



Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
415 East 12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

Henry C. Rizzo (2nd AL), Chairman, Bob Spence (6th), Vice-Chairman,
Robert A. Stringfield (1st AL), Fred Arbanas (3rd AL), Scott Burnett (1st),
Eugene Standifer Jr. (2nd), Dennis Waits (3rd), Dan Tarwater (4th),
Rhonda L. Shoemaker (5th)

Monday, July 17, 2006

2:30 PM

Twenty Eighth Regular Meeting

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

Henry C. Rizzo, 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, Rhonda L. Shoemaker, Bob Spence 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 7/10/2006.
Seconded by Eugene Standifer Jr..

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

Discussion regarding Ordinance #3789.

Ed Rucker, County Counselor, made a brief introduction. He said Ordinance #3789 provides for the sale of the revenue bonds for the stadium upgrades. There will be a public sale of these bonds on July 26, 2006. At the public sale, Jackson County will accept bids and the interest rate for the bonds will be established. The closing on the bonds will be mid-August 2006. The cash will be received by the trustee before September 1, 2006 as required by the lease amendment. Today he requested the County Legislature to perfect the floor substitute, to waive the rules and proceed with final adoption of the floor substitute for this ordinance. He said Gary Anderson from Gilmore and Bell was present, the bond counsel for Jackson County. Steve Mitchell and Jack Craft, lawyers for Jackson County from Lathrop and Gage, Jack Holland with Oppenheimer and Associates (Investment bankers), Mike White and Taylor Fields representatives from the Sports Authority, Herb Hardwick with Hardwick law firm serving as disclosure counsel on behalf of the County with Oppenheimer & Company, and Jim Rowland, Executive Director, were present.

Katheryn Shields, County Executive, said this is one more step in the process after the vote on April 4th, when the citizens of Jackson County approved the bond issue. This takes us forward in selling the bonds and receiving the proceeds. The proceeds then go to the trustee until payments are due for construction work done. She appreciates the support of the County Legislature throughout this entire process. She thanked the County Legislature and the voters of Jackson County for making this possible.

Ed Rucker mentioned that Taylor Fields, a representative of the Sports Authority, was also present.

Henry C. Rizzo commended Katheryn Shields and the team on their fine job on this matter. He said he served on the General Assembly for a number of years and can say that testifying before the Missouri Finance Board is not an easy endeavor. Katheryn went to Jefferson City with counsel and was successful in getting it passed. He said Governor Blunt's support was critical and he thanked him. He said this is a project that Katheryn started and finished and it is appreciated.

Gary Anderson from Gilmore and Bell said this is the last official action connected with the bond issue by the County Legislature. The Ordinance authorizes the various documents that the County will be executing in connection with the bonds. The bonds will be insured and have a triple A rating because of the insurance. The revenue stream to repay the bonds will be the 3/8th cent sales tax and other revenues such as team lease payments, parking and ticket fees.

Ordinance #3789 was adopted at this time. See pages 4 and 5 for details.

Dennis Waits, County Legislator, said this has been a difficult thing to bring together and he thanked all involved. He said no one sees the hard work that has gone into this project but one day they will see updated stadiums that will be a plus for the community for many years.

Henry C. Rizzo said with today's labor costs the sooner we get started the more money we save.

Katheryn Shields reminded everyone that the leases negotiated with both teams not only put a cap on public dollars from Jackson County and the sales tax, it also has responsibility for any cost over runs on the two teams and not on the taxpayers. She said there is protection in the lease documents for the taxpayers.

Henry said all members of the bond team have done a good job in keeping in touch and keeping the legislators informed.

Dennis Waits announced the Mark Gorris with the Kansas City Royals was also in the audience.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, said for the second consecutive year, the Jackson County Parks and Recreation will host the 2006 USSSA Girls 10 and under and 12 and under "B" West 2006 Fastpitch World Series. The tournament will be held July 24 - 30th at Adair Park and Frank White Jr. complexes. As many as 100 teams from all over the Midwest are expected to attend. She said it was a great honor to be selected for the second year in a row, it points to the quality of the sports facilities that we have.

She announced that on Wednesday, July 26th there will be a community meeting at the Lake Lotawana City Hall at 6:30 P.M. This meeting continues the series of meetings in which Jackson County officials go out to different communities and talk about subjects such as: current road projects, mental health, stormwater issues, the Green Build program and e-government. Presentations have been done in the communities of Lee's Summit, Independence, Grain Valley, Blue Springs, Tarsney Lake and twice in Kansas City. Jackson County has received excellent feedback from past meetings.

Bob Spence, County Legislator for the Lake Lotawana area, will attend the meeting. She invited all other legislators to attend.

Katheryn announced that is is the third Biannual Jury Art Exhibit called Sunshine from Darkness. The artists are individuals who have mental health issues and have used art as part of the therapy and expression of the issues they need to overcome. The exhibit will be here for another week and she encourages everyone to come and see the art.

