

## Request for Legislative Action

Res. #21070

Sponsor: Tony Miller

Date: October 17, 2022

### Completed by County Counselor's Office

Action Requested:	Resolution	Res.Ord No.:	21070
Sponsor(s):	Tony Miller	Legislature Meeting Date:	10/17/2022

### Introduction

**Action Items:** ['Authorize']

**Project/Title:**

Authorize an Agreement with the MID-AMERICA REGIONAL COUNCIL for a LITTLE BLUE RIVER WATERSHED FEASIBILITY STUDY – PHASE TWO.

### Request Summary

The US Army Corps of Engineers has proposed phase two of a cost-share study to identify mitigation and restoration strategies related to ongoing flooding and degradation happening along the entire length of the Little Blue River and its tributaries. The County previously participated in phase one of the study which identified the key areas that required further in-depth investigation and analysis. The County owns and manages significant land holdings and improvements in the Little Blue watershed. The Little Blue Trace Trail, the longest trail in Jackson County, has experienced significant damage from severe flooding in recent years. The cost to the County for the second phase of the study is \$244,444, subject to Legislative approval in the 2023 County budget. The Corps has secured a federal grant in the amount of \$1,475,000 for the study; the remaining funding is proposed to come from local governments in the watershed participating in the study, including Grandview, Kansas City, Lee's Summit, Independence, and Raytown, as stakeholders. The participation level for each stakeholder is generally based on their land area within the watershed. Funding for the project will be allocated to the Corps and to the Mid America Regional Council (\$70,000). The Corps will be responsible for development and implementation of the project scope, engineering analysis, the project schedule and the long-term project budget in partnership with participating communities. MARC will be responsible for management and facilitation of the project, and will provide technical staff support and their database of relevant natural resource information to support the project's development.

### Contact Information

<b>Department:</b>	Parks + Rec	<b>Submitted Date:</b>	10/6/2022
<b>Name:</b>	Brian P. Nowotny	<b>Email:</b>	BPNowotny@jacksongov.org
<b>Title:</b>	Deputy Director Park Operations	<b>Phone:</b>	816-503-4803

### Budget Information

Amount authorized by this legislation this fiscal year:	\$ 0
Amount previously authorized this fiscal year:	\$ 0

## Request for Legislative Action

Total amount authorized after this legislative action:			\$
Is it transferring fund?			No
<b>Single Source Funding:</b>			
Fund:	Department:	Line Item Account:	Amount:
			<b>!Unexpected End of Formula</b>

<b>Prior Legislation</b>	
<b>Prior Ordinances</b>	
Ordinance:	Ordinance date:
<b>Prior Resolution</b>	
Resolution:	Resolution date:
20735	August 9, 2021

<b>Purchasing</b>	
Does this RLA include the purchase or lease of supplies, materials, equipment or services?	No
Chapter 10 Justification:	
Core 4 Tax Clearance Completed:	
Certificate of Foreign Corporation Received:	
Have all required attachments been included in this RLA?	

<b>Compliance</b>	
<b>Certificate of Compliance</b>	
In Compliance	
<b>Minority, Women and Veteran Owned Business Program</b>	
Goals Not Applicable for following reason: MARC is a non-profit entity	
MBE:	.00%
WBE:	.00%
VBE:	.00%
<b>Prevailing Wage</b>	
Not Applicable	

<b>Fiscal Information</b>
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## Request for Legislative Action

### History

Submitted by Parks + Rec requestor: Brian P. Nowotny on 10/6/2022. Comments:

Approved by Department Approver Michele Newman on 10/6/2022 10:04:52 AM. Comments:

Not applicable by Purchasing Office Approver Barbara J. Casamento on 10/6/2022 10:33:10 AM. Comments:

Approved by Compliance Office Approver Katie M. Bartle on 10/6/2022 12:13:34 PM. Comments:

