



# 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)*

Tuesday, May 31, 2005

3:00 PM

Twenty-Second 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 and Rhonda L. Shoemaker  
Absent: 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 5/23/2005.  
Seconded by Henry C. Rizzo.

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

(APPROVED)

#### 4 HEARINGS

None.

*Dan Tarwater, Chairman, announced there will be a hearing at the next legislative meeting regarding Sex Offender Registration Unit funding. Community activist Sandy Brauner will also testify and give ideas.*

*Ron Hunt, Executive Director of Meet Me in the Middle, said his concern is the statistics he received on pedophiles not registered in our community. Jackson County has the highest number of pedophiles not registered in the State of Missouri. He joined in with the Sheriff's Department and passed out literature in his community informing residents how they can help identify who these sexual predators are. He is speaking today in support of the Sheriff's Department and hopes the legislature will grant more funding for the Sex Offender Registration Unit.*

*Dan Tarwater told Mr. Hunt to get in touch with Sandy Brauner because she is working on this issue. The Sheriff's Department does a great job with what they have. He would like to identify what is needed so when the budget is prepared they can make sure it is covered.*

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

*None.*

*Scott Burnett, County Legislator, introduced Robert Clinton, a visitor from Florida. He wanted to see government in action.*

**6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE**

Fred Arbanas moved to waive the reading of Ordinances #3630 through #3634.

Seconded by Dennis Waits.

The motion passed by a voice vote.

(APPROVED)

The Land Use Committee will have a public hearing on Friday, June 3, 2005 at 1:00 P.M. at Fleming Hall regarding Ordinances #3630 through #3634.

**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.

*(Land Use Committee - 2nd. Perfection)*

**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.

*(Land Use Committee - 2nd. Perfection)*

**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.

*(Land Use Committee - 2nd. Perfection)*

**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.

*(Land Use Committee - 2nd. Perfection)*

**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.

*(Land Use Committee - 2nd. Perfection)*

**7 FINAL PASSAGE OF PROPOSED ORDINANCES**

*None.*

**8 RESOLUTIONS IN COMMITTEE**

[15495](#) Public Works Committee moved do pass. Consent Agenda.

[15496](#) Public Works Committee moved do pass. Consent Agenda.

**9 CONSENT AGENDA**

[15495](#) A RESOLUTION authorizing the County Executive to execute a temporary construction easement with the City of Independence in conjunction with grading operations for the Little Blue Parkway Road extension.

(ADOPTED)

[15496](#) A RESOLUTION authorizing the County Executive to enter into a Cooperative Agreement with the City of Oak Grove, MO, for road maintenance and snow removal services.

(ADOPTED)

To adopt Resolutions 15495, 15496.

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

Yes: 8 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Rhonda L. Shoemaker  
Absent: 1 - Bob Spence

**10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE**

[3636](#) 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)*

[3637](#) 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.

*(Land Use Committee)*

[3638](#) 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.

*(Health and Justice Committee)*

## 11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[15498](#)

Dennis Waits moved the passage of Resolution #15498, authorizing the Jackson County Legislature to hold a closed meeting on Tuesday, May 31, 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 Rhonda L. Shoemaker.

Yes: 7 - Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater and Rhonda L. Shoemaker

No: 1 - Robert A. Stringfield

Absent: 1 - Bob Spence

(ADOPTED)

*Dan Tarwater, Chairman, asked Ed Rucker, County Counselor, to explain the purpose of the closed session.*

*Edward Rucker said to discuss two matters of litigation.*

*Robert A. Stringfield, County Legislator, said he objected. He said he has been in disagreement with the County Counselor on what is spontaneous and what is not. He wants to make sure the closed session applies to subject matter per 610.021(1). He will object unless the counselor gives the subject matter.*

*Edward Rucker said it is two items of litigation, in response to the Chairman's question.*

*No dissenting vote to consider Resolution #15499 - not on printed agenda.*

[15499](#)

Dennis Waits moved the passage of Resolution #15499, authorizing the settlement of the claim of Timothy Tutorino for personal injuries set forth in a lawsuit filed against the County and authorizing the Chief Financial Officer to settle the claim for payment in the amount of \$25,000.00. Seconded by Scott Burnett.

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

Absent: 1 - Bob Spence

(ADOPTED)

[15500](#)

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.

*(Public Works Committee)*

[15501](#)

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.

*(Anti-Drug Committee)*

[15502](#)

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.

