



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, June 6, 2005

2:30 PM

Twenty-Third 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, Rhonda L. Shoemaker and Bob Spence

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Dennis Waits moved to approve the journal of the previous meeting held on 5/31/2005.
Seconded by Rhonda L. Shoemaker.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

Dan Tarwater, Chairman, announced that Governor Blunt appointed Georgia Buchanan to the Jackson County Sports Complex Authority. He said the Governor still has one panel pending.

Bill Snyder, Deputy County Counselor, received a 25 year service pin.

Sandy Brauner, an in-house day care provider, spoke on behalf of Jackson County residents who are becoming fearfully aware of the dangers of sexual predators, especially child molesters. She believes people should be responsible for providing and protecting their own families, and not totally rely on government or law enforcement. However, there are circumstances, where only the governing body, such as the County Legislature, or a law enforcement agency, such as the Sheriff's Department, become the only dependable means individuals have to provide the tools for such protection. The Offender Registration Unit has a duty to comply with State law to register all convicted sex offenders after their release from penal institutions. She said the County Legislature has the duty to provide adequate funding to this department so they can carry out this assignment.

Currently, Jackson County has over 1300 sex offenders living in its jurisdiction. Over 500 of these criminals are not properly registered and in most cases their whereabouts are unknown. She said there is a clear and present danger for innocent children. The Offender Registration Unit needs \$150,000.00 in immediate funding. With the money, the Sheriff's Department will immediately hire two full time deputies and one full time clerk so they can bring the predators into compliance with State statutes. She said the Missouri Highway Patrol has been exceptionally cooperative. They are in the process of setting up a user friendly web site with the information on sex offenders and it will include photos by June 2005. A map search will also be made available by Fall 2005. Other features will be added to their web site to aide citizens as well as law enforcement agencies. The Highway Patrol is funding this project and will fund its continuing maintenance. They are also agreeing to work with her group in the future by devising a public awareness campaign. She said the web site will only be as good as the information provided by each county. The \$150,000.00 requested will allow Jackson County to keep this information current and accurate. She said the County Legislature has shown their concern and responsibility by adopting Resolution #15497 on May 23, 2005. The legislation requests the Sheriff's Department to send quarterly reports to Jackson County Legislators to track the progress of the Offender Registration Unit. She said by doing this Jackson County citizens will have the tools they need to better protect their families and children before a tragedy strikes.

Fred Arbanas asked about the list of offenders distributed by the Sheriff's Department. He asked how the list from the Sheriff's Department matches up against the list from the State Highway Patrol.

Dennis Waits, County Legislator, asked Ms. Brauner if she was aware that the Legislature and Administration working together, have issued a contract, approximately 90 days ago, and have employed three persons who are working daily to register sex offenders. Two are investigators from the Prosecutor's office and one is a retired Kansas City police officer but they all report to the Sheriff's Department.

Sandy said she is aware and believes it is a start.

Dennis Waits said the budgets were set January 2005 and some extraordinary measures were taken to find money to get this process started at this time.

Tom Phillips, Sheriff, said the sex offender registration is not just a law enforcement problem but a social problem. He appreciates the efforts put forth by the Legislature to address this situation. Out of 400 non-compliant registers the Sheriff's Department has issued approximately 101 to the investigators and they have located 78 out of the 101. He said the Sheriff's Department has provided the equipment to register the offenders at their home as soon as they are located. He said they are doing an outstanding job. He presented this item in last year's budget request and will include it again in the 2006 budget request. He distributed a packet to members of the Legislature that shows the actual numbers; how many are non-compliant, the increase of the percentage that has been addressed, the state statute and the list of offenders with the type of crime committed. Their goal is to prevent the tragedies that we hear about nation-wide and provide safety to the public. He said the offenders appear at the Sheriff's Department, complete an application, are fingerprinted and photographed.

Robert A. Stringfield, County Legislator, suggested having another facility besides the Sheriff's office at Fleming Park, like a location in downtown Kansas City, where sex offenders can register.

Tom Phillips said they did have a location at the downtown courthouse for a short period but it was not well received by the employees. It also became a problem with personnel from the Sheriff's Department as they did not have enough manpower.

Robert A. Stringfield asked if they could go to libraries and register electronically.

Tom Phillips said there is a security problem. The information on the forms is not public record.

Dan Tarwater asked why there are so many offenders in Jackson County.

Tom Phillips said one reason could be that there are 3 or 4 halfway houses located in Jackson County. The other reason is by mere population, since population is over 650,000.