Not applicable by Budget Office Approver David B. Moyer on 10/6/2022 12:28:35 PM. Comments:

Approved by Executive Office Approver Troy Schulte on 10/6/2022 12:39:03 PM. Comments:

Approved by Counselor's Office Approver Elizabeth Freeland on 10/13/2022 11:00:28 AM. Comments:

MID-AMERICA REGIONAL COUNCIL  
LITTLE BLUE RIVER WATERSHED FEASIBILITY STUDY – PHASE TWO

**AGREEMENT**

**PARTIES:**                **Jackson County, MO (County) and Mid-America Regional Council, (“MARC”)**

**R E C I T A L S:**

1. Dramatic changes in the Little Blue River’s basin conditions related to urbanization and other factors are causing increased frequency of flooding and rapid erosion that threatens the large federal investment and other significant public infrastructure, as well as the protected communities and installations. If continued unchecked, the adverse effects of the transforming watershed will cause significant deterioration to the federal flood-protection projects, increasing damage to critical infrastructure, wildlife habitat and public recreation investment. A comprehensive watershed study is required to unite the communities and agencies in the leveraging of resources for the protection of federal investment, infrastructure, habitat conservation, and storm water management allowing for increased economic benefits to the area.
2. The United States Army Corps of Engineers (“Corps”) has authorization to conduct a comprehensive Little Blue River Watershed Feasibility Study in partnership with local communities that determines the causes and potential solutions to demonstrated watershed impacts. The authorization provides for federal support for one-half of study costs. The other half of study costs will be contributed by local partners (“Stakeholders”).
3. In the first phase of this project, completed on March 31, 2022, the Corps developed a Project Management Plan, or a detailed scope of work, schedule and budget for the overall initiative. Phase One was carried out in coordination with local Stakeholders. Phase Two will implement the scope of work developed in Phase One with similar levels of stakeholder coordination, participation, and agreement.
4. The Project leverages substantial resources from a variety of Stakeholders. The following cities, counties and agencies have agreed to participate in Phase Two of the Little Blue River Feasibility Study:
  - Cities of Grandview, Independence, Kansas City, Lee’s Summit and Raytown in Missouri
  - Jackson County, Missouri,
  - Mid-America Regional Council, and
  - United States Army Corps of Engineers, Kansas City District.
5. The Stakeholders requested that MARC serve as the official “Non-Federal Sponsor” to enter into an agreement with the Corps to conduct the study. MARC will coordinate and facilitate Stakeholder support, participation, and contributions to the upcoming study. Further, MARC will help assure that the Stakeholders’ needs are addressed during the study, including but not limited to the following:

- Long-term viability of federal infrastructure investments
- Reliable flood protection along the Little Blue River and its tributaries
- Stable tributary channels, riverbanks and bed elevation, and
- Natural habitat and ecosystem protection and restoration.

**PURPOSE:** Jackson County, Missouri is interested in participating in the implementation of the Project Management Plan developed during Phase One of the Little Blue River Feasibility Study (“Project”).

**PROJECT COST** Total project costs, along with costs for Phases One and Two are shown for all participating communities in Attachment A.

For Jackson County, the total project cost for Phases One and Two is 253,913. The County previously contributed the amount of \$9,469 for its share of Phase One of the Study. The cost for Phase Two for Jackson County is \$244,444, subject to Jackson County Legislative approval and appropriation.

The overall project budget of \$3,000,000 is shown in Attachment B.

- USACE – Implementation of the Project in partnership with participating communities - \$3,000,000, of which one-half will be paid with federal resources and one-half will be paid by participating communities.
- MARC – Phase Two Management, Facilitation and Administration Cost - \$70,000.

**EFFECTIVE** The parties mutually agree to Articles I, II, and III in accordance with this Agreement from the 1st day of September 2022 until the 29th day of September 2025. This agreement may be renewed thereafter to provide continued funding for the Project as mutually determined by the Corps and Stakeholders.

