



Office of
Mary Jo Spino
Clerk of the County Legislature

Jackson County Missouri

JOURNAL

County Legislature

Jackson County Courthouse
415 East 12th Street, 2nd floor
Kansas City, Missouri 64106
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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, January 24, 2005

2:30 PM

Fourth Regular Meeting

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

Dan Tarwater, Chairman, called the meeting of the Jackson County Legislature to order.

1 ROLL CALL

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

2 THE PLEDGE OF ALLEGIANCE

Recited.

3 APPROVAL OF THE JOURNAL OF THE PREVIOUS MEETING

Bob Spence moved to approve the journal of the previous meeting held on 1/18/2005.
Seconded by Henry C. Rizzo.

The motion passed by a voice vote.

(APPROVED)

4 HEARINGS

None.

5 COMMUNICATIONS AND REPORTS OF THE COUNTY EXECUTIVE

Katheryn Shields, County Executive, said they had a great event at the Public Works and GIS Center (Technology Center) today. She thanked County Legislators Burnett, Spence and Standifer for attending the ribbon cutting ceremony. She thanked the County Legislature, J.D. Stokes, Ali Roohanirad and Thad Thomas for all their work on this project.

Regarding on-line services, she said the personal property tax declaration forms will be mailed out soon. She said taxpayers can make corrections and mail the card or they can make changes on-line if they have Internet access. All the information needed will be on the card with the PIN number they will use with Internet access. This will provide more accurate records and it will be easy for the public. This new service was made possible by the GIS and MIS staff. She said they do have a program that they will bring to the Legislature for consideration, that will dramatically improve the accuracy and provide the basis for the GIS map tracking.

Katheryn Shields said Resolution #14965 adopted last summer by the Legislature directed the Administration to collect penalties and interest waived for amounts over \$250.00 if it was legal to do so. She said staff has reviewed the 56,000 accounts and there were situations where the penalties and interest amount was not legally accrued because of such things as bankruptcies, retroactive valuation adjustments, settlement of legal actions, correct application of leased vehicle payments, senior citizen half pays and payments made on time but posted the next month. When looking at the accounts they looked at whether it was over \$250.00, if it was within the statute of limitations for collecting and if the penalty and interest actually accrued. After looking at all the above classifications the number went from 56,000 to 507 situations. Out of the 507, there were 135 where penalty and interest did not accrue, which left 369 situations where the penalties and interest were in excess of \$250.00. These billable situations came to the total amount of \$245,329.00. As of January 7th, taxpayers have been billed for that amount. As the taxpayers receive the letters there may still be situations where, with information provided by the taxpayers, they are in fact non-accruals. If the amount is not paid, it will be added to their tax bills for 2005. Jackson County has received about \$5,000.00 to date.

Finally, she wanted to advise everyone that Jeff Gillmore's sister and brother-in-law were killed in the tragic plane crash that occurred last Friday in Johnson County, Kansas. She expressed her deepest sympathy to Jeff and his family for this loss.

She also expressed her sympathy to Dan Tarwater for the loss of his uncle this week.

Dan Tarwater, Chairman, said Jackson County is working with the Royals and the Chiefs and Kansas City, Missouri to come up with a solution to make sure we keep the major league sports franchises in the County. He asked Katheryn for an update.

Katheryn Shields said she has met with Dan Tarwater, Richard Berkley from the Sports Authority, and a group of approximately 30 people and all have come to realize that the significance of this situation is keeping this community major league. With that spirit, they will work together to find a long term solution for the Chiefs and the Royals to remain in the community. There will be a smaller group formed to spearhead these efforts.

Henry C. Rizzo, County Legislator, asked who will be assigning the group.

Katheryn Shields said that she, Mr. Berkley and Mayor Barnes will put together the smaller group. She said there will be 2-3 people on the committee that will be strongly committed to seeing a downtown baseball stadium, there will be an equal number of people who strongly support the sports complex and there will be other people who are open and want to see that a good solution is reached for the citizens of Jackson County that keeps the teams here. She said they will announce the small group members and the meeting schedule at a later date.

Henry C. Rizzo said he hopes all remedies are considered and not just a tax increase. He said there are things that the State, County and City can do since we have additional time granted by the extension.

