

City Planning and Development Department

Urban Redevelopment

16th Floor, City Hall 414 E. 12th Street Kansas City, Missouri 64106-2795

(816) 513-3002 Fax: (816) 513-2899

NARRATIVE INFORMATION SHEET

1. <u>Applicant Identification</u>: City of Kansas City, Missouri 414 E. 12th St., Kansas City, Missouri 64106

2. Funding Requested

a. Grant Type: RLF Coalition

b. Federal Funds Requested

- i. \$1,000,000 is requested.
- ii. No cost share waiver is requested.
- c. <u>Contamination</u>: \$771,425 hazardous substances and \$228,575 petroleum

3. <u>Location</u>

a. <u>Cities</u>: Unified Government of Wyandotte County/Kansas City, KS;

Kansas City, MO; Independence, MO; Raytown, MO; Lee's

Summit, MO; Grandview, MO; Blue Springs, MO; Lake

Lotawana, MO; Lone Jack, MO; Greenwood, MO; Pleasant Hill, MO; Oak Grove, MO; Unity Village, MO; Sugar Creek, MO; Sibley, MO; Buckner, MO; Levasy, MO; Grain Valley, MO; and

River Bend, MO.

b. Counties: Jackson County, MO and Unified Government of Wyandotte

County/Kansas City, KS.

c. States: Missouri and Kansas.

4. Contacts

a. Project Director:

Andrew Bracker
Brownfields Coordinator
Department of City Planning & Development
City of Kansas City, MO
414 E. 12th Street, 16th Floor
Kansas City, MO 64106

Phone: (816) 513-3002

Email: andrew.bracker@kcmo.org

b. Chief Executive/Highest Ranking Elected Official:

Mayor Quinton D. Lucas City of Kansas City, MO 414 E. 12th Street, 29th Floor Kansas City, MO 64106 Phone: (816) 513-3500

Email: quinton.lucas@kcmo.org

5. <u>Population</u>:

a. Unified Government of Wyandotte County/Kansas City, KS: 163,227

b. City of Kansas City, MO: 475,433

c. City of Grandview, MO (Jackson County, MO Priority Site): 25,226

6. Other Factors Checklist

Other Factors	Page #
Community population is 10,000 or less.	
The applicant is, or will assist, a federally recognized Indian tribe or United	
States territory.	
The priority brownfield site(s) is impacted by mine-scarred land.	
The priority site(s) is adjacent to a body of water (i.e., the border of the priority	
site(s) is contiguous or partially contiguous to the body of water, or would be	
contiguous or partially contiguous with a body of water but for a street, road, or	
other public thoroughfare separating them).	
The priority site(s) is in a federally designated flood plain.	
The reuse of the priority site(s) will facilitate renewable energy from wind,	
solar, or geothermal energy; or will incorporate energy measures.	
30% or more of the overall project budget will be spent on eligible reuse	
planning activities for priority brownfield site(s) within the target area.	

7. <u>Letter from State or Tribal Environmental Authority</u>

Letters from the Kansas Department of Health and Environment and the Missouri Department of Natural Resources are attached.

November 7, 2019

Mr. Andrew Bracker
Brownfields Coordinator
Department of City Planning and Development
City of Kansas City, Missouri
414 E. 12th Street, 16th Floor
Kansas City, MO 64109

RE: Small Business Liability Relief and Brownfields Revitalization Act

Environmental Protection Agency (EPA) Grants

Dear Mr. Bracker:

Please allow this letter to confirm acknowledgment by the Missouri Department of Natural Resources of the intention to apply to EPA for funding by a bi-state coalition lead by the City of Kansas City, Missouri as authorized under the above-referenced Act. I understand that the coalition includes the County of Jackson, Missouri, the Unified Government of Wyandotte County /Kansas City, Kansas along with the City of Kansas City, Missouri. I further understand and acknowledge that, if successful in its grant application, the City of Kansas City, Missouri or any of its constituent agencies or agents intends to utilize such funds for eligible purposes pursuant to the above-referenced Act.

The City of Kansas City, Missouri, as the lead agency in the bi-state coalition, is applying for a \$1,000,000 Brownfields Revolving Loan Fund (RLF) grant. The coalition intends to conduct Brownfields RLF activities in the bi-state area served by the member entities.

We expect the City of Kansas City's Coalition, to enroll the Missouri site(s) in the Brownfields/Voluntary Cleanup Program (BVCP), and receive the benefits of the program. Of course, we require that each site enroll separately in the BVCP. Nothing in this letter should be construed as automatic acceptance of the sites; standard enrollment procedures still apply.

Sincerely,

ENVIRONMENTAL REMEDIATION PROGRAM

Scott Huckstep, Chief

Brownfields/Voluntary Cleanup Section

SH: jj



Division of Environment Curtis State Office Building 1000 SW Jackson St., Suite 400 Topeka, KS 66612-1367



Phone: 785-296-1535 Fax: 785-559-4264 www.kdheks.gov

Lee A. Norman, M.D., Secretary

Laura Kelly, Governor

November 18, 2019

The Honorable Mayor Lucas City of Kansas City, Missouri 414 E. 12th Street, 29th Floor Kansas City, Missouri 64106

Re: Letter of Support, Mid-America Regional Council, Application for EPA Brownfields Coalition Revolving Loan Fund Grant FY2020

Dear Mayor Lucas:

The Kansas Department of Health and Environment (KDHE) Kansas Brownfields Program (KBP) extends its services and expertise to the City of Kansas City, MO in support of their application for the 2020 Brownfields Coalition Revolving Loan Fund Grant. We understand that the Coalition includes the Unified Government of Wyandotte County/Kansas City, Kansas, and Jackson County Missouri.

The identified brownfield property in Kansas is located on Quindaro Boulevard and is proposed for a muchneeded grocery store and coop community garden. A Revolving Loan Fund Grant could increase healthy food options for the community. KDHE acknowledges it is often difficult for smaller communities to allocate funds to conduct clean up prior to the property's redevelopment. KDHE will continue to support the Unified Government (UG), as a Coalition Member with redevelopment efforts through providing technical assistance at no cost to the regional council and the UG and surrounding communities.

Receiving the Brownfields Coalition RLF Grant would be an invaluable opportunity for the City of Kansas City, MO to promote positive change within and around the community through revitalization and redevelopment of brownfield properties. KDHE fully supports this grant application. In the event that the City is awarded the Brownfields Coalition RLF Grant, KDHE looks forward to continuing the development of strong working partnerships with City of Kansas City, MO. If you have any questions, please contact me via telephone at 785.296.5519 or by e-mail at seth.mettling@ks.gov.

