



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)

Tuesday, September 4, 2001

3:30 PM

Thirty-fourth Regular Meeting

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

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

1 ROLL CALL

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

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 8/27/2001.
Seconded by Bill Petrie.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

Resolution #13814 was adopted at this time. See page 5 for details.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, presented Dutch Newman with flowers and thanked her for all that she has done for Jackson County and Kansas City, Missouri. Katheryn also expressed her appreciation for all of the help Dutch has given as an advisor and friend. A tribute dinner held in her name will be on Thursday, September 6, 2001, honoring her for over 40 years of service to this community.

In a partnership with Bridging the Gap, as well as several other area businesses and governments, Jackson County has taken the "Pledge for Cleaner Air" by promoting the idea of alternative transportation to our employees. They are encouraged to ride the bus, carpool, or find some alternative to driving to work everyday. Katheryn challenged the County Legislature and their employees to participate with the Administration on Alternative Transportation Day which will be held on September 25, 2001. Pledge cards have been placed in the Legislators mailboxes and she encouraged everyone to participate, even if it is only for one day.

Katheryn Shields announced that the Kansas City Chiefs have designated the Friday before their home opener, September 7, 2001, as "Red Friday." This is the ninth year for Red Friday and this year Jackson County will participate in a bigger way. The Chiefs Red Coaters will sell special edition newspapers on street corners throughout the metro. County volunteers will be selling newspapers at the downtown courthouse, both in front and in back from 7:00 a.m. to 9:00 a.m. All proceeds will go to official Chiefs' charities including "The John Tait Foundation", "The Trent Green Family Foundation", "The Hicks for Hearts Foundation" and "The Mike Maslowski Foundation." In past years, Red Friday has raised more than \$300,000.00. So remember to wear red this Friday, buy a paper from one of our volunteers and support the Chiefs and charity at the same time!

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Dennis Waits moved to waive the reading of Ordinances #3173 through #3176.

Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

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

AN ORDINANCE 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 - 1st. Perfection)

3174

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.

(Land Use Committee - 1st. Perfection)

3175

AN ORDINANCE 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 - 1st. Perfection)

3176

AN ORDINANCE 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 - 1st. Perfection)

[3177](#)

AN ORDINANCE 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 - 1st. Perfection)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

[3172](#) Consent Agenda.

8 RESOLUTIONS IN COMMITTEE

[13805](#) A RESOLUTION 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 - 1st. Meeting)

[13806](#) Health and Justice Committee moved do pass. Consent Agenda.

[13808](#) A RESOLUTION 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 - 1st. Meeting)

[13809](#) Finance and Audit Committee moved do pass. Consent Agenda.

[13810](#) 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.

(ADOPTED)

[13806](#) A RESOLUTION 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.

(ADOPTED)

[13809](#) A RESOLUTION 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.

(ADOPTED)

[13810](#) A RESOLUTION 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.

(ADOPTED)

To adopt Ordinance 3172. To adopt Resolutions 13806, 13809, 13810.

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

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

Absent: 2 - Fred Arbanas and Terry Young

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3178](#) Dennis Waits moved to perfect Ordinance #3178. Seconded by Dan Tarwater.

The motion passed by a voice vote.

(PERFECTED)

[3178](#) Dennis Waits moved to suspend the rules to consider final passage of Ordinance #3178. Seconded by Dan Tarwater.

The motion passed by a voice vote.

(APPROVED)

[3178](#) Dennis Waits moved the passage of Ordinance #3178 as perfected, appropriating \$4,000.00 from the unappropriated surplus of the 2001 Grant Fund to cover a grant for the 2001 Missouri Town Fall Festival funded by the Missouri Arts Council. Seconded by Dan Tarwater.

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

Absent: 2 - Fred Arbanas and Terry Young

(ADOPTED)

[3179](#) Dan Tarwater moved to perfect Ordinance #3179. Seconded by Dennis Waits.

The motion passed by a voice vote.