*(Anti-Drug Committee)*

*Rhonda L. Shoemaker, County Legislator, said Resolution #15503 is for the purchase of an easement for construction on the Colbern Road Phase III project. We are purchasing it from a gentleman who will be leaving on active duty with the military. The Public Works Department would like to have this adopted today so they can proceed.*

*No dissenting vote to consider Resolution #15503 - not on printed agenda.*

[15503](#)

Rhonda L. Shoemaker moved the passage of Resolution #15503, accepting a temporary construction easement and authorizing payment to the property owners, J. Lamar and Deborah Smith, and Timothy L. and Carol Schuetz, in the total amount of \$13,404.00 for the Colbern Road Phase III Project. Seconded by Dennis Waits.

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

Absent: 1 - Bob Spence

(ADOPTED)

[15504](#)

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.

*(Land Use Committee)*

*Dan Tarwater said one of the reasons for the legislative meeting today was to discuss the Memorandums of Understanding in the Prosecutor's office and he asked for an update.*

*Troy Thomas, Chief Financial Officer, said they were unable to introduce the Resolution because they cannot assign a fiscal note to the MOU's. One of the major hold ups is the provision for the deferred compensation match of 5% which will cost the County between \$150,000 and \$200,000. The Finance Department has not identified sufficient funds within the Prosecutor's budget to cover this provision.*

*Dan Tarwater thought that Mr. Waits, Mr. Burnett and Mr. Rizzo had been working on this matter and understood that as of Friday there was a compromise.*

*Troy Thomas responded no, that was not the case.*

*Dennis Waits said for the purposes of getting the MOU's on the agenda, the Prosecutor's office deleted the deferred compensation portion for the year 2005.*

*Troy Thomas said it was not deleted. The Prosecutor's office provided substitute language for the provision but the same provision was in tact. It required a full vote of union membership before they could remove it.*

Scott Burnett said Louie Wright, President of Local 42, handed him something that read "Article 5: An Alternate Subsection C is set forth which would provide the match program would be deferred, until the second year 2006 of the agreement. Moreover, it provides incremental improvements to the match program over a period of years and acknowledges that any such improvements be contingent upon adequate county revenues." Mr. Thomas has stricken through Section C. If this denotes a proposed alternate language acceptable, I will be able to take this back to our committee/executive board/membership. He asked Troy to explain this.

Troy Thomas said he does not know what Mr. Burnett was reading. He indicated that provision C and the alternate were rejected and sent back to the Prosecutor's office last Friday. Mr. Wright handed Troy, just 15 minutes prior, an MOU with provision C stricken but still containing the alternate. He told Mr. Wright he would review it and get back with him. Troy said they may be in a position to introduce legislation next week regarding the MOU's.

Dennis Waits asked Troy if he could review this by Thursday of this week.

Troy Thomas responded yes.

Dan Tarwater indicated that it would need to be prior to Thursday at noon, otherwise it will be included in the add-on packet.

Dennis Waits said Mr. Thomas has put in a lot of time working on this and he appreciates his help.

Rhonda Shoemaker asked about Resolutions that should have been included in the add-on packet. She said Bill Snyder was working on them.

Ed Rucker said he is not aware of any additional add-ons. He said Ali Routinized from Public Works approached him earlier about some additional add-ons but requests for add-on's the day of the meeting are virtually impossible. He said he will check with Mr. Snyder.

Scott Burnett said he would like the survey for COMBAT evaluation completed and returned to him by Monday, June 6, 2005.

Resolution #15498 was adopted at this time. See page 4 for details.

Legislature goes into closed session.

Legislature reconvenes.

Resolution #15499 was adopted at this time. See page 4 for details.

## 12 COUNTY EXECUTIVE ORDERS

### 05-11

Pursuant to Jackson County Code Section 7403.3, I hereby appoint Keith Curnutt to the Commission on Human Relations and Citizen Complaints, for a term to expire on February 28, 2006. A copy of Mr. Curnutt's resume is attached.

[05-12](#)

Appointing Marilyn Shapiro to the Commission on Human Relations and Citizen Complaints, for a term to expire on March 1, 2009. A copy of Ms. Shapiro's resume is attached.

**13 UNFINISHED BUSINESS**

None.

**14 NEW BUSINESS**

None.

**15 ADJOURNMENT**

Scott Burnett moved to adjourn the meeting. Seconded by Rhonda L. Shoemaker.

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

(APPROVED)

*Meeting adjourned until Monday, June 6, 2005 at 2:30 p.m. in the Legislative Assembly Area, Kansas City, Missouri.*