



Office of  
**Mary Jo Brogato**  
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)*

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**Monday, August 27, 2001**

**3:30 PM**

**Thirty-third Regular Meeting**

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

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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, Dennis Waits, Terry Young and Bob Spence  
Absent: Ronald E. Finley

**2 THE PLEDGE OF ALLEGIANCE**

Recited.

**3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING**

Dan Tarwater moved to approve the journal of the previous meeting held on 8/20/2001.  
Seconded by Terry Young.

**The motion passed by a voice vote.**

**(APPROVED)**

**4 HEARINGS**

None.

*Resolution #13811 was adopted at this time. See page 10 for details.*

**5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE**

*Katheryn Shields, County Executive, has been working with the City of Kansas City on developing an RFQ and pursuing proposals for an energy performance contract to make energy improvements to the four downtown buildings - (Kansas City Courthouse, Jail, Jail Annex, Criminal Courts/Justice Building). With the City of Kansas City, Jackson County has chosen Johnson Controls. This legislation will be introduced today and in committee next week. The Kansas City Courthouse was built in 1934 and many renovations are needed. Under this agreement, the cost savings are guaranteed to pay for the cost of the renovations. If they don't, the agreement says that Johnson Controls writes us a check. It will also mean the preservation of a historic building built and dedicated by Harry S Truman himself. Katheryn said she would appreciate the Legislature's consideration and support of this matter.*

*Katheryn reminded the Legislature that Santa-Cali-Gon starts Friday in Independence and runs through Labor Day. She said last year there was an incident with the restrooms in the courthouse on the square. Some people tried to flush diapers down the toilet which caused over \$3,000.00 damage. Therefore, this year the courthouse will be open, but restrooms will be locked. Port-a-potties are available nearby. The courthouse needs to be open to allow access to the Senior Citizen Craft Shop. We have also set up four diaper changing stations in the halls along with eight trash receptacles for the convenience of parents and grandparents with babies and toddlers. She hopes these new amenities will be helpful for those planning to attend Santa-Cali-Gon.*

*Fred Arbanas, County Legislator, would like the restrooms to be open but suggested that signs be posted to dispose of diapers in the trash. All other legislators agreed. Katheryn said if it was the will of the Legislature to keep the restrooms open, they will be kept open.*

*Dennis Waits, County Legislator, asked if the second floor of the courthouse would be closed. Katheryn responded yes.*

*Dan Tarwater, County Legislator, asked if outside entities will be selling parking spaces using county parking lots. Katheryn Shields said she was not aware that anyone would be doing this. Victor E. Callahan agreed.*

*Katheryn asked Jane McQueeney, County Counselor, to provide a brief update on the progress of reapportionment.*

*Jane McQueeney, County Counselor, reported that Judge Torrence began the process to have a reapportionment committee start over again pursuant to the Jackson County Charter. The county filed the declaratory petition on Tuesday and he entered his order on Friday afternoon. The judge agreed to hold an informal meeting at 11:00 a.m. with the parties on Wednesday. Both election authorities appeared and were concerned about the reapportionment process beginning over again because of the time element. Election authorities advised the court that they did not think the reapportionment committee would be successful and were in favor of the judge drawing the lines. The county's position was that the reapportionment process should begin again. The judge suggested shortening the length of the process. A meeting was held with the attorneys' from the election boards and a tentative agreement on dates was reached. The judge agreed to reconvene on Friday for a hearing. The proposed order shortened the time frame for the reapportionment process so the election authority could conduct their elections. On Friday, Jane received a memo from Chairman Callahan that said he was not in favor of that order. The judge was informed of this and told that the county could not support the order as issued. The Judge then heard arguments. The Democratic party intervened through their attorney and Tom Wyrsh, attorney's from the election boards were heard and the Republican Party attorney was present but did not intervene. All parties agreed the time frame could be shortened. The judge entered an order on Friday afternoon and Jane sent the order to the Legislators. A time line was distributed regarding this process which goes through October 31, 2001. Katheryn Shields notified both parties, by letter on Friday, August 24, 2001, to begin the selection process again. They have 30 days to report back to the County Executive. The County Executive has five days to select from the nominations. The reapportionment committee then has 30 days to redistrict. There is a 15 day interval for the committee to report to the court on their progress. Jane felt that we were very successful.*