Katheryn Shields said she thinks that will be done. She said to maintain the County's and Sports Authority's commitment under the existing leases until 2015 is probably an expenditure of approximately \$80-\$100 million above the resources that the County, City and State are currently putting to maintain the stadiums.

Henry C. Rizzo said he applauds the efforts of the committees. He asked for an explanation of the extension and what options the County and teams have at the end of the year.

Dennis Waits, County Legislator, said Jack Holland has been working on this and may be in a better position to answer the question.

Katheryn Shields said she could provide a general answer. She said during the next year, the County and the Sports Authority, do not have to make the improvements that would normally need to be completed by December 31, 2005. It delays them until December 2006. If Jackson County does not come up with approximately \$30 million in the short term and up to \$100 million in the long term (2014), then the County could be in default if not able to meet obligations under the 1990 leases.

Henry C. Rizzo asked who would be over the spending of money for the upgrades.

Katheryn Shields said the Sports Authority will be over the spending. She said the Sports Authority has always worked close with Jackson County. She said the teams have always been cooperative with us. The problem is there is not enough money currently allocated to meet all of the obligations from now through 2014. Over the next couple of years there is \$30 million that we are short.

Henry C. Rizzo asked Scott Burnett about the Ordinance he introduced. He asked how much money it would raise.

Scott Burnett, County Legislator, said the 1/4 cent sales tax raises about \$20 million per year for a total of \$80 million. It would have taken Jackson County into the last quarter of the 25 year agreement.

Dan Tarwater said the County does not want to put the tax on the ballot in a hurry. The County did not want to spend \$80-\$100 million upgrading the stadiums and then build a new stadium and have to tear down the upgraded stadium. They wanted to figure out a plan, consider the cost, figure out how it will be financed and decide whether or not it makes sense. If it does not make sense, the County will need to move forward to make sure it does not default on the lease.

Katheryn Shields said she thinks there are three possible paths. The first path is that Jackson County moves forward with aid from the State, an additional 1/4 cent sales tax, or some combination to secure the funding so the County and Sports Authority can meet their obligations through 2014. The second possibility is that we look again at what we proposed to the voters in November 2004. A major renovation, which means tearing down the stadiums from the bowls back and rebuilding them. Jackson County would need to look at methods for funding this project if bi-state is not available. The third option would be to build two new stadiums in downtown, Kansas City, Missouri.

Resolution #15362 was adopted at this time. See page 7 for details.

6 PERFECTON OF PROPOSED ORDINANCES AND REPORTS OF COMMITTEE

[3594](#)

Anti-Drug Committee moved to perfect.

Scott Burnett objects to the consent agenda.

[3594](#) Scott Burnett moved to perfect Ordinance #3594. Seconded by Dennis Waits.
The motion passed by a voice vote. (PERFECTED)

[3594](#) Scott Burnett moved to suspend the rules to consider final passage of Ordinance #3594.
Seconded by Dennis Waits.
The motion passed by a voice vote. (APPROVED)

[3594](#) Scott Burnett moved the passage of Ordinance #3594 as perfected, repealing section 9305.4, Jackson County Code, 1984, relating to the powers and duties of COMBAT Commission, and enacting, in lieu thereof, a new section relating to the same subject. Seconded by Dennis Waits.
Yes: 8 - Henry C. Rizzo, Fred Arbanas, Scott Burnett, Eugene Standifer Jr., Dennis Waits, Dan Tarwater, Rhonda L. Shoemaker and Bob Spence
Absent: 1 - Robert A. Stringfield
(ADOPTED)

[3595](#) Submitting to the qualified voters of Jackson County, Missouri, at the general election to be held on April 5, 2005, a question levying a retail sales tax of one-fourth (1/4) of one cent for the repair and maintenance of the Truman Sports Complex.
(WITHDRAWN BY SPONSOR BURNETT, CONCURRED BY RIZZO AND WAITS)

7 FINAL PASSAGE OF PROPOSED ORDINANCES

None.

8 RESOLUTIONS IN COMMITTEE

[15239](#) A RESOLUTION setting out the Legislature's intent concerning the allocation of the Anti-Drug Sales Tax annual revenues and the allocation of any unencumbered fund balance.
(Anti-Drug Committee - 7th. Meeting)

[15339](#) Dennis Waits moved to substitute Resolution #15339, authorizing the County Executive to execute agreements with certain outside agencies funded by the County's Anti-Drug Sales Tax Fund for the 2005 fiscal year term from January 1, 2005 to December 31, 2005, which are engaged in anti-drug treatment activities and purposes, at an aggregate cost to the County not to exceed \$3,013,734.00. Seconded by Henry C. Rizzo.
The motion passed by a voice vote. (APPROVED)

[15339](#) Anti-Drug Committee moved do pass the Anti-Drug Committee Substitute. Consent Agenda.