Finally, she expressed condolences to the family of Craig Lyles. He was a residential appraiser for Jackson County for seven years and he died unexpectedly over the weekend. His wife, Kathy, is also a long standing county employee.

6 PERFECTION OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

Fred Arbanas moved to waive the reading of Ordinances #3784, 3785, 3786 and 3787. Seconded by Bob Spence.

The motion passed by a voice vote. (APPROVED)

The Land Use Committee will have a public hearing on Friday, July 28, 2006 at 1 P.M. at Fleming Hall regarding Ordinances #3784, 3785, 3786 and 3787.

3784

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RR (Residential Ranchette) a certain 5± acre tract.

(Land Use Committee - 1st. Perfection)

3785

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District RR (Residential Ranchette) a certain 5± acre tract.

(Land Use Committee - 1st. Perfection)

[3786](#)

AN ORDINANCE amending the zoning districts established pursuant to the Unified Development Code by changing from District A (Agricultural) to District A-p (Agricultural-Planned Development), a certain 200 ± acre tract.

(Land Use Committee - 1st. Perfection)

[3787](#)

AN ORDINANCE granting a conditional use permit (CUP) in District A (Agricultural) for a period of twenty-five (25) years to continue operating a residential care facility (nursing home) as to a 2 ± acre tract.

(Land Use Committee - 1st. Perfection)

Gary Eastman, attorney for the pension board, answered questions regarding Ordinance #3788. He said Section 1524 is required by the IRS. It requires that any lump sum distribution from the pension plan, which is greater than \$1,000.00 in which a participant or it's beneficiary does not make an election, will be rolled over to a IRA instead of being distributed outright, which was under the old law. This keeps Jackson County in IRS compliance.

Section 1542 is a clarification of the original powers granted to the Administration Committee. It allows them to set forth the basic rules for a Plan Administrator, including entering into contracts, setting interest rates and mortality tables. More specifically, setting the investment policy for the pension plan, this includes things like asset allocations.

Dan Tarwater, County Legislator, said it seems that it takes away powers that the County Legislature has currently.

Gary Anderson said the dollars spent are from the pension plan and not from Jackson County. The County will still retain counsel.

Henry C. Rizzo asked who makes the decision now.

Ed Rucker said if the Pension Plan is to retain a lawyer tomorrow, under these powers, that would be Mr. Eastman. This is proposed as a housekeeping change. With respect to Mr. Tarwater, he believes Mr. Eastman means that the pension money is not money that the County Legislature appropriates.

Gary Anderson said the reason for doing this now is because the language is not very clear. The language was drafted in 1985 and was silent, because it was understood by the drafter what everyone did. However, when it was read through again this year, as part of due diligence, they decided it was not clear and it should be clarified and similar to the city and other counties in the U.S.

Dan Tarwater asked who determines the investor.

Gary said that would be the pension board. The Plan Administrator hires investment counsel to help find the proper investment managers of the money.

After some discussion, they decided to hold the legislation until next week.

[3788](#) Scott Burnett moved to hold Ordinance #3788, repealing section 1542., Jackson County Code, 1984, relating to the Employees' Pension Plan and adopting, in lieu thereof, two new sections relating to the same subject. Seconded by Dan Tarwater.
The motion passed by a voice vote. (APPROVED)

[3789](#) Dennis Waits moved to perfect the floor substitute of 7/17/2006. Seconded by Dan Tarwater.
The motion passed by a voice vote. (PERFECTED)

[3789](#) Dennis Waits moved to suspend the rules to consider final passage of Ordinance #3789. Seconded by Dan Tarwater.
The motion passed by a voice vote. (APPROVED)

[3789](#) Dennis Waits moved the passage of Ordinance #3789 as perfected, approving the issuance of not to exceed \$450,000,000 principal amount of Jackson County, Missouri, Special Obligation Bonds (Harry S. Truman Sports Complex Project) Series 2006, authorizing and approving certain documents in connection with the issuance of said bonds, authorizing the obtaining of bond insurance and a debt service reserve surety bond for the Series 2006 Bonds, and authorizing certain other actions in connection with the issuance of said bonds. Seconded by Dan Tarwater.
Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Rhonda L. Shoemaker, Bob Spence and Bob Spence
(ADOPTED)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

Scott Burnett moved to take out of committee Resolution #15949. Seconded by Dennis Waits.

The motion passed by a voice vote. (APPROVED)

[15949](#) Scott Burnett moved the passage of Resolution #15949, transferring \$53,084.00 within the 2006 General Fund to cover the Kansas City Election Board's increased estimated expenses for the 2006 primary election. Seconded by Dan Tarwater.
Yes: 9 - Robert A. Stringfield, Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Rhonda L. Shoemaker, Bob Spence and Bob Spence
(ADOPTED)

[15953](#) Anti-Drug Committee moved do pass. Consent Agenda.