Victor E. Callahan, Chairman said the Legislature passed a written motion last Monday instructing Jane McQueeney, County Counselor, to follow Section 18 of the County Charter and prior legal precedent. At the legislative meeting last week, the County Counselor and the County Executive agreed. He then found out on Friday that Jane had submitted an order, without informing any member of the Legislature, in which she changed many of the time frames. He was disappointed, as her client, that he was not kept informed. He was not advised of her conference with the judge. In response to his memo regarding her order which was contrary to the legislative motion, Jane wrote she disagreed that she violated the authorization in the motion. It did not say anything about time frames. Victor advised Ms. McQueeney that the entire Section on reapportionment on page nine of the charter and the precedent set in 1992 deals with time frames.

Jane advised the Legislature that they were under tremendous time pressure to get this resolved. If the lines are not redrawn, there are serious ramifications. She apologized and said she tried to keep Chairman Callahan informed. She said she faxed a copy of the proposed order.

Victor E. Callahan interrupted to say he spoke with Jane on Tuesday and never heard from her again until he saw her on Friday. He said he spoke with Jay Haden, Deputy County Counselor, every day and he never mentioned anything. He received a fax of her order on Friday which was negotiated on Wednesday.

At Judge Torrence's direction, Jane met with the attorneys' of the election boards and let the representatives of the parties know about the discussion. Then late Wednesday, at approximately 4:30 p.m., she faxed the proposed order to both Ralph Monaco, attorney representing the Democratic Party and Bunk Farrington, attorney representing the Republican Party and both attorneys' for the election boards. Thursday morning she was at meetings away from the office and was then called away for a family emergency on Thursday afternoon. Therefore, the first time she had to revisit this issue was Friday morning from home. She said the proposed order was sent to Mr. Callahan by interoffice mail on Wednesday afternoon. She called her secretary on Friday morning and asked that she fax the order to the Chairman.

Victor asked why she didn't fax it to him on Wednesday afternoon. She was instructed by the County Legislature and agreed publicly to follow a certain course of action and wanted to know why she did not think to advise her clients (members of the Legislature) when she changed the course of direction as given.

Jane said she felt that she was operating within the spirit and intent of the Legislature.

Victor said he was disappointed in the way Jane handled this case. She failed her client, the Jackson County Legislature. Also, once again, she and the County Executive publicly agreed to do something and then privately undid it. It is very difficult to work together with people who do this. Jane should have advised the Legislature that there was a meeting with the judge and that time frame was an issue.

## 6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3162](#) Land Use Committee moved to perfect.

*Fred Arbanas objects to the consent agenda.*

[3162](#) Fred Arbanas moved to perfect Ordinance #3162. Seconded by Dan Tarwater.

**The motion passed by a voice vote.**

**(PERFECTED)**

- [3162](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3162.  
Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (APPROVED)  
*Consent Agenda. See Final Passage of Proposed Ordinances.*
- [3163](#) Land Use Committee moved to perfect.  
*Fred Arbanas objects to the consent agenda.*
- [3163](#) Fred Arbanas moved to perfect Ordinance #3163. Seconded by Bill Petrie.  
**The motion passed by a voice vote.** (PERFECTED)
- [3163](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3163.  
Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (APPROVED)  
*Consent Agenda. See Final Passage of Proposed Ordinances.*
- [3164](#) Land Use Committee moved to perfect.  
*Fred Arbanas objects to the consent agenda.*
- [3164](#) Fred Arbanas moved to perfect Ordinance #3164. Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (PERFECTED)
- [3164](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3164.  
Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (APPROVED)  
*Consent Agenda. See Final Passage of Proposed Ordinances.*
- [3165](#) Land Use Committee moved to perfect.  
*Fred Arbanas objects to the consent agenda.*
- [3165](#) Fred Arbanas moved to perfect Ordinance #3165. Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (PERFECTED)
- [3165](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3165.  
Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (APPROVED)  
*Consent Agenda. See Final Passage of Proposed Ordinances.*