[15340](#) A RESOLUTION authorizing the County Executive to execute agreements to extend the operative terms of existing agreements with certain outside agencies funded by the County's Anti-Drug Sales Tax Fund for the 2005 fiscal year term from January 1, 2005 to December 31, 2005, which are engaged in anti-drug prevention activities and purposes, at an aggregate cost to the County not to exceed \$1,692,351.00.

(Anti-Drug Committee - 3rd. Meeting)

[15350](#) Finance and Audit Committee moved do pass. Consent Agenda.

[15352](#) Anti-Drug Committee moved do pass. Consent Agenda.

[15353](#) Public Works Committee moved do pass. Consent Agenda.

[15354](#) Public Works Committee moved do pass. Consent Agenda.

[15356](#) Finance and Audit Committee moved do pass. Consent Agenda.

[15357](#) Finance and Audit Committee moved do pass. Consent Agenda.

[15358](#) Health and Justice Committee moved do pass. Consent Agenda.

[15359](#) Health and Justice Committee moved do pass. Consent Agenda.

[15360](#) Health and Justice Committee moved do pass. Consent Agenda.

9 CONSENT AGENDA

[15339](#) A RESOLUTION authorizing the County Executive to execute agreements with certain outside agencies funded by the County's Anti-Drug Sales Tax Fund for the 2005 fiscal year term from January 1, 2005 to December 31, 2005, which are engaged in anti-drug treatment activities and purposes, at an aggregate cost to the County not to exceed \$3,013,734.00.

(ADOPTED)

[15350](#) A RESOLUTION authorizing the County Executive to execute an employee assistance program agreement for group employee assistance program (EAP) pursuant to Resolution 15190 for 1350 County employees at a cost to the County not to exceed \$31,104.00 and further authorizing said agreement to include provisions for services for 157 Circuit Court employees at a cost to the Circuit Court not to exceed \$3,617.28 for 2005 for a total contract cost not to exceed \$34,721.28.

(ADOPTED)

- [15352](#) A RESOLUTION authorizing the County Executive to execute an agreement with the Boys & Girls Club of Greater Kansas City, as the surviving entity from a merger of the Boys and Girls Club of Greater Kansas City and the Boys & Girls Club of Eastern Jackson County, as previously authorized as an agreement with the Boys & Girls Club of Eastern Jackson County pursuant to Resolution 15322 for the Smart Moves Grant Match at a cost not to exceed \$40,000.00.
- (ADOPTED)
- [15353](#) A RESOLUTION authorizing the County Executive to execute an Intergovernmental Agreement with the Mid-America Regional Council (MARC) Solid Waste Management District, to provide access to the Regional Household Hazardous Waste Centers for the residents of the unincorporated county, at a cost not to exceed \$16,834.90 in 2005.
- (ADOPTED)
- [15354](#) A RESOLUTION authorizing the acceptance of a temporary construction easement for construction project tract CR2-21 from J. Henry and Patti Tiemann, owners of record, for the widening of Colbern Road and authorizing payment for said easement in an amount not to exceed \$5,660.00.
- (ADOPTED)
- [15356](#) A RESOLUTION authorizing the County Executive to execute an Intergovernmental Cooperative Agreement with the City of Kansas City, Missouri, for animal shelter services, at a cost to the County not to exceed \$18,000.00.
- (ADOPTED)
- [15357](#) A RESOLUTION awarding twelve-month (12) term and supply contracts for the furnishing of cellular telephones and service for use county-wide to Nextel Wireless of Overland Park, KS, Sprint PCS of Shawnee Mission, KS, and Cingular Wireless of Overland Park, KS under the terms and conditions of existing government contracts. This award is made on a need basis and does not obligate Jackson County to pay any specific amount. The availability of funds for specific purchases is subject to annual appropriations.
- (ADOPTED)
- [15358](#) A RESOLUTION awarding a twenty four-month (24) Term and Supply Contract under Bid No. 60-04 for use by the Department of Corrections for the funding of food services with the Department to ABL Management of Baton Rouge, LA as the lowest and best bidder. This award is made on an as needed basis and does not obligate Jackson County to pay any amount. The availability of funds for specific purchases is subject to annual appropriations.
- (ADOPTED)
- [15359](#) A RESOLUTION authorizing the County Executive to execute an Agreement for Animal Control Services with the City of Kansas City, Missouri, at an actual cost to the County not to exceed \$139,272.00.
- (ADOPTED)