## **ARTICLE I**

### **Jackson County, Missouri AGREES:**

1. To fund their portion of the Project for Phase Two for an amount not to exceed a total of \$244,444, with payment on or before March 1, 2023, subject to appropriation in the 2023 Fiscal Year Budget by the Jackson County Legislature.
2. To work with other partner agencies to identify \$57,011 of in-kind contributions to this project.
3. To provide MARC at least sixty (60) day notice of its intent to no longer participate in the Project.

## **ARTICLE II**

### **MARC AGREES:**

1. To provide project management and stakeholder facilitation.
2. To contract with the Corps to implement the project program plan (see Attachment C). The Corps will contribute \$1,475,000 in federal funds to the project in Phase Two.
3. MARC will collect funds from the County, subject to Legislative appropriation and other stakeholders, and disburse \$1,327,989 in funds to the Corps.
4. MARC will retain \$70,000 to administer and facilitate the project.

### **ARTICLE III**

#### **BOTH PARTIES MUTUALLY AGREE:**

1. That this Agreement and all contracts entered into under provisions of this Agreement shall be binding upon the City and MARC; and
2. That no third-party beneficiaries are intended to be created by this Agreement, nor do the parties herein authorize anyone not a party to this Agreement to maintain a suit for damages pursuant to the terms or provisions of this Agreement.

**IN WITNESS WHEREOF:** the parties hereto have caused this Agreement to be signed by their authorized officers on the day and year first above written.

Mid-America Regional Council

Jackson County, Missouri

David Warm  
Executive Director

Frank White, Jr.  
County Executive

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Date

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Date

**Attachment A: Budget schedule for local government contributions**

Community	Phase One Contribution (\$)	Phase Two Contribution (\$)	Work in-kind (\$)	Total Contribution (\$)
Blue Springs	2,596		TBD	2,596
Grandview	2,913	75,188	TBD	78,101
Independence	13,333	344,162	TBD	357,495
Kansas City, MO	11,009	284,198	TBD	295,208
Jackson County	9,469	244,444	TBD	253,913
Lee's Summit	2,000	344,998	TBD	346,998
Raytown	1,931	49,859	TBD	51,791

## **Attachment B. Total Project Budget\***

### Project Income

#### Local government contributions

Phase One	\$ 45,000
Phase Two	\$1,397,989
Local match, in-kind (TBD)	\$ 57,011
Total	\$1,500,000

#### Federal contribution

Phase One	\$ 25,000
Phase Two	\$1,475,000
Total	\$1,500,000

Total project income	\$3,000,000
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### Project expenses

#### Corps Phase One

Local contributions	\$ 25,000
Federal contributions	\$ 25,000
MARC Administrative/Management Expenses	\$ 20,000
Total Phase One	\$ 70,000

#### Corps Phase Two

Local contributions	\$1,327,989
Federal contributions	\$1,475,000
MARC Administrative/Management Expenses	\$ 70,000
Local in-kind match (TBD)	\$ 57,011

Total project expenses	\$3,000,000
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\*subject to appropriation



**Attachment C: Project Program Summary (attached)**



**US Army Corps  
of Engineers** ®  
Kansas City District

# Little Blue River Flood Risk Management Study

Authority: Resolution of the Senate Committee on Environment  
and Public Works for the Little Blue River Basin, Missouri, 108<sup>th</sup>  
Congress, 2<sup>nd</sup> Session, June 23, 2004.



*Local flooding along the Little Blue River  
(Grandview, Missouri)*

## Study Description:

Congress has authorized USACE NWK to conduct the Little Blue River Watershed General Investigation Study to analyze whether changing conditions within the basin are increasing flood risk. It has also authorized an analysis of where environmental restoration is desired and could be implemented. NWK-USACE will lead the participating communities in identifying challenges but also looking for opportunities to apply best management practices that will lower flood risk, restore ecosystem services, and promote sustainable development and other beneficial uses into the future. The result will be a recommended plan that will lead to Congressional authorization for construction under the Corps of Engineers General Investigations Program.