- [3166](#) Land Use Committee moved to perfect.  
*Fred Arbanas objects to the consent agenda.*
- [3166](#) Fred Arbanas moved to perfect Ordinance #3166. Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (PERFECTED)
- [3166](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3166.  
Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (APPROVED)  
*Consent Agenda. See Final Passage of Proposed Ordinances.*
- [3171](#) Finance and Audit Committee moved to perfect.  
*Bill Petrie objects to the consent agenda.*
- [3171](#) Bill Petrie moved to perfect Ordinance #3171. Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (PERFECTED)
- [3171](#) Bill Petrie moved to suspend the rules to consider final passage of Ordinance #3171.  
Seconded by Dan Tarwater.  
**The motion passed by a voice vote.** (APPROVED)  
*Consent Agenda. See Final Passage of Proposed Ordinances.*
- [3172](#) Health and Justice Committee moved to perfect. Consent Agenda.

**7 FINAL PASSAGE OF PROPOSED ORDINANCES**

- [3160](#) Consent Agenda.
- [3162](#) Consent Agenda.
- [3163](#) Consent Agenda.
- [3164](#) Consent Agenda.
- [3165](#) Consent Agenda.
- [3166](#) Consent Agenda.

[3167](#) Consent Agenda.

[3168](#) Consent Agenda.

[3169](#) Consent Agenda.

[3171](#) Consent Agenda.

**8 RESOLUTIONS IN COMMITTEE**

[13791](#) Public Works Committee moved do pass. Consent Agenda.

[13792](#) Finance and Audit Committee moved do pass. Consent Agenda.

[13793](#) Land Use Committee moved do pass. Consent Agenda.

[13794](#) Health and Justice Committee moved do pass. Consent Agenda.

[13795](#) Finance and Audit Committee moved do pass. Consent Agenda.

[13797](#) Finance and Audit Committee moved do pass. Consent Agenda.

[13798](#) Public Works Committee moved do pass. Consent Agenda.

[13799](#) Health and Justice Committee moved do pass. Consent Agenda.

[13800](#) Public Works Committee moved do pass. Consent Agenda.

[13802](#) Health and Justice Committee moved do pass. Consent Agenda.

[13803](#) Finance and Audit Committee moved do pass. Consent Agenda.

**9 CONSENT AGENDA**

[3172](#) AN ORDINANCE appropriating \$225,000.00 from the unappropriated surplus of the 2001 Grant Fund to cover the Family Court Division's "Child Protection Center" project, funded by the Missouri Division of Family Services.

(PERFECTED)

- [3160](#) AN ORDINANCE appropriating \$4,800.00 from the unappropriated surplus of the 2001 Grant Fund to cover the Local Records Grant received from the Missouri Secretary of State's office, and the transfer of matching funds.  
(ADOPTED)
- [3162](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 2.7 ± acre tract.  
(ADOPTED)
- [3163](#) 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)
- [3164](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 11 ± acre tract.  
(ADOPTED)
- [3165](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 2.98 ± acre tract.  
(ADOPTED)
- [3166](#) AN ORDINANCE amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 14.57 ± acre tract.  
(ADOPTED)
- [3167](#) AN ORDINANCE appropriating \$49,985.00 from the unappropriated surplus of the 2001 Health Fund to cover increased costs for the Animal Control and Food Protection programs.  
(ADOPTED)
- [3168](#) AN ORDINANCE repealing chapter 40 and schedule I thereto, Jackson County Code, 1984, relating to the sanitation of food service establishments, and enacting, in lieu thereof, one new chapter, consisting of 25 sections, and a new schedule I, relating to the same subject, with a penalty provision.  
(ADOPTED)
- [3169](#) AN ORDINANCE repealing chapter 45, Jackson County Code, 1984, relating to animal control, and enacting a new chapter 45, consisting of 33 sections, relating to the same subject, with a penalty provision.  
(ADOPTED)