[15360](#)

A RESOLUTION authorizing the County Executive to execute an Agreement with Wayside Waifs, Inc., in furtherance of the County's services for the care and disposition of lost and unclaimed animals brought for impoundment by persons residing in the unincorporated areas of Jackson County, at an actual cost to the County not to exceed \$10,000.00.

(ADOPTED)

Resolution #15360 was adopted pending compliance.

Dennis Waits moved the passage of the consent agenda. Seconded by Henry C. Rizzo. The motion passed by a roll call vote:

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

10 INTRODUCTION OF PROPOSED ORDINANCES AND ASSIGNMENT TO COMMITTEE

The Land Use Committee will hold a public hearing regarding Ordinances #3596 through #3598 on Friday, February 11, 2005 at 1:00 p.m. at Fleming Hall.

[3596](#)

Amending the zoning districts established by the Unified Development Code by rezoning a certain 45.4 ± acres from District A (Agricultural) to District RE (Residential Estates) and approving the preliminary plat "Windmill Ridge" creating a thirteen (13) lot residential subdivision.

(Land Use Committee)

[3597](#)

Amending the zoning districts established by the Unified Development Code by rezoning a certain 18.5 ± acres from District A (Agricultural) to District RR (Residential Ranchette).

(Land Use Committee)

[3598](#)

Amending the zoning districts established by the Unified Development Code by rezoning a certain 12 ± acres from District A (Agricultural) to District RE (Residential Estates).

(Land Use Committee)

11 INTRODUCTION OF PROPOSED RESOLUTIONS AND ASSIGNMENT TO COMMITTEE

[15361](#)

Henry C. Rizzo moved the passage of Resolution #15361, authorizing the Jackson County Legislature to hold a closed meeting on Monday, January 24, 2005, for the purpose of conducting privileged and confidential communications between itself and the Jackson County Counselor under Section 610.021(1) (2) of the Revised Statutes of Missouri, and closing all records prepared for discussion at said meeting. Seconded by Scott Burnett.

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

Absent: 2 - Robert A. Stringfield and Rhonda L. Shoemaker

(ADOPTED)

[15362](#)

Bob Spence moved the passage of Resolution #15362, acknowledging Justin Cowart, son of Rick and Brenda Cowart, for his magnificent achievements as one of America's most talented young musicians and congratulating him for being selected for the National High School Honors Orchestra. Seconded by Dennis Waits.

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

Absent: 1 - Robert A. Stringfield

(ADOPTED)

[15363](#)

Henry C. Rizzo moved the passage of Resolution #15363, repealing Rule 9 of the Rules of the County Legislature regarding Standing and Special Committees and adopting a new Rule 9 relating to the same subject. Seconded by Dennis Waits.

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

Absent: 1 - Robert A. Stringfield

(ADOPTED)

[15364](#)

Repealing Rules 16 and 19 of the Jackson County Legislature relating to the introduction of ordinances and resolutions and adopting a new Rule 16 and Rule 19 relating to the same subjects.

(Rules Committee)

[15365](#)

A RESOLUTION authorizing the settlement of the claim of Kelli Hemstock for alleged violations of title 7 to the Civil Rights Act of 1964 and authorizing the Chief Financial Officer to settle the claim for payment in the amount of \$120,000.00.

Resolution #15365 was adopted during the closed session.

Scott Burnett moved the passage of Resolution #15366. Seconded by Henry C. Rizzo.

Dennis Waits suggested that Mike Sanders, Prosecuting Attorney, speak to this issue.

Scott Burnett withdrew his motion to adopt. Henry C. Rizzo withdrew his second.