**Problem & Need:** Dramatic changes in basin conditions related to urbanization and other factors are causing increased frequency of flooding and rapid erosion that threatens the large federal investment and other significant public infrastructure, as well as the protected communities and installations. The flood of record was a ten-inch rainfall on August 12-13, 1982, which caused four fatalities and over \$30 million in damages. There have been four flood events in the last 24 years that have exceeded the 2 percent Annual Exceedance Probability (50-year) flood. If continued unchecked, the adverse effects of the transforming watershed will cause significant deterioration to the federal flood-protection projects, increasing damage to critical infrastructure, wildlife habitat, and public recreation investment. A comprehensive watershed study is required to unite the communities and agencies in the leveraging of resources for the protection of federal investments, infrastructure, habitat conservation, and storm water management allowing for increased economic benefits to the area.

**Study Partners:** Mid-America Regional Council, Jackson County, the City of Belton, the City of Blue Springs, the City of Grandview, the City of Independence, the City of Kansas City, Missouri, the City of Lee's Summit, the City of Raytown.

## **Financial Data**

Estimated Study Cost	\$3,000,000
Cost Share	50/50

## What the Study will do?

- The objective is to select a plan for USACE implementation that addresses flood risk management and ecosystem restoration. USACE criteria require that the national economic output must be greater than the cost to implement.
- Investigation or planning studies conducted by the Corps of Engineers are distinguished by the breadth and depth of technical analyses and modeling that is conducted to document existing conditions and to compare future without project conditions to future with project conditions for proposed implementation alternatives.

- The current study will assess the full scope of current conditions and, through modeling, develop planning assumptions for a 50-year time horizon that can be used to inform future decision making by political jurisdictions throughout the basin. The District will share the models developed through the study with the partners for their on-going use once the study is completed.
- More than fifty years have passed since the last USACE planning study. Following the 1966 study, municipalities and Jackson County discussed the creation of a coordination committee because there was a recognition of the need to collectively manage the watershed's benefits. This study will provide an opportunity for further collaboration among the municipalities and County.

### What the Study will not do?

- Completion of the study does not guarantee a construction authorization or funding for design and implementation. As noted above, recommendations must meet a strict economic cost to benefit ratio (BCR), which requires economic outputs (the monetary value of reduced flood risk) to be greater than project costs. Studies that result in a BCR below unity are typically not prioritized for future design and implementation funding.
- While the study will provide valuable insight into broader floodplain and watershed management issues, the study will not prescribe local actions. However, it should also be noted that certain USACE recommendations, if accepted, authorized, and appropriated, to require participating communities to adopt floodplain management plans.

### What will happen after the study is completed?

- Based on the final selected plan, recommendations in the plan that meet cost-benefit criteria would move on to design and implementation with additional Congressional authorization and appropriation of funding.
- Using existing authorities, the Corps can provide technical assistance to address issues relating to flood risk management, ecosystem restoration, recreation, streambank stabilization (contact Mr. John Lunn for additional information on standing authorities and other programs).
- By sharing the 50-year future with project assumptions and associated modeling, local governments will be equipped for making informed community-based decisions. They will also be equipped to work collectively to build a more resilient Little Blue River Watershed basin.
- When this study ends, communities and organizations within the basin will have a roadmap for future action.

## STUDY OBJECTIVES

Study analysis will include formulation and consideration of solutions that will address issues related to flood risk, ecosystem services, and other local and regional issues present within the watershed.

### Flood risk management

- Lowering of flood profiles/damages due to flooding

### Ecosystem restoration

- Habitat connectivity
- Reintroduction of wetland/aquatic habitat
- Address issue of erosion & sediment deposition

### Other ancillary benefits

- Life safety
- Environmental justice
- Recreation
- Water quality
- Quality of life