(PERFECTED)

[3179](#) Dan Tarwater moved to suspend the rules to consider final passage of Ordinance #3179. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

[3179](#) Dan Tarwater moved the passage of Ordinance #3179 as perfected, transferring \$71,882.00 within and appropriating \$107,824.00 from the unappropriated surplus of the 2001 Anti-Drug Sales Tax Fund to cover the Drug Abatement Response Team (DART) grant for the Prosecuting Attorney's Office funded by the Missouri Department of Public Safety and the transfer of matching funds, and accepting said grant from the Missouri Department of Public Safety. Seconded by Dennis Waits.

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

Absent: 2 - Fred Arbanas and Terry Young

(ADOPTED)

[3180](#) Appropriating \$5,773.60 from the unappropriated surplus of the 2001 General Fund to cover the cost of current obligations for services provided by the National Center for Fathering.

(Health and Justice Committee)

[3181](#) Enacting section 5560., Jackson County Code, 1984, relating to child endangerment.

(Health and Justice Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[13812](#) Authorizing the County Executive to execute a Supplemental Cooperative Agreement with the State of Missouri through the Missouri Department of Social Services, Division of Child Support Enforcement.

(Health and Justice Committee)

[13813](#) Authorizing the County Executive to execute a Cooperative Agreement for Child Support Enforcement with the Missouri Department of Social Services, Division of Child Support Enforcement, the Prosecuting Attorney and the Circuit Court of Jackson County.

(Health and Justice Committee)

[13814](#) Scott Burnett moved the passage of Resolution #13814, declaring September 7, 2001, as "Redemptorist Social Services Center Day.". Seconded by Dan Tarwater.

Yes: 5 - Victor E. Callahan, Bill Petrie, Scott Burnett, Dennis Waits and Bob Spence

Absent: 3 - Fred Arbanas, Ronald E. Finley and Terry Young

(ADOPTED)

[13815](#) Authorizing payment of \$794.70 to the City of Levasy from the Levasy CURS account to cover costs of the City's 2001 street repair program.

(Public Works Committee)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

Victor E. Callahan, Chairman, said he had a sample resolution that he wanted prepared for next week. For the record the resolution is as follows:

WHEREAS, the Jackson County Counselor has the duty under Article 5, Sections 6 & 7 of the Jackson County Charter to have charge of and conduct all civil law business of the County; and,

WHEREAS, the first Jackson County Reapportionment Committee failed to provide a redistricting map as required by Section 18 of the Jackson County Charter, within the time frame required by the Charter; and,

WHEREAS, a second Jackson County Reapportionment Committee is in the process of being appointed to fulfill the duties set forth in Section 18 of the Jackson County Charter, under the order of Judge Torrence, Division 14 of the Jackson County Circuit Court, who signed the order on August 24, 2001, after a public hearing in which all parties present and represented by counsel agreed to a draft of the order, did not include a requirement of a written progress report to the Judge fifteen days after the committee begins to meet; and,

WHEREAS, the Jackson County Legislature does not support the inclusion of the fifteen day report requirement in the Judges order; and,

WHEREAS, intervener Thomas Wyrsh, by and through his counsel Ralph A. Monaco, II, and Aaron J. Racine will present to the court a Nunc Pro Tunc motion to correct the apparent clerical error in the order; therefore,

BE IT RESOLVED that the Jackson County Legislature directs the Jackson County Counselor to support the Nunc Pro Tunc motion to be filed by Mr. Wyrsh and to file with Judge Torrence's court a motion to join with Mr. Wyrsh's Nunc Pro Tunc motion.

Victor asked the County Counselor to prepare this resolution for next week.

Jane McQueeney, County Counselor, advised the Legislature that she had a copy of the hearing transcribed and that Mr. Monaco did not object to the fifteen day provision being included. Both election authorities also wanted that provision in the order and she will be happy to provide a copy of the tape to the Legislature. She is letting them know for the record that the fifteen day provision was not objected to at the hearing. Mr. Monaco is on record as agreeing to the proposed order.

Victor E. Callahan asked the County Counselor if she would have the resolution requested by a member of the Legislature ready for next week. Jane said she had no problem with introducing the resolution.

Ronald E. Finley, County Legislator, asked the County Counselor for a copy of the transcript. Jane McQueeney said she would be happy to provide Mr. Finley with a copy of the transcript.

15 **ADJOURNMENT**

Dan Tarwater moved to adjourn the meeting. Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, September 10, 2001 at 3:30 p.m. at the Independence Courthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.