Katheryn Shields, County Executive, explained that this is an unfunded mandate from the State of Missouri. The Hancock Amendment passed which limited local governments ability to raise taxes without going to a public vote. State government said they would not pass any additional responsibilities to us without passing on the money to fulfill the responsibilities. This is the latest in a long list of responsibilities that the State has passed on to local government without any funding. She intends to have some serious discussions with the law department because she thinks it is the perfect time to bring suit against the State, to ask them to reimburse us for any money we have expended on this and any future money. The keeping of this list by local law enforcement is a responsibility delegated by the State without any additional funds to meet that responsibility. It is something that is hard for local government to meet the existing responsibilities, let alone expanded responsibilities, without commensurate finances from the State. This may be a very important test case to take as far as the Missouri Supreme Court. The juvenile court system is the responsibility of the State and the citizens of Jackson County spend approximately \$20 million per year on juvenile court services and are reimbursed around \$3 million from the State of Missouri. This was a service requirement that pre-existed the Hancock Amendment. This could be very costly to the local taxpayers, which does not mean that it should not be done. Under the Missouri State Constitution, the State of Missouri should provide Jackson County with the funds to meet the new demands and requirements.

Dan Tarwater said he agreed with the County Executive but does not think it should stop the County from proceeding. He thinks we should proceed and then request reimbursement.

Tom Phillips said he does not have additional personnel to man offices to register offenders. He said he is currently using reserves.

Dennis Waits said he has also heard the complaint that a downtown location is needed. He asked if there is a better way to do the fingerprinting.

Tom Phillips said when the investigator locates the individual he uses an ink pad and rolls it on paper. When they register in the office, they use the Automated Fingerprint Identification System (AFIS) machine which goes directly to Jefferson City and the FBI. The AFIS machine costs \$65,000.00 and having another office would require the purchase of another machine.

Dennis Waits said part of the reason the Legislature contracted this work out for this short period of time is because there is a backlog of cases. This will allow the department to determine how many sheriff deputies and clerks as well as the amount of money needed to keep this process ongoing.

Dan Tarwater said the Jackson County web site will have a link to connect to the State of Missouri site and all information will be current.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields said in essence of time she will present her communications at the legislative meeting next week.

Resolution #15513 was adopted at this time. See page 9 for details.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3630](#)

Land Use Committee moved to perfect.

Fred Arbanas objects to the Consent Agenda.

[3630](#)

Fred Arbanas moved to perfect Ordinance #3630. Seconded by Bob Spence.

The motion passed by a voice vote.

(PERFECTED)

[3630](#)

Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3630. Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[3631](#)

Land Use Committee moved to perfect.

Fred Arbanas objects to the Consent Agenda.

[3631](#)

Fred Arbanas moved to perfect Ordinance #3631. Seconded by Bob Spence.

The motion passed by a voice vote.

(PERFECTED)

[3631](#)

Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3631. Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

Ordinance #3631 was adopted with the committee amendment of May 16, 2005.

[3632](#)

Land Use Committee moved to perfect.

Fred Arbanas objects to the Consent Agenda.

[3632](#)

Fred Arbanas moved to perfect Ordinance #3632. Seconded by Bob Spence.

The motion passed by a voice vote.

(PERFECTED)

- [3632](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3632. Seconded by Bob Spence.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.
- [3633](#) Land Use Committee moved to perfect.
Fred Arbanas objects to the Consent Agenda.
- [3633](#) Fred Arbanas moved to perfect Ordinance #3633. Seconded by Bob Spence.
The motion passed by a voice vote. (PERFECTED)
- [3633](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3633. Seconded by Bob Spence.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.
- [3634](#) Land Use Committee moved to perfect.
Fred Arbanas objects to the Consent Agenda.
- [3634](#) Fred Arbanas moved to perfect Ordinance #3634. Seconded by Bob Spence.
The motion passed by a voice vote. (PERFECTED)
- [3634](#) Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3634. Seconded by Bob Spence.
The motion passed by a voice vote. (APPROVED)
Consent Agenda. See Final Passage of Proposed Ordinances.
Ordinance #3634 was adopted with the committee amendment of May 16, 2005.
- [3636](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 3.4 ± acres from District A (Agricultural) to District RE (Residential Estate) District.
(Land Use Committee - 1st. Perfection)
The Land Use Committee will have a public hearing on Friday, June 17, 2005 at 1 P.M. at Fleming Hall regarding Ordinance #3636.
- [3637](#) Land Use Committee moved to perfect.
Fred Arbanas objects to the Consent Agenda.
- [3637](#) Fred Arbanas moved to perfect Ordinance #3637. Seconded by Bob Spence.
The motion passed by a voice vote. (PERFECTED)

[3637](#)

Fred Arbanas moved to suspend the rules to consider final passage of Ordinance #3637.
Seconded by Bob Spence.