- [3171](#) AN ORDINANCE reimposing a tax of 2.0% of the tariff rate for each local telephone access line, not to exceed 100 lines per person or per location, for emergency telephone service utilizing a single three-digit number "911."  
(ADOPTED)
- [13791](#) A RESOLUTION authorizing Change Order No. 1 to the contract with Superior Bowen Asphalt Company of Kansas City, Missouri for the 2001 Road Rehabilitation Program, Project No. 2427, increasing the contract amount by \$15,750.00.  
(ADOPTED)
- [13792](#) A RESOLUTION awarding a term and supply contract on Bid No. 80-01 for the furnishing of glazing services for use by various County departments to Southtown Glass Co. of Kansas City, MO, to provide for their needs for the upcoming one-year period, in the estimated amount of \$12,500.00.  
(ADOPTED)
- [13793](#) A RESOLUTION awarding a term-and-supply contract on Bid No. 73-01 for the furnishing of landscaping supplies for use by the Parks and Recreation and Public Works Departments to Colonial Nursery Corp., of Blue Springs, MO (\$5,250.00), and Grass Pad, Inc., of Olathe, KS (\$5,250.00), to provide for their needs for the upcoming one-year period, in the estimated aggregate amount of \$10,500.00.  
(ADOPTED)
- [13794](#) A RESOLUTION awarding a term and supply contract on Bid No. 74-01 for the furnishing of custom file folders for use by the Family Support Division of the Prosecuting Attorney's Office to Midwest Power Files of Kansas City, KS, to provide for departmental needs for the upcoming one-year period, in the estimate amount of \$5,000.00.  
(ADOPTED)
- [13795](#) A RESOLUTION awarding a term and supply contract on Bid No. 55-01 for the repair, inspection, and service of the County's fire pump and sprinkler systems for use by the Facilities Management Department to Royal Fire Protection of Independence, MO to provide for its needs for the upcoming one-year period, in the estimated amount of \$5,000.00.  
(ADOPTED)
- [13797](#) A RESOLUTION awarding a term and supply contract on Bid No. 82-01 for the furnishing of industrial bearings and oil seals for use by various County departments to Applied Industrial Technologies - ABC, Inc., of Kansas City, MO, to provide for countywide needs for the upcoming one-year period, in the estimated amount of \$17,500.00.  
(ADOPTED)



- [13798](#) A RESOLUTION approving a term and supply contract for the purchase of petroleum dispensing equipment parts and service from Petroleum Equipment, Inc., of Kansas City, MO, for use by the Public Works and Parks and Recreation Departments, in the estimated amount of \$10,000.00, under an existing government contract of the City of Kansas City, MO.
- (ADOPTED)
- [13799](#) A RESOLUTION authorizing the County Executive to execute an Agreement with the National Center for Fathering, to provide training sessions for clients of the Family Court Division's Fathering Court Diversion Project, at a total cost to the County not to exceed \$25,000.00.
- (ADOPTED)
- [13800](#) A RESOLUTION authorizing the County Executive to execute an Agreement with the Missouri Highway and Transportation Commission for the replacement of the O'Donnell Road Bridge, Project No. 2403.
- (ADOPTED)
- [13802](#) A RESOLUTION awarding a three-year term and supply contract under Request for Statement of Interest/Qualifications Bid No. 64-10 for the furnishing of electronic home monitoring services for use by the Jackson County Office of Population Control to Midwest ADP, Inc., in the estimated annual amount of \$292,000.00.
- (ADOPTED)
- [13803](#) A RESOLUTION authorizing an increase to the contract with Casey Micrographics of Kansas City, MO, for the purchase of additional scanning services for use by the Department of Collections, at a cost not to exceed \$2,000.00, as a sole source purchase.
- (ADOPTED)

To perfect Ordinance 3172. To adopt Ordinances 3160, 3162, 3163, 3164, 3165, 3166, 3167, 3168, 3169, 3171. To adopt Resolutions 13791, 13792, 13793, 13794, 13795, 13797, 13798, 13799, 13800, 13802, 13803.