Sincerely,

Seth Mettling

Brownfields Coordinator

Bureau of Environmental Remediation

Kansas Department of Health and Environment

1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION

a. Target Area and Brownfields

i. Background and Description of Target Areas

The Kansas City Regional Brownfields Coalition is located at the confluence of the Kansas and Missouri rivers. In Kansas, the Coalition includes the Unified Government of Wyandotte County/Kansas City, KS ("KCK"). In Missouri, the Coalition members are Kansas City, MO ("KCMO") and Jackson County, which includes most of urban KCMO and seventeen smaller cities and unincorporated areas. Beginning in the mid-19th century, a riverboat landing and frontier trail outpost were established here. Southern slaves crossing the border to freedom in Kansas on the Underground Railroad settled in Quindaro, later part of UG. After the Civil War, the first train bridge over the Missouri river sparked a rush of new investment in both states. The region became known for its stockyards, manufacturing and railroads. Floods in 1903 and 1951 pushed industry to surrounding areas. With no natural barriers, Kansas City's physical grid expanded rapidly and by 2010 it ranked first in the nation in per capita highway miles. The roads and rails that connected Kansas City to the world also divided and environmentally burdened its neighborhoods. New highways accelerated "white flight," concentrated minorities, and drained business away from older commercial corridors, leaving behind dozens of gas stations, drycleaners and empty store fronts. With little resources, education or mobility, many residents are literally trapped in poverty, unable to fully access the region's many opportunities.

The **KCMO Target Area** includes two of the largest older commercial corridors, Prospect Avenue (north-south) and Independence Avenue (east-west), which intersect in a "T" shape through the urban core. These corridors include 22 Opportunity Zones and contain hundreds of historic automotive and drycleaner brownfields. Prospect Ave. runs through the heart of the African-American community and \$150 million of recent investment has only started to redress the effects of decades of segregation. Independence Ave. serves one of the region's most culturally and racially diverse areas. Burdened by 70 years of plant closures and highway construction, renewal is underway through a \$30 million HUD Choice Neighborhood Initiative (CNI) project and preparations for a bus rapid transit line. However, dozens of brownfields lie in the path of revitalization.

The **Jackson County, MO Target Area** is a part of the county outside KCMO that includes the Blue River industrial districts and the older parts of several cities that supplied its workers, such as Independence, Sugar Creek, Grandview, Raytown, and Lee's Summit. Here automotive, steel, petroleum refining, wood treatment and other manufacturing peaked at nearly 150,000 jobs in the 1950s. Plant closures from the 1970s onward devastated these communities and left behind dozens of industrial brownfields. The Target Area suffered decades of high unemployment and loss of population. These communities were historically blue-collar, middle-class and less diverse than their urban core neighbors, but have seen rising minority populations and poverty in the last 5-10 years.

The **KCK Target Area** includes the northeast neighborhoods that border Quindaro Boulevard. In addition to dozens of historic automotive and drycleaner brownfields, it includes the former sites of two refineries and over a dozen bulk oil storage facilities. Several racial and ethnic minorities make up a majority of the population. Between 2000 and 2010, the number of households decreased by 13%, due to white flight. Unemployment is 17.5% and the poverty rate is 42.8%. The violent crime rate is 3.31 times that of KCK and residents are also impacted by some of the worst health outcomes in Kansas. Since the 1970s, many homes have been abandoned and demolished. The area includes the Quindaro National Commemorative Site, a historic stop on the Underground Railroad. Residents value their heritage, but lack access to grocery stores, health clinics and other basic services.

ii. Description of the Priority Brownfield Site(s)

In the KCMO Target Area, the old commercial corridors contain hundreds of brownfields, including historic gas stations, drycleaners and other businesses (printers, hardware stores, etc.) The USTs are contaminated with petroleum and some drycleaners are impacted by perchloroethylene, trichloroethylene and related hydrocarbons. Prospect Corridor, for example, contains forty-seven (47) underground storage tank (UST) sites and eighteen (18) former drycleaners. Residents live close to its many UST sites and Missouri Department of Natural Resources (MDNR) has investigated multiple complaints of petroleum odors. The Chouteau Courts Priority Site, located near Downtown at the west end of Independence Ave., is a vacant 140 unit public housing site. Prior to 1958, the site was a deep ravine known as "Belvedere Hollow," a poor community of improvised housing and cottage industries. The site was razed and filled for construction of an adjacent highway interchange. The fill caused chronic structural problems in the housing units and preliminary assessment has identified elevated levels of lead, arsenic and polycyclic aromatic hydrocarbons (PAHs). The redevelopment of this site is identified as a priority by the Paseo Gateway Community Transformation Plan and a \$30 million HUD Choice Neighborhoods grant in 2015. Located on 15 acres overlooking downtown highways, the site is combined with Belvedere Park, an isolated and underused amenity. The site has good reuse potential due to its proximity to the Paseo Gateway intersection with Independence Ave. which is anticipated to begin a \$13 million reconstruction in early 2020. An upcoming Technical Assistance Panel funded by the Urban Land Institute will create a redevelopment strategy for the project area.

In the **Jackson County Target Area**, heavy industrial brownfield properties are located throughout the Blue River, including the former 100 acre Kerr-McGee wood products treatment plant at 2300 Oakland, and the former 900 acre Armco Steel plant to the north near the mouth of the Blue River on the Missouri River. Automotive and light-industrial brownfields are common in the older cities. For example, a 2007 brownfields survey of Independence, MO identified 188 potential brownfield properties. The **Grandview Priority Site**, located at 519 Blue Ridge Boulevard, was a commercial concrete mixing and aggregate storage site. An on-site power facility with older transformers may contain PCBs. A recent fire destroyed a two-story office building that may contain asbestos. The site is a priority for the community because: (1) a portion of it will be used for a critical railroad overpass improvement project that will re-connect an environmental justice community that has been separated by the railroad line; (2) the property is blighted will likely remain idle unless investigated and cleaned up; and (3) it has good reuse potential due to its immediate access to both the railroad and Highway I-49.

In the **KCK Target Area**, a recent area-wide survey of potential brownfields identified 2 petroleum refineries, 16 bulk oil storage plants, 48 historic gas stations, 33 former automotive sites, 15 historic drycleaners, and 30 other commercial businesses (paint shops, printers, etc.) The **Northeast Grocery Priority Site** centers on a 0.18 acre property with an approximately 7800 square foot commercial structure located at 1726 Quindaro Blvd. According to local residents, former uses include a furniture store, grocery, and hardware store. Potential contaminants include solvents, stains, paints, pesticides and herbicides in the soil and/or groundwater, and asbestos and lead-based paint in the building. The structure is currently vacant. The site includes Project RALLY, an approximately 0.44 acre urban farm immediately to the west. The project may grow to include many nearby vacant properties owned by Wyandotte County Land Bank. The site is a priority because: 1) it will introduce affordable, healthy foods in a food desert, high-diabetes community, 2) it will help stabilize part of an important and historic commercial corridor and attract infill housing to the surrounding neighborhoods, and 3) the project was identified by residents as one of three early actions in the Northeast Area Master Plan (November 2018).

b. Revitalization of the Target Area

¹ USTFields Feasibility Study, Kansas City, MO (MDNR, 2003).