The motion passed by a voice vote.

(APPROVED)

Consent Agenda. See Final Passage of Proposed Ordinances.

[3638](#)

Health and Justice Committee moved to perfect. Consent Agenda.

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3630](#) Consent Agenda.

[3631](#) Consent Agenda.

[3632](#) Consent Agenda.

[3633](#) Consent Agenda.

[3634](#) Consent Agenda.

[3637](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[15500](#) Public Works Committee moved do pass. Consent Agenda.

[15501](#) Anti-Drug Committee moved do pass. Consent Agenda.

[15502](#) Anti-Drug Committee moved do pass. Consent Agenda.

[15504](#) Land Use Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[3638](#) AN ORDINANCE reappropriating funds from the unappropriated surplus of the 2005 Health Fund for the first (1st) phase of the mental health needs assessment which was not executed during the last fiscal year.

(PERFECTED)

[3630](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 20 ± acres from District A (Agricultural) to District RU (Residential Urban) District and approving the preliminary plat "The Fields of Highland Park" creating seventy (70) residential subdivision lots.

(ADOPTED)

- [3631](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 15 ± acres from District A (Agricultural) to District RE (Residential Estates) District.
(ADOPTED)
- [3632](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 54.5 ± acres from District A (Agricultural) to District RR (Residential Ranchette) District and approving the preliminary plat "Robinson Estates" creating ten (10) residential subdivision lots.
(ADOPTED)
- [3633](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 10 ± acres from District A (Agricultural) to District RU (Residential Urban) District and approving the preliminary plat "Golden Fields" creating thirty-one (31) residential subdivision lots.
(ADOPTED)
- [3634](#) AN ORDINANCE amending the zoning districts established by the Unified Development Code by rezoning a certain 10 ± acres from District A (Agricultural) to District RR (Residential Ranchette) District.
(ADOPTED)
- [3637](#) AN ORDINANCE transferring \$176,000.00 within the Public Building Corporation and appropriating \$352,000.00 from the unappropriated surplus of the 2005 Grant Fund in acceptance of a grant awarded by the National Park Service for the Fort Osage Education Center Project and authorizing the County Executive to execute a Modification of the Agreement regarding this project.
(ADOPTED)
- [15500](#) A RESOLUTION authorizing the purchase of four (4) 2005 Ford F-550 Pick-up Trucks from Shawnee Mission Ford of Shawnee, KS for use by the Public Works Department under the terms and conditions of the MACPP (Mid-America Council of Public Purchasing) Cooperative Fleet bid issued for vehicles for the 2005 model year by the City of Overland Park, KS, at a total cost not to exceed \$134,067.00.
(ADOPTED)
- [15501](#) A RESOLUTION authorizing the County Executive to execute an agreement with Benilde Hall for its Transitional Living Program, at a cost to the County not to exceed \$90,000.00.
(ADOPTED)
- [15502](#) A RESOLUTION transferring \$15,400.00 within the 2005 Anti-Drug Sales Tax Fund at no additional cost to the County to purchase computers for the Multi-Jurisdictional Drug Task Force.
(ADOPTED)

[15504](#)

A RESOLUTION awarding a twelve (12) month term and supply contract for the furnishing of monitoring, repairs and parts for park alarms for use by the Parks and Recreation Department to Phase One Security, Inc., d/b/a Dynamark Security of Blue Springs, MO, under the terms and conditions of Invitation to Bid No. BB200540.

(ADOPTED)

To perfect Ordinance 3638. To adopt Ordinances 3630, 3631, 3632, 3633, 3634, 3637.
To adopt Resolutions 15500, 15501, 15502, 15504.