Mike Sanders, Prosecuting Attorney, said he has spoken with the City of Kansas City, Missouri and demolition begins March 1, 2005. He has been working with Troy Thomas on this matter and he has indicated that it will take between 60-90 days to rehab the 5th floor. The Prosecutor's office has proposed two separate locations that are willing to take month to month tenants. One is located at 3217 Broadway, the other at 3600 Broadway. Joe Reed distributed packets regarding the two properties to the Legislature. Mike Sanders said they need a new location on Monday, January 31. He said 3217 Broadway is 3,000 square feet at Penn Valley. He said it is a nice property and the rent is \$3,750.00 per month which includes all utilities. The property at 3600 Broadway is 7,000 square feet, which would allow furniture storage and the rent is \$2,900.00 per month. It is clearly the lowest bidder and gives the most space.

Fred Arbanas asked if this was in the Prosecutor's budget.

Mike Sanders said it is in the budget as they are currently paying \$5,000.00 per month for rent. He thanked Mr. Reed for his research on these properties. He said since it is eminent domain the city has agreed to pay the moving expenses to the new location. The Prosecutor's office will have to pay for the move back to the courthouse. The City has agreed to pay for storage for 90 days only which is why the Prosecutor's office is favoring the property located at 3600 Broadway.

Dennis Waits said if the property at 3600 Broadway makes more sense as far as storage space, he thinks the Legislature should make the recommendation to go forward with that specific property. He suggested the Resolution be amended so that we can enter into the agreement and move forward. He asked if it would be the pleasure of the Legislature to have a short recess while the County Counselor makes the necessary changes.

Dan Tarwater said instead of a recess he would like Sheriff Tom Phillips to speak to the Legislature about conceal and carry.

Sheriff Phillips said beginning Monday February 7, 2005 the conceal and carry program will begin in Jackson County. Several reserves as well as Human Resource Unit officers currently assigned to the D.A.R.E. Unit will be utilized to take applications. The \$48,000.00 appropriated will be used by staff and the communications center which will do the computer record checks. Many people have not received their training yet so hopefully the applications will be spread out so the department can accommodate the requests. The fee is \$100.00 with \$38.00 going to the State Highway Patrol for their record check and the FBI, \$62.00 remains with the Sheriff's office. The Sheriff's Department will accept check or money orders so they will not have to deal with cash. Sheriff Tom Phillips said he has spoken with several State legislators and they have assured him that there is some language dealing with the utilization of fees for any and all necessary expenses rather than just for training and equipment.

Dan Tarwater said if that change is made then possibly the revenue source will also be identified for the Sheriff's Department.

No dissenting vote to consider Resolution #15366 - not on printed agenda.

[15366](#)

Henry C. Rizzo moved do pass the Floor Amendment of 1/24/2005, to delete the words "begin negotiations for the rental or lease" and insert the words "execute a lease for", to delete the words "3217 Broadway Kansas City Missouri or a property commonly known as" all in the heading, to delete the words "and requested", to delete the word "negotiate" and insert the word "execute", to delete the words "suitable rental or", to delete the words "either the property commonly known as 3217 Broadway Kansas City Missouri", to insert the words ", at a cost to the county not to exceed \$2,90.00 a month, as a month to month lease in a form to be approved by the County Counselor, pursuant to the terms contained in Exhibit "A" attached hereto" after the words "final location" all in the "BE IT RESOLVED" paragraph on page two.

The motion passed by a voice vote.

(APPROVED)

[15366](#)

Scott Burnett moved to adopt Resolution #15366 as amended, authorizing the County Executive to execute a lease of property commonly known as 3600 Broadway Kansas City Missouri for the use of the Combat program for relocation of the Judge Mason Center Drug Court Programs and employees. Seconded by Henry C. Rizzo.

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

Absent: 2 - Robert A. Stringfield and Rhonda L. Shoemaker

(ADOPTED)

12 COUNTY EXECUTIVE ORDERS

None.

13 UNFINISHED BUSINESS

None.

14 NEW BUSINESS

Resolution #15366 was adopted at this time. See above for details.

Resolution #15361 was adopted at this time. See page 7 for details.

Legislature goes into closed session.

Legislature reconvenes.

15 **ADJOURNMENT**

Henry C. Rizzo moved to adjourn the meeting. Seconded by Scott Burnett.

The motion passed by a voice vote.

(APPROVED)

Meeting adjourned until Monday, January 31, 2005 at 2:30 P.M. in the Kansas City Legislative Assembly Area.