² Drycleaner Survey – 3rd & 5th Council Districts, Kansas City, MO (PSI, June 2004).

i. Reuse Strategy and Alignment with Revitalization Plans

In KCMO, the reuse strategy for the Chouteau Courts Priority Site is for the Housing Authority of Kansas City (HAKC) as site owner to demolish the former housing units and participate in a Technical Assistance Panel through the Urban Land Institute (ULI) to develop recommendations for reuse (scheduled April 2020). The TAP will bring together planning and design professionals with public/private stakeholders to produce findings and recommendations regarding market demand; improved connections to Downtown KCMO; and anticipated improvements to nearby Paseo Gateway intersection. Guided by the TAP, KCMO and HAKC will complete site remediation and solicit proposals for reuse consistent with the Choice Neighborhoods Transformation Plan (2013) and its priorities of safety, economic development and public transportation.

In Jackson County, the reuse strategy for **the Grandview Priority Site** is for the City of Grandview to acquire the property from Jackson County Land Trust; complete assessment and remediation of the land and structures; construct improvements to the railroad overpass, including elimination of the narrowing of Blue Ridge Blvd. from four to two lanes and adding pedestrian and non-motorized access; prepare a site reuse plan and market analysis with community input (using Coalition funds); and solicit proposals for a developer. The project is consistent with the goal of the **I-49/US-71 Sustainable Redevelopment Corridor Plan** to redevelop areas along I-49/US71 into "walkable, livable, interconnected centers" and to reconnect and revitalize Grandview neighborhoods divided by the interstate highway/rail corridor.

In KCK, the reuse strategy for **the Northeast Grocery Priority Site** is to leverage a USDA Local Food Promotion Program grant to implement a community-based planning process for the development of a local grocery cooperative. This will include development of a training and process manual, feasibility assessment, development plan, and business plan. The project will also leverage a USDA Community Food Projects grant to study and improve the whole local food system to enhance food security in the community. Finally, the strategy includes infrastructure improvements to streets, curbs and sidewalks, and working with economic development partners to attract investment and developer interest. This strategy aligns with the **Northeast Area Master Plan's** focus on food-related uses and a food-based economy.

ii. Outcomes and Benefits of Reuse Strategy

In KCMO, the Chouteau Courts Priority Site is located in the Opportunity Zone for MO Census Tract 015400 and will stimulate economic investment there by introducing new retail, commercial and/or housing in an underserved market next to a university, downtown businesses, and diverse neighborhoods. It will also leverage greenspace enhancements to the nearby Paseo Gateway. In Jackson County, the Grandview Priority Site is located adjacent to the Opportunity Zone for MO Census Tract 013401. The project has the potential to create jobs and businesses in the zone by improving access to isolated areas and relieving congestion caused by the railroad that divides the community. In KCK, the Northeast Grocery Priority Site has potential to create jobs and economic activity by opening a new grocery store and attracting new home construction nearby. (One small homebuilder has already indicated interest.) It also has potential to generate economic activity in the Opportunity Zone for KS Census Tract 041800, located a 7 minute bus ride south of the project, by supplying locally-grown produce, health-conscious customers, and food-savvy employees for The Merc co+op, a new full-service grocery store scheduled to open in the downtown OZ in 2020. All new developments will comply energy efficiency code requirements, and the coalition will encourage the use renewable energy on each priority site.

c. Strategy for Leveraging Resources

i. Resources Needed for Site Reuse

For the **Chouteau Courts Priority Site**, it is anticipated that HAKC and KCMO will solicit proposals and select a developer responsible for assembling the majority of site reuse funding. In

addition, HAKC is eligible to seek HUD Community Development Block Grant (CDBG) funds for site redevelopment, and KCMO can use Capital Improvements sales tax funds to improve public infrastructure (curbs, sidewalks, sewers, etc.) KCMO is considering a chapter 353 district to abate property taxes for the project. In addition, the site will benefit from planned bus rapid transit service on Independence Ave. KCATA is currently exploring options to raise approximately \$60 million for design and construction. In KCK, **the Northeast Grocery Priority Site** will leverage training assistance from The Merc co+op on how to operate a co-op. PRIDE-KCK Black Firefighters will lease the building to the new grocery store. KCK will provide \$10,000 in local implementation funds for the Northeast Area Master Plan. Wyandotte County Land Bank will reserve land for Project RALLY, an urban farm adjacent to the grocery store. In Jackson County, **the Grandview Priority Site** will leverage \$7.5 million of city, federal and railroad funds in improvements to the railroad overpass. Environmental assessments needed to develop cleanup plans for all priority sites will be funded by KCMO brownfield assessment grants or EPA Targeted Brownfield Assessments (TBA) will be sought.

ii. Use of Existing Infrastructure

In KCMO, the Chouteau Courts Priority Site will reuse existing Independence Ave. road, curbs, sidewalks, sewer, water, mass transit, public broadband, and will reuse a former public park that had been underutilized due to its isolated location. Once the planned reuse is known, repairs and upgrades to existing utilities will be identified. In KCK, the Northeast Grocery Priority Site will also reuse road, curbs, sidewalks, sewer, water, and mass transit. To the extent it stimulates new in-fill housing, repairs and upgrades to water and sewer will be required to support new homes. In Jackson County, the Grandview Priority Site will reuse Blue Ridge Blvd., curbs, water, sewer, mass transit, reconstruct and widen the railroad overpass, and make \$15 million in additional safety improvements to I-49 frontage roads.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT

a. Community Need

i. The Community's Need for Funding

In the KCMO Target Area, 77.4% of households are low income and the poverty rate is 37.9%.³ In the KCK Target Area, 82.8% are low income and 42.8% in poverty, and in the Jackson County Target Area, 59.8% are low income and 19.4% in poverty. In comparison, the national poverty rate is 14.6%.⁴ These disadvantaged communities are unable to identify other funds to cleanup their brownfield sites. In addition, due to the large number of brownfields and the low tax revenues collected from these poor areas, the coalition members also lack funds to cleanup these properties. Finally, because KCK and Jackson County lack the staff resources to manage an RLF, the grant will provide access to cleanup funds that these coalition members otherwise would not have.

ii. Threats to Sensitive Populations

(1) Health or Welfare of Sensitive Populations

Sensitive populations of pregnant women and young children in all target areas face the serious health risk of **lead** from old house paint, and in surface soils near highways and industrial sources. Lead exposure to young and unborn children permanently damages the central nervous system and causes health and developmental problems. According to the KCMO Health Department, the highest child blood lead levels are found in the city's most disadvantaged zip codes that closely track the KCMO Target Area. In KCK, children under 6 years are up to 10 times more likely to have elevated blood lead levels, compared to wealthier Johnson County, and up to 5 times more likely than the

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³ "Low Income" is defined by HUD as 80% or less of the median income of the county or metropolitan area. https://www.hud.gov/topics/rental assistance/phprog.

⁴ 2013-2017 American Community Survey 5-Year Estimates.

national average.⁵ The lead risk is widespread because 79 to 93% of housing in the Target Areas is pre-1970. Studies have linked lead in children to IQ deficits and poor school performance. Possible evidence can be seen in the fact that 61 to 68% of adults in the Target Areas have no college experience. Studies also link lead in children to violent behavior later in life, increasing the risk of being arrested as a young adult by 50%. The KCMO Health Department noted that the city's highest felony rates occur in the same areas with the highest childhood blood lead levels.