Dennis Waits moved the passage of the consent agenda. Seconded by Robert A. Stringfield. The motion passed by a roll call vote:

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, 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[15505](#)

Bob Spence moved the passage of Resolution #15505, authorizing the County Executive to execute an agreement with Superior Bowen Asphalt Company of Kansas City, MO, for the 2005 Pavement Maintenance Project Phase 1 (Fly-Ash Base Stabilization), Project No. 3037, at a cost to the County not to exceed \$532,183.24. Seconded by Rhonda L. Shoemaker.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15506](#)

Bob Spence moved the passage of Resolution #15506, authorizing the County Executive to execute an agreement with Vance Brothers, Inc., of Kansas City, MO, for the 2005 Pavement Maintenance Project Phase 2 (Chip Sealing), Project No. 3038, at a cost to the County not to exceed \$656,866.20. Seconded by Dennis Waits.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15507](#)

Bob Spence moved the passage of Resolution #15507, authorizing the County Executive to execute an agreement with Vance Brothers, Inc., of Kansas City, MO, for the 2005 Pavement Maintenance Project Phase 3 (Micro-surfacing), Project No. 3040, at a cost to the County not to exceed \$204,346.85. Seconded by Henry C. Rizzo.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

[15508](#)

Dennis Waits moved the passage of Resolution #15508, authorizing the Jackson County Legislature to hold a closed meeting on Monday, June 6, 2005, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under Section 610.021(1) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting. Seconded by Henry C. Rizzo.

Yes: 8 - Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

No: 1 - Robert A. Stringfield

(ADOPTED)

Robert A. Stringfield moved the passage of Resolution #15509.

Dennis Waits objects as he would like this legislation sent to committee so that the Parks Department could participate in the discussion. Fred Arbanas agreed.

Dan Tarwater asked Gary Salva and Robert A. Stringfield to attend the committee meeting next week to discuss this matter.

Robert A. Stringfield withdrew his motion to adopt Resolution #15509.

[15509](#)

To accept the offer of Gould Evans Goodman Associates LC to develop preliminary design concept for community park on county land in Independence, Missouri.

(Land Use Committee)

[15510](#)

Scott Burnett moved the passage of Resolution #15510, authorizing the County Executive to execute an agreement with Pan- Educational Institute for event planning and coordination services in conjunction with the annual COMBAT Drug Awareness Picnic, at a cost to the County not to exceed \$9,600.00. Seconded by Henry C. Rizzo.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

Jim Nunnally, Anti Drug Program Administrator, said the COMBAT Drug Awareness Picnic will be held the first Saturday in August at Swope Park.

Dennis Waits suggested that Resolutions #15511 and #15512 be assigned to the Legislature As A Whole.

[15511](#)

Authorizing the County Executive to execute a Memorandum of Understanding with Local Union No. 42 of the International Association of Fire Fighters regarding the terms and conditions of employment of members of its bargaining unit within the Office of the Prosecuting Attorney and transferring within the General Fund \$53,498.00, and within the Anti-Drug Sales Tax Fund \$7,700.00 and also transferring \$182,270.00 of Prosecuting Attorney salaries from the General Fund to the Anti-Drug Sales Tax Fund to be determined by the Prosecuting Attorney as counter to the negotiated agreement in the 2005 budget.

(Legislature As A Whole)

[15512](#)

Authorizing the County Executive to execute a Memorandum of Understanding with Carpenters' District Council of Kansas City & Vicinity regarding the terms and conditions of employment of members of its bargaining unit within the Office of the Prosecuting Attorney and transferring within the General Fund \$35,070.00 and within the Anti-Drug Sales Tax Fund \$57,809.00 and within the Prosecuting Attorney's Bad Check Fund \$12,250.00 as counter to the negotiated agreement in the 2005 budget.

(Legislature As A Whole)

Dan Tarwater said there will be a public hearing next week during the legislative meeting regarding Resolutions #15511 and #15512.

Dennis Waits thanked Katheryn Shields and Troy Thomas for their hard work, extra time and effort they put into the negotiations.

No dissenting vote to consider Resolution #15513 - not on printed agenda.

[15513](#)

Henry C. Rizzo moved the passage of Resolution #15513, congratulating Ciera Flowers on her receiving the Sponsor's Favorite Award in the Seventh Annual COMBAT/Granddad's Poetry Contest. Seconded by Dennis Waits.

Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

Scott Burnett, County Legislator, asked everyone to responde to the survey he sent out regarding the COMBAT evaluation.

14 NEW BUSINESS

None.

Resolution #15508 was adopted at this time. See page 8 for details.

Legislature goes into closed session.

Legislature reconvenes.

15 ADJOURNMENT

Henry C. Rizzo moved to adjourn the meeting. Seconded by Robert A. Stringfield.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, June 13, 2005 at 2:30 P.M. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.