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

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

Absent: 2 - Ronald E. Finley and Dennis Waits

## 10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

*The Land Use Committee will hold a public hearing on Ordinances #3173 through #3176 on Monday, September 24, 2001 at 2:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.*

- [3173](#) Amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RE (Residential Estates), a certain 100 ± acre tract, and approving the preliminary plat "Windsor - Lots 29-38," creating a ten-lot residential subdivision.  
*(Land Use Committee)*
- [3174](#) Amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 5 ± acre tract.  
*(Land Use Committee)*
- [3175](#) Amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to RR (Residential Ranchette), a certain 70 ± acre tract and approving the preliminary plat "Country Summit Estates," creating an eleven-residential and one-commercial lot subdivision.  
*(Land Use Committee)*
- [3176](#) Amending the districts established by the Jackson County Zoning Order by changing from A (Agricultural) to LB (Local Business District), a certain 3 ± acre tract.  
*(Land Use Committee)*
- [3177](#) Appropriating \$4,587,703.00, from the unappropriated surplus of the 2001 Criminal Justice Improvement Fund and awarding a contract for the furnishing of energy performance contracting services to Johnson Controls, Inc., of Lenexa, KS, at an initial cost of \$3,833,115.00, and a five-year cost of \$4,590,333.00.  
*(Finance and Audit Committee)*

## 11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

- [13805](#) Awarding a contract on Bid No. 85-01 for the furnishing of an x-ray scanning system for use by the Sheriff's Department to Control Screening LLC of W. Lafayette, IN, in the actual amount of \$21,950.00.  
*(Health and Justice Committee)*
- [13806](#) Awarding a contract on Bid No. 83-01 for the furnishing of pre-employment medical and psychological exams for use by the Corrections Department to Industrial Medical Centers, Inc., of Kansas City, MO, in the amount of \$10,000.00.  
*(Health and Justice Committee)*

[13807](#)

Bill Petrie moved the passage of Resolution #13807, authorizing the Jackson County Legislature to hold a closed meeting on Monday, August 27, 2001, for the purpose of conducting privileged and confidential communications between itself and special counsel concerning the status of preparations for negotiations with an employee group, and closing all records prepared for discussion at said meeting. Seconded by Terry Young.

Yes: 5 - Victor E. Callahan, Bill Petrie, Scott Burnett, Dennis Waits and Terry Young  
Absent: 3 - Fred Arbanas, Ronald E. Finley and Bob Spence

(ADOPTED)

[13808](#)

Authorizing the Trustees of the Land Trust of Jackson County, Missouri to convey three (3) parcels of real property located in Kansas City, Jackson County, Missouri for support of various projects for the upgrading and redevelopment of the urban core in accordance with § 141.750.0 RSMo, 2000.

*(Finance and Audit Committee)*

[13809](#)

Approving the purchase of industrial pipe fitting and plumbing supplies for use by the Parks and Recreation, Public Works, and Facilities Management Departments from Riback Supply Co. of Kansas City, MO, and Ferguson Enterprises, Inc., of Kansas City, MO, under a City of Kansas City, MO government contract, at an estimated aggregate cost to the County of \$40,000.00.

*(Finance and Audit Committee)*

[13810](#)

Awarding a term and supply contract on Bid No. 87-01 for roof replacement and roofing repair services for the Facilities Management and Parks and Recreation Departments to Harrington-Scanlon Roofing Co., Inc., of Kansas City, KS, to provide for their needs for the upcoming one-year period, in the estimated amount of \$985,000.00.

*(Finance and Audit Committee)*

*No dissenting vote to consider Resolution #13811 - not on printed agenda.*

[13811](#)

Bob Spence moved the passage of Resolution #13811, congratulating Amy Wright upon earning Grand Recognition Honors in the 2000-2001 Duke University Talent Identification Program. Seconded by Terry Young.

Yes: 7 - Victor E. Callahan, Bill Petrie, Fred Arbanas, Scott Burnett, Dennis Waits, Terry Young and Bob Spence  
Absent: 1 - Ronald E. Finley

(ADOPTED)

**12 COUNTY EXECUTIVE ORDERS**

*None.*

**13 UNFINISHED BUSINESS**

*None.*

**14 NEW BUSINESS**

Resolution #13807 was adopted at this time. See page 10 for details.

Legislature goes into closed session.

Legislature reconvenes.

**15 ADJOURNMENT**

Bill Petrie moved to adjourn the meeting. Seconded by Terry Young.

**The motion passed by a voice vote.**

(APPROVED)

*Meeting adjourned until TUESDAY, September 4, 2001, at 3:30 p.m. in the Legislative Assembly Area, Kansas City, Missouri.*