Asthma is another serious risk for children, poor, elderly and minorities. In KCK, hospitals admitted asthma patients more than twice as often as those in Johnson County. According to KCMO Health Department, from 2006 to 2015 the rate of ER visits for African-American children with asthma was 11 times that of whites. A recent study concluded that African Americans have a 2.5-fold greater risk of getting asthma. ⁹ Asthma triggers in the Target Areas include dust and mold in older housing and an abundance of vacant lots. This grant will address and reduce these threats by helping: 1) develop healthy homes and cleanup unsafe housing; 2) reuse vacant lots; and, 3) educate residents about lead and asthma risks and how to reduce them in partnership with local health departments.

(2) Greater Than Normal Incidence of Disease and Adverse Health Conditions In KCK the incidence of diabetes is 81% higher, and the mortality rate among blacks is nearly **4x higher,** than in adjacent Johnson County. ¹⁰ Diabetes, a treatable disease, is the 6th leading cause of death in KCK, due mostly to residents' limited access to healthy foods, health clinics, health insurance, and the high cost of treatment. ¹¹ Research has linked diabetes to environmental toxins, including arsenic, dioxins, PCBs and PAHs. ¹² Cancer rates are also higher in KCK, with mortality rates for some types (colon, breast, prostate) up to twice as high for African Americans as for whites. ¹³ In Jackson County, the incidence of all types of cancer among African Americans was 7% higher than for whites. 14 Gas stations, garages, drycleaners and other businesses in the Target Areas handled **petroleum** products and solvents, such as perchloroethylene (PCE) and benzene, both carcinogens. Friable asbestos in insulation and floor tile in older buildings increases the risk of lung cancer. Diesel and other hazardous air pollutants from nearby industrial districts and highways impact Target Area residents. The grant will help reduce these risks by: 1) cleaning up petroleum and solvent contamination; 2) removing asbestos in structures; and 3) educating residents about these risks and how to avoid them.

(3) Disproportionately Impacted Populations

Lifespans are shortened in some KCK target area zip codes by up to 20 years, and in KCMO target area zip codes by up to 15 years, compared to other metro zip codes. ¹⁵ All target areas rate in 90th to 99th state percentiles for all eleven EJ indices by the EPA EJ Screen on-line tool. The KCK and KCMO

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⁵ Kansas Statewide Blood Lead Surveillance Report, July 2017; Centers for Disease Control and Prevention (CDC) National Childhood Blood Lead Surveillance Data: https://www.cdc.gov/nceh/lead/docs/CBLS-National-Table-Update-042619.xlsx.

⁶ Lead Exposure and Educational Proficiency, Amato et al., Univ. of Wisconsin, 2012.

⁷ "Association Of Prenatal And Childhood Blood Lead Concentrations With Criminal Arrests In Early Adulthood," Wright et al. Public Library of Science (PLOS) Medicine (2008).

⁸ Kansas Department of Health and Environment (KDHE) http://kic.kdheks.gov/.

⁹ How Race and Background Differs Asthma, Food Allergy Rates, MD Magazine, 03/04/18, Penberthy. ¹⁰ KDHE, http://kic.kdheks.gov/.

¹¹ Facts provided by Wyandotte County Health Department, Juliann VanLiew, <u>jvanliew@wycokck.org</u>.

¹² Is the Diabetes Epidemic Primarily Due to Toxins?, Integrative Medicine, J. Pizzorno, Aug. 2016. ¹³ Cancer data provided by Wyandotte County Health Dept., Jessica Keane (<u>jkeane@wycokck.org</u>).

¹⁴ CDC, State Cancer Profiles (https://statecancerprofiles.cancer.gov/incidencerates)

¹⁵ KCMO Community Health Assessment, 2016, Source: ACS 2011-2015 5-Year Estimates; WyCo Health Department.

target areas rate worst in proximity to hazardous waste facilities and Diesel PM, and the Jackson County target area rates worst in traffic proximity. The coalition will partner with EPA Region 7 to educate stakeholders about environmental justice, and highlight local health data and environmental threats. The Coalition will redress these disparities by remediating priority sites and facilitating reuse planning.

b. Community Engagement

i. Project Partners & ii. Project Partner Roles

Kansas City Area Transportation Authority (KCATA) is a regional transit agency serving all Coalition members and priority sites with bus service, and KCMO with bus rapid transit and streetcar lines. It also is an owner/developer in several transit-oriented development (TOD) brownfield projects, a coordinator of federal and state development incentives, and a workforce connector to area employers and cities (including Grandview). KCATA will fill all these roles as a community partner. The Housing Authority of Kansas City, MO (HAKC) is a state authorized public housing authority serving KCMO. As owner of the **Chouteau Courts Priority Site**, it is demolishing and environmentally assessing the site for redevelopment. HAKC will provide the coalition access to the site and its housing development expertise. Paseo West Neighborhood Association represents the institutional, light industrial and residential members of its downtown community and will provide meeting space and community input. Brinshore Development, LLC, will contribute its expertise as a private developer.

In KCK, the Historic Northeast-Midtown Association (HNMA) is a Neighborhood Business Revitalization Organization serving UG neighborhoods. It is helping supervise the **Northeast Grocery** co-op project, inform and engage residents, secure resources, convene partners, and develop a site reuse plan. PRIDE-KCK Firefighters is the Kansas City, KS chapter of the International Association of Black Professional Firefighters. As owner of the **Northeast Grocery Priority Site**, it will lease its building to the Co-op. Project RALLY is an unincorporated association operating a "free-harvest" community garden next to the grocery site. It is raising funds to build and operate an aquaponics greenhouse on the site to support its mission to teach and promote healthy foods in KCK.

The City of Grandview (pop. 25,226) is an incorporated municipality in Jackson County, MO. It is partnering with the coalition to reconnect and revitalize neighborhoods divided by the KCS railroad and I-49 corridor by acquiring and redeveloping the **Grandview Priority Site**. The Grandview Chamber of Commerce informs and engages residents in civic issues and events, in addition to promoting the welfare of the local business community. The Chamber will provide community input, meeting facilities, and coordinate with members on infrastructure and area plans.

Key community partners are listed below.

Name	Point of contact (name, email &	Specific role in the project	
Kansas City Area	Brien Starner, <u>bstarner@kcata.org</u> ,	Public transit; TOD developer; site	
Transportation Authority	816-346-0828	owner.	
Housing Association of	John Monroe, jmonroe@hakc.org,	Site owner; HUD Choice	
Kansas City	816-968-4288	Neighborhood Grant lead.	
Paseo West Neighborhood	Evelyn Craig, evie@	Meeting host, community input,	
Association	theartsasylum.org, (816) 301-7444	advisory committee	
Former Chouteau Courts	Gerald Douglas, gdouglas@	Community input	
Residents	hakc.org, (816) 968-4226	Community input	
Brinshore Development,	Todd Lieberman, toddl@	Private developer consultant;	
LLC	<u>brinshore.com</u> , (816) 444-0760	advisory committee	
	Rachel Jefferson, rjefferson@	Meeting host, community input	
Neighborhood Alliance	northeastkck.org, (913) 206-0047	Wiceting nost, community input	
P.R.I.D.E. KCK Firefighters	Terrance Henderson,	Site Owner, developer	
1 .K.I.D.L. KCK Flictighters	pt4myego@aol.com (913) 321-2733	Site Owner, developer	
Project Rally	Terrell Dyer, projectrallysolutions@	Produce Grower, educator	

gmail.com, (913) 961-6562	
1 /	Infrastructure development; site purchaser; community developer
	Meeting host, community liaison and local business advocate.