[15956](#) Anti-Drug Committee moved do pass. Consent Agenda.

[15959](#) Finance and Audit Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[15953](#) A RESOLUTION authorizing the County Executive to execute an agreement with Bensoft Incorporated for the furnishing of the website domain name and web hosting and maintenance services for use by the Prosecuting Attorney's Office, at a cost to the County not to exceed \$7,424.00.

(ADOPTED)

[15956](#) A RESOLUTION authorizing the County Executive to execute an Agreement with Harold Alan Welles, for various consulting services related to the COMBAT in the Community effort, at a cost to the County not to exceed of \$6,000.00.

(ADOPTED)

[15959](#) A RESOLUTION awarding a twelve-month term and supply contract, with options to extend for two additional twelve-month periods, for the furnishing of recycled copy paper for use county wide to Corporate Express of Kansas City, MO, under the terms and conditions of Electronic Solicitation No. BB200623.

(ADOPTED)

To adopt Resolutions 15953, 15956, 15959.

Dennis Waits moved the passage of the consent agenda. Seconded by Dan Tarwater.
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, Rhonda L. Shoemaker, Bob Spence and Bob Spence

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

[3790](#) Appropriating \$15,000.00 from the unappropriated surplus of the 2006 Grant Fund in acceptance of the Juvenile Detention Alternative Initiative grant.

(Health and Justice Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[15963](#)

Bob Spence moved the passage of Resolution #15963, accepting a temporary construction easement, drainage easement, and right-of-way, and authorizing payment to the property owners, Joseph K. and Sharon K. Kyle, in the total amount of \$26,019.20, in connection with the Woods Chapel Road Improvements, Project No. 2293. Seconded by Rhonda L. Shoemaker.

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

Abstain: 1 - Robert A. Stringfield

(ADOPTED)

[15964](#)

Awarding a twelve-month term and supply contract, with options to extend for two additional twelve-month periods, for the furnishing of video production services for use by the Legislature to SB Productions of Kansas City, MO, under the terms and conditions of Invitation to Bid No. 14-06.

(Finance and Audit Committee)

[15965](#)

Awarding a term and supply contract for the furnishing of online legal publications and legal research services for use by the Prosecuting Attorney's Office, the County Counselor's Office, and the Department of Corrections to West Group of Carol Stream, IL, to provide for departmental needs for the upcoming twelve month period, as a sole source purchase.

(Health and Justice Committee)

[15966](#)

Authorizing the County Executive to execute an agreement with Benjamin K. Timpson of Independence, MO, to serve as an artist mentor for the MyARTS program, at a cost to the County not to exceed \$12,800.00.

(Anti-Drug Committee)

[15967](#)

Nominating candidates for appointment to the Jackson County Sports Complex Authority.

(Legislature As A Whole)

Henry C. Rizzo reminded everyone that the County Legislature needs to nominate candidates to the Sports Authority within 30 days of the expiration of the term of the member or the Governor will make the appointment. He said the County Legislature will interview candidates during the legislative meeting scheduled to be held on Monday, July 31, 2006 at 2:30 P.M. in the Kansas City Legislative Assembly Area. He advised anyone interested in the position to get their resumes to Mary Jo Spino, Clerk of the County Legislature.

Dan Tarwater asked when the term expired.

Henry C. Rizzo responded July 15, 2006.

Bob Spence, County Legislator, asked if there was a political party involved.

Ed Rucker, County Counselor, said per state statute, no more than 3 members of the 5 member Sports Authority may be from the same political party. It is his understanding that currently the Authority consists of 2 Democrat members, 2 Republican members and 1 Independent member. Since Mr. Romano is a Democrat appointment, he believes this would be a Democratic panel.

Dennis Waits said no one can be excluded from this process because they can be of any party since the Authority does not have three members of the same party. After discussion, everyone agreed.

Katheryn Shields said historically the replacement is an individual of the same party as the person whose term expired. She said Jackson County is a Democratic County, but the County Legislature always needs to take into consideration the party of the Governor. The paramount thing is to send a panel of three people, any of whom, if chosen, would be a great person to serve on the Sports Authority.

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

Dennis Waits asked that the Legislature be informed at next week's legislative meeting the procedure that companies will follow to get on bid lists for the stadium renovation projects.

Henry C. Rizzo asked the County Clerk to invite Jim Rowland, Executive Director of the Jackson County Sports Complex Authority to the legislative meeting next week to explain this process.

15 **ADJOURNMENT**

Dan Tarwater moved to adjourn the meeting. Seconded by Eugene Standifer Jr..

The motion passed by a voice vote.

(APPROVED)

*Meeting adjourned until Monday, July 24, 2006 at 2:30 P.M. at the Independence
Couthouse Annex, 308 W. Kansas, Ground Floor, Legislative Chambers.*