this matter legally.

Ronald E. Finley asked the County Clerk to distribute a memo to the County Legislature regarding a schedule for the interviews for the Sports Authority.

14 NEW BUSINESS

None.

15 ADJOURNMENT

Robert A. Stringfield moved to adjourn the meeting. Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, June 28, 2004 at 2:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.