Partners in the Chouteau Courts Priority Site will be invited to help develop a site reuse plan to build on the TAP recommendations. Partners in the Northeast Grocery Priority Site will be involved in creating the new Co-op organization, and renovating the former hardware store, through continuing HNMA meetings and implementation of the USDA grants. The Grandview Chamber of Commerce and the City of Grandview will develop a site reuse plan for the **Grandview Priority Site**. In addition, all stakeholders will be invited to learn about, and provide input on, proposed cleanup plans and RLF subawards through public meetings of the Kansas City Brownfields Initiative (KCBI), a regional stakeholder forum for over 20 years. Input shared at KCBI meetings will be presented to the Kansas City Regional Brownfields Commission when considering RLF subawards. (See Section 4.a.i.) Community representatives, selected by coalition members, will have a vote on the Commission. Stakeholder input also will be welcomed at Commission meetings. Finally, loans and subgrants recommended by the Commission will go to the KCMO City Council for final approval, with more opportunities for community input. Each coalition member will be effectively engaged and informed through the KCBI and Brownfield Commission meetings. Coalition members will invite key community partners to meetings, and advise KCMO on translation needs and best outreach methods (social media, newsletters, etc.) for their communities. Finally, special meetings will be scheduled at convenient times and locations near affected communities to coincide with project decision points.

ii. Incorporating Community Input

The coalition will hold quarterly KCBI meetings to update progress on current brownfield projects and solicit input. Stakeholders will also be informed by meeting advertisements and e-mail distribution of notices, agendas, minutes, and relevant news. Ads will be placed in local English and Spanish publications circulated in the Target Areas. Input will be consistently encouraged in notices at key points in the brownfield cleanup process and reuse, including comments on the ABCA as well as providing an Administrative Record in locations easily accessible to local residents. Concerns, complaints, support, questions and other input will be responded to and considered in making coalition subaward and cleanup decisions. If input concerns non-brownfield issues, relevant local government departments will follow up to ensure an appropriate response.

3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS

a. Program Description and Marketing Strategy

i. Program Management

The program will be managed by the KCMO Brownfields Coordinator, a city employee experienced in RLF management, assisted by a development specialist and a grants manager in the Finance Department. (See Section 4.a.ii.) The EDC Loan Corporation, part of the Economic Development Corporation of Kansas City, MO, will serve as the Fund Manager to service loans, perform bookkeeping, and market the RLF program. A Qualified Environmental Professional (QEP) will provide technical support to review plans and cleanup work. Recipients of RLF subawards will be selected by the Kanas City Regional Brownfields Commission (See Section 4.a.i.). Loans will be structured to favor short terms (1 to 3 years) as "bridge" funding for cleanups in vulnerable communities. Loans will start at \$25,000 for tank removals, asbestos abatements, etc. and go up to \$400,000 to leverage large—scale public/private investments. Rates start at 3%, but can go lower to incentivize gap financing or higher for longer amortizations. Subgrants of up to \$195,000 will be issued if, in the judgement of the Commission, the assisted projects will substantially benefit disadvantaged communities.

ii. Revolution of the RLF Program

In accordance with guidelines developed for the existing Kansas City RLF, the Coalition RLF will follow prudent lending and subaward practices. KCMO will procure an experienced community lender to perform an independent, basic financial evaluation of each loan. The evaluations will examine each applicant's financial statements, audits, tax returns and other records to determine the relative likelihood that RLF funds will be repaid on-time with interest. The evaluation will also include appropriate collateral requirements, whether the proposed cleanup and reuse project appears financially feasible, and a general recommendation on the loan. In addition, each applicant must respond to general criteria that evaluate: 1) **Project Strength** (the perceived ability to complete the project, as measured by leadership, team members, experience, community support, and financial resources); 2) Protection of Human **Health and Environment** (cleanup feasibility, mitigation of significant health risks, environmental justice); 3) Public Benefits (job creation, affordable housing, public amenities, healthy foods); and 4) Financial Need. Applicants must also demonstrate how their projects are consistent with community plans and reuse existing infrastructure. For as long as program income exists, the Brownfields Coordinator will maintain and operate the RLF program, manage its activities, and submit data and reports to EPA. In addition, a grants management specialist in the KCMO Finance Department will record and track program income and ensure compliance with audit requirements.

iii. Marketing Strategy

Based on past success (see Section 4.b.i.(1)), RLF marketing will continue to cultivate relationships with public/private developers who appreciate the risks and benefits of reusing historic and urban properties, value development that is both profitable and equitable, and can manage complex financing structures. The KCMO brownfields program has operated for over 20 years and is locally well-known. The marketing strategy will leverage this goodwill by using fact sheets, success stories, webpages, social media, email notifications, and opportunities to cross-market through other brownfield grant programs. For example, when assessments reveal a cleanup need, project leaders will be informed of the availability and requirements of RLF loans and given specific advice on how to apply. KCMO also routinely markets the RLF program in response to public inquiries, at KCBI meetings and in emails to diverse stakeholders.

b. Description of Tasks and Activities

Task 1: Program Management

i. Program Implementation

- EPA-funded activities for the priority sites(s):
 - 1. Finalize and execute Memorandum of Agreement (MOA); create and maintain Kansas City Regional Brownfields Commission to consider RLF loan/subgrant applications.
 - 2. Prepare and submit RLF progress, financial, and MBE/WBE reports; create and update ACRES database profiles.
 - 3. Ensure compliance with grant terms and conditions; track outputs/outcomes.
 - 4. Coalition representatives to attend national brownfields training conferences to update RLF best practices and attract developer/OZ investor interest in RLF project sites.
- EPA-funded activities for the non-priority sites(s): Same.
- Non-EPA grant resources needed to carry out task/activity: KCMO staff services necessary to perform this task may exceed charges to EPA grant (not counted as cost share).
- **ii. Anticipated Project Schedule:** In 1st 30 days, execute MOA. By 2nd quarter, Commission created, first quarterly report and ACRES profile submitted. By 4th quarter, 1st MBE/WBE report submitted. By 1st quarter, Year 2, first training conference attended. All activities continue to project end.
- iii. Task/Activity Lead(s): KCMO, as lead agency, is lead on all Task 1 activities.
- **iv. Output(s):** Executed MOA; 20 quarterly progress reports; 10 semi-annual MBE/WBE reports; five annual financial status reports; at least four ACRES property profiles.

Task 2: RLF Operations

i. Program Implementation

- EPA-funded activities for the priority sites(s):
 - 1. Execute Fund Manager agreement to service loan repayments, perform bookkeeping, and market RLF program (see Section 3.a.iii.)
 - 2. Develop RLF marketing materials: brochures, fact sheets, webpages, and social media.
 - 3. Procure underwriting services to review proposed loans, borrowers and projects.
 - 4. Procure appraisals of RLF site properties for collateral purposes.
 - 5. Manage Fund: process applications, verify eligibilities, prepare agreements, close loans/subgrants, disburse funds, manage program income.
 - 6. Execute loan and subgrant agreements; disburse funds.
- **EPA-funded activities for the non-priority sites(s):** Activities 3-6 for at least one non-priority site.
- Non-EPA grant resources needed to carry out task/activity: KCMO staff services necessary to perform this task may exceed charges to EPA grant (not counted as cost share).
- **ii. Anticipated Project Schedule:** By 2nd quarter, execute Fund Manager agreement and begin Fund Manager activities; develop marketing materials. By 3rd quarter, procure underwriter and appraiser, begin loan processing for Chouteau Courts site, close loan by end of Year 1. Grandview site loan closed by end of Year 2. Northeast Grocery Site subgrant closed by end of Year 3. Non-priority site loan/subgrant closed by end of Year 4.
- **iii.** Task/Activity Lead(s): KCMO is Task 2 lead with the following exceptions: EDC Loan Corp. leads RLF marketing in KCMO; Coalition members lead RLF marketing in their jurisdictions.
- **v. Output(s):** Fund Manager agreement executed; RLF materials completed; Underwriter and Appraisal contracts executed; four loan/subgrant agreements executed and closed.

Task 3: Cleanups & Reuse Planning

i. Program Implementation

- EPA-funded activities for the priority sites(s):
 - 1. Manage site cleanups through state voluntary cleanup program (VCP): enrollment, plan approval, oversight, completion certification, land use controls.
 - 2. Assist preparation of community involvement plans and administrative records.
 - 3. Conduct quarterly KCBI meetings to inform stakeholders and solicit input on loans/subgrants, and cleanup and reuse options.
 - 4. Procure Qualified Environmental Professional (QEP) to prepare analyses of brownfield cleanup alternatives (ABCAs) and cost estimates; review quality assurance project plans (QAPPs), cleanup plans, procurements, invoices, closeout reports, and operation & maintenance plans; conduct cleanup confirmation sampling; and oversee cleanup activities.
 - 5. Procure site reuse plan for Grandview site; site revitalization plan for Northeast Co-op site.
- **EPA-funded activities for the non-priority sites(s):** Cleanup at least one non-priority site through same activities 1-4.
- Non-EPA grant resources needed to carry out task/activity: KCMO staff services necessary to perform this task may exceed charges to EPA grant (not counted as cost share).
- **ii. Anticipated Project Schedule:** Enroll Chouteau Courts site in VCP by end of 1st quarter, complete cleanup by end of Year 2. Enroll Grandview and Northeast Co-op sites in VCP by end of Year 1, complete cleanups by end of Year 4. Start KCBI meetings 1st quarter, continue to end of grant. Procure QEP in 1st quarter. Enroll non-priority site in VCP in Year 3, complete cleanup by end of Year 5. Complete site reuse plan and site revitalization plan by 2nd quarter, Year 2.
- **iii.** Task/Activity Lead(s): KCMO is Task 3 lead, except that the QEP is lead for the technical work of Activity 4, subject to KCMO oversight.
- **iv. Output(s):** Four VCP completed cleanups; QEP Procurement; four community involvement plans and admin. records; 20 KCBI meetings; four ABCA/cleanup plan approvals; 2 site reuse plans.

c. Cost Estimates

Budget Table

		Program Tasks (\$)				
		Program			Total	
Budget Categories		Management	Operations	Reuse		
(HS)	Personnel	22,768	22,768	12,902	58,438	
	Fringe Benefits	9,107	9,107	5,161	23,375	
ses	Travel	4,650			4,650	
Direct Costs ous Substanc	Equipment				0	
CC	Supplies		1,200	237	1,437	
S _u	Contractual		17,000	95,500	112,500	
Dir	Other - Loans		400,000		400,000	
	Other - Subgrants		150,000		150,000	
Direct Costs Hazardous Substances	Other -Direct Costs (ads; VCP)			21,025	21,025	
H	Subtotal	36,525	600,075	134,825	771,425	
	Personnel	7,589	7,589	4,301	19,479	
	Fringe Benefits	3,036	3,036	1,720	7,792	
*	Travel	1,550			1,550	
Direct Costs Petroleum (P)*	Equipment				0	
Z II	Supplies		300	79	379	
ect	Contractual		4,250	25,250	29,500	
	Other - Loans		120,000		120,000	
~ ~	Other - Subgrants		45,000		45,000	
	Other -Direct Costs (ads)			4,875	4,875	
	Subtotal	12,175	180,175	36,225	228,575	
Total I	Direct Costs	48,700	780,250	171,050	1,000,000	
Indirec	et Costs					
Total]	Federal Funding	48,700	780,250	171,050	1,000,000	
Cost S			200,000		200,000	
Total]	Budget	48,700	980,250	171,050	1,200,000	

^{*} Hazardous Substances ("HS") and Petroleum ("P") costs are generally allocated on a 4:1 ratio.

Task 1, Program Management.

- Personnel: Brownfields Coordinator (MOA, Commission, grant compliance): 30hrs/qtr x 20qtrs x \$40.98/hr = \$24,588 (\$18,441 HS; \$6,147 P). Development Specialist (marketing materials, procurements): 15hrs/qtr x 20qtrs x \$19.23/hr = \$5,769 (\$4,327 HS; \$1,442 P). Total = \$22,768 HS; \$7,589 P.
- Fringe Benefits: 40% rate x Personnel = \$9,107 HS; \$3,036 P
- Travel: Brownfields training conference: 2 trips x 2 persons x (\$600 airfare + \$800 hotel + \$150 ground transport & per diem) = \$6,200 (\$4,650 HS; \$1,550 P).

Task 2, RLF Operations

- Personnel: Brownfields Coordinator (Manage contracts for Fund Manager, underwriting, appraisals): 30hrs/qtr x 20qtrs x \$40.98/hr = \$24,588 (\$18,441 HS; \$6,147 P). Development Specialist (draft grant reports, ACRES): 15hrs/qtr x 20qtrs x \$19.23/hr = \$5,769 (\$4,327 HS; \$1,442 P). Total = \$22,768 HS; \$7,589 P.
- Fringe Benefits: 40% rate x Personnel = \$9,107 HS; \$3,036 P
- Supplies: Production of RLF marketing materials (printing): 1,500 brochures/fact sheets

- x \$1.00/page = \$1,500 (\$1,200 HS; \$300 P).
- Contractual: Fund Manager services: 12.5hrs/qtr x 20qtrs x \$85/hr = \$21,250 (\$17,000 HS; \$4,250 P).
- Other: Loans: $2 \times \$200,000 = \$400,000 \text{ HS}$; 1 loan \$120,000 P.
- Other: Subgrant(s): \$150,000 HS; \$45,000 P
- Cost share (eligible cleanup expenses): 27.972% x loans = \$111,888 HS; \$33,566.4 P; 27.972% x subgrant = \$41,958 HS; \$12,587.4 P. Total cost share = \$200,000. 16

Task 3, Cleanups & Reuse Planning

- Personnel: Brownfields Coordinator (Manage cleanups, QEP, site plans): 20hrs/qtr x 17qtrs x \$40.98/hr = \$13,933 (\$10,450 HS; \$3,483 P). Development Specialist (public meetings, contracts) 10hrs/qtr x 17trs x \$19.23/hr = \$3,269 (\$2,452 HS; \$817 P). Total = \$12,902 HS; \$4,301 P.
- Fringe Benefits: 40% rate x Personnel = \$5,161 HS; \$1,720 P
- Supplies: \$316 poster boards, stickers, markers, name tags (\$237 HS; \$79 P)
- Contractual: Chouteau Courts Site reuse plan: 250hrs x \$100/hr + \$5,000 expenses = \$30,000 HS. Northeast Co-op site revitalization plan: 120hrs x \$100/hr + \$3,000 expenses = \$15,000 HS. QEP cleanup oversight: 450hrs x \$125/hr = \$56,250 (\$37,500 HS; \$18,750 P). Appraisals: 2 x \$4,000 = \$8,000 HS; 1 x \$4,000 P. Loan underwriting: 2 x \$2,500 = \$5,000 HS; 1 x \$2,500 P. Total = \$95,500 HS; \$25,250 P.
- Other: Meeting notices: 20 qtrs KCBI meetings + 10 Commission meetings = 30 ads x \$650 (English and Spanish publications) = \$19,500 (\$14,625 HS; \$4,875). VCP fees: 2 sites x \$3,200 fees = \$6,400 HS. Total = \$21,025 HS; \$4,875 P.

d. Measuring Environmental Results

The coalition will track progress in achieving project outputs, overall project results and eventual project outcomes. Progress on projects and outputs will be updated in a timely manner in the quarterly reports and in ACRES. Outputs will be evaluated annually by checking whether completed quantities are reasonable and proportional to the project goals for the 5 year period, with special attention given to key outputs (loans closed and cleanups completed.) Project outcomes, such as stimulating economic growth in opportunity zones, reducing environmental health risks, and improving access to healthy foods, will be evaluated with recognition that some may be achieved after the project period.

4. PROGRAMMATIC CAPABILITY AND PAST PERFORMANCE

a. Programmatic Capability

i. Organizational Structure

The coalition members have agreed in principle to the following terms of a Memorandum of Agreement (MOA). All grant funds and activities will be administered by KCMO as the lead agency. KCMO has administered numerous federal grants, including EPA brownfield grants, and has financial and administrative systems and procedures in place, and technical assistance at hand, to ensure timely and successful completion of the grant. The Kansas City Regional Brownfields Commission will be formed to represent coalition members. It will include members of an existing KCMO Brownfields Commission, consisting of citizens and professionals from relevant disciplines (business, environment, economic development) appointed by the KCMO Mayor to make recommendations to the City Council regarding brownfield applications. KCK and Jackson County will each appoint additional members. ¹⁷

¹⁶ In order to produce a total cost share equal to 20% of the RLF grant (\$200,000), borrowers and subgrantees will be required to provide cost share of approximately **27.972%** on each loan and subgrant.

¹⁷ Final MOA terms are subject to approval by the KCMO City Council.

Persons serving on the Commission cannot apply for RLF assistance or otherwise have a potential conflict of interest. The Commission will act by a simple majority, except when a decision would deprive any Coalition member of their equitable share of grant funds. Staff will review loan/subgrant applications for eligibility and consistency with codes and plans. Applications recommended by staff will be presented to the Commission in public meetings. If approved, a recommendation to fund the loan/subgrant will go to the KCMO City Council. Upon City Council approval by ordinance, KCMO will execute agreements with recipients, oversee cleanup activities, and disburse RLF funds for eligible remediation costs incurred.

ii. Description of Key Staff

The brownfields coordinator for Kansas City, Missouri, Andrew Bracker, will provide project management and program management services for the coalition. Mr. Bracker has 22 years of experience successfully managing \$12.3 million of EPA brownfield grants. In addition, KCMO will procure a qualified environmental professional (QEP) with strong experience providing technical assistance including design, procurement and oversight of environmental services. EDC Loan Corp. has served as Fund Manager since 2000 and will market the program and service loan repayments.

iii. Acquiring Additional Resources

KCMO will utilize its municipal procurement system to procure QEP, appraisal and loan underwriting services to support the program. A procurement officer in the KCMO General Services Department will manage the solicitations and a development specialist will administer the contracts. Fair share goals and good faith efforts to include disadvantaged businesses will be employed.

b. Past Performance and Accomplishments

i. Currently Has or Previously Received an EPA Brownfields Grant

Grant	EPA#	Budget	Spent	Obligated	Balance	Start	End	Progess
Coalition Assessment	BF-97741601	600,000	414,506	114,518	70,976	10/1/13	9/30/18	Yes
Coalition Assessment	BF-97750401	500,000	58,355	55,672	385,973	9/1/15	8/30/18	Yes
RLF	BF-97700901	2,225,108	1,225,046	329,762	670,300	5/1/09	9/30/21	Yes

(1) Accomplishments

Accomplishments of the Kansas City RLF Program are tracked by KCMO.

Successful RLF Cleanups (no further action letters)	Nine
Cleanup Funds Leveraged	\$839,181
Redevelopment Funds leveraged	\$35,086,192
Redevelopments Completed	Four
Acres cleaned up	100

Since 1996, KCMO brownfield grants have assessed 2,153 properties, assisted 159 redevelopment projects, helped create 1,416 new jobs and retain 1,766 jobs, helped cleanup 48 sites covering over 200 acres, stimulated over \$336 million in new investment, and helped other projects anticipated to leverage another \$1.14 billion.

(2) Compliance with Grant Requirements

To ensure effective oversight, KCMO routinely provides timely quarterly reports and maintains contact with federal grant managers to discuss workplan progress, scheduled activities and grant deliverables. Final reports and progress towards expected outputs and outcomes have been, and continue to be, satisfactorily reported for all three of the above federal grants, and the agreement terms and conditions are regularly met. In addition, KCMO will ensure compliance with federal grant terms and conditions, including requirements concerning MBE/WBE/DBA procurement and reporting, data quality, Davis-Bacon Act, quarterly and final progress reporting, subaward reporting, ACRES data management, and annual financial reporting.

THRESHOLD CRITERIA RESPONSE

1. Applicant Eligiblity

- a. Attachment 1 Affirmation of Coalition Members' Eligibility
- b. Attachment 2 Coalition member letter from Unified Government of Wyandotte County/Kansas City, Kansas.
- c. Attachment 3 Coalition member letter from Jackson County, Missouri.

2. <u>Description of Jurisdiction</u>

- a. Attachment 4 Description of the Jurisdiction of Kansas City, Missouri.
- 3. Oversight Structure and Legal Authority to Manage a Revolving Loan Fund
 - a. Attachment 5 Description of Cleanup Oversight
 - Attachment 6 Opinion of Legal Counsel for the City of Kansas City, Missouri
 - c. Attachment 7 Opinion of Legal Counsel for Jackson County, Missouri
 - d. Attachment 8 Opinion of Legal Counsel for the Unified Government of Wyandotte County/Kansas City, Kansas

4. Statutory Cost Share

a. Attachment 9 – Demonstration of Cost Share

Affirmation of Coalition Members' Eligibility

- **a.** <u>Coalition Member Kansas City.</u> The City of Kansas City, Missouri (Kansas City), as lead agency, is a general purpose unit of local government and thus is an eligible entity for a Brownfields assessment coalition grant.
- **b.** <u>Coalition Member Jackson County</u>. Jackson County, Missouri (Jackson County) is a general purpose unit of local government and thus is an eligible entity for a Brownfields assessment coalition grant.
- **c.** <u>Coalition Member Unified Government of Wyandotte County/Kansas City, KS</u>. The Unified Government of Wyandotte County/Kansas City, KS is a city-county consolidated government composed of two general purpose units of local government and thus is an eligible entity for a Brownfields assessment coalition grant.

Coalition Member Letter

Unified Government of Wyandotte County/Kansas City, Kansas



Unified Government of Wyandotte County/Kansas City, Kansas David Alvey, Mayor/CEO

November 20, 2019

Honorable Mayor Lucas City of Kansas City, Missouri 414 East 12th Street, 29th Floor Kansas City, Missouri 64106

RE: Brownfields Initiative FY2020: Kansas City Regional Brownfields Coalition Revolving Loan Fund Grant

Dear Mayor Lucas:

On behalf of the Unified Government of Wyandotte County/Kansas City, KS (UG), it is my pleasure to announce our intent to join as a member of the Kansas City Regional Brownfields Coalition Revolving Loan Fund Grant (RLF Coalition) to assist in remediation of brownfield properties in Wyandotte County/Kansas City, KS; Jackson County, MO; and the City of Kansas City, MO. The Coalition will work together to support redevelopment in the participating municipalities for the betterment of our community. I am eager to see this new initiative strengthen the UG's current Brownfield program. This is an appropriate platform for the continued spirit of cooperation in the region by focusing on the redevelopment opportunities within some of our shared Brownfield corridors.

The UG's current Brownfield program has been successful on many levels and this is due in part to the successful partnerships begun in 2009 with our first two EPA brownfields assessment grants for the Discovery Point Revitalization Area, and in 2013 with the OneKC Bi-State Brownfields Coalition. The Unified Government has identified needs for cleanup funds through its assessment grant activities and is now ready to participate in an RLF to address those needs. There are several projects in our community that could benefit from cleanup funds, including the former Whittier Elementary School and Carmel Estates.

I am proud of the redevelopment potential of the community represented in our proposed target area. The Quindaro Boulevard target area holds much pride and history for our community. Quindaro Townsite and Jersey Creek are important areas to the community. In this area, we have already been working at the grass roots level with the stakeholders including developing a Groundwork Trust. In addition, the area is adjacent to a designated Opportunity Zone, leading to amazing potential and synergy that is very exciting for our community.



Unified Government of Wyandotte County/Kansas City, Kansas

David Alvey, Mayor/CEO

Each Coalition member is truly representative of the fact that, like Kansas City, KS, we are all comprised of smaller communities, each with its own unique identity. However, these areas all share in the unfortunate trend of communities built around highly industrialized centers, including loss of population, lack of employment opportunities, and substandard housing options.

The UG is actively reinvesting in its community to reverse those trends. My new initiative, **From our Neighborhoods Up**, uses incremental steps to clean-up neighborhoods, build on vacant lots and improve services to keep established residents and attract new ones.

I understand the valuable role that the Brownfield cleanup grants play in the effort to redevelop our city. I can commit that the UG will continue those efforts, and look forward to working with EPA and our Coalition

Sincerely,

David Alvey Mayor/CEO

Coalition Member Letter

Jackson County, Missouri



November 27, 2019

Hon. Quinton Lucas, Mayor City Hall-Kansas City 414 E. 12th Street, 29th Floor Kansas City, MO 64106

RE: Kansas City Revolving Loan Fund Coalition

Dear Mayor Lucas,

On behalf of Jackson County, it is my pleasure to announce our participation with the City of Kansas City, Missouri and the Unified Government of Wyandotte County/Kansas City, Kansas in establishing the Kansas City Revolving Loan Fund Coalition to fund brownfield remediation projects throughout these jurisdictions. We are proud to support the submission of the attached proposal to the United States Environmental Protection Agency for a \$1,000,000 Revolving Loan Fund Grant.

Jackson County is excited about the opportunity to assist our smaller Jackson County Communities access funds to remediate brownfield sites in their communities. Through this grant, all Jackson County communities will have the potential to access funds that will allow for cleanup and redevelopment, while reducing the health risks associated with environmental contamination. The County recognizes the need for participating in this Coalition, as the many communities throughout the County have a wide range of exceptional redevelopment areas containing brownfield properties. We have a record of working together as unified communities within Jackson County, and in the Kansas City Regional Brownfields Coalition. We are proud to build upon these collaborative efforts.

We look forward to a bright future of partnership with Kansas City, MO, and the Unified Government of Wyandotte County and Kansas City, KS to reclaim and reuse our multitude of vacant and distressed properties for the mutual benefit of our regional economy and our citizens.

Sincerely,

QS 25-10

Frank White, Jr.

Jackson County Executive

Description of the Jurisdiction of Kansas City, Missouri

The City of Kansas City, Missouri is the largest city in area and population in Missouri and the 11th largest among United States cities not consolidated with counties. It encompasses an area of 319 square miles and parts of four counties: Cass, Clay, Jackson and Platte. It lies at the center of a 14-county metropolitan area. Although Jackson County covers a broader area and has more population, the City of Kansas City, Missouri has established program capacity to operate a brownfields revolving loan fund. Through cooperation with its coalition members, City of Kansas City, Missouri will ensure adequate performance of coalition members, borrowers and subgrantees, if necessary.

Description of Cleanup Oversight

Whenever possible, recipients of loans and subgrants from the Kansas City Regional Brownfields RLF Coalition will be required to enroll their sites into the voluntary cleanup program offered by the state in which their site is located. If the site is ineligible for the voluntary cleanup program because it is eligible for a tank insurance fund, then the site cleanup will be overseen by the state regulatory agency for underground storage tank cleanup and closure. If an appropriate state oversight program is unavailable, Kansas City, Missouri will consult with EPA to ensure that the relevant cleanup is protective of human health and the environment.

Opinion of Legal Counsel for the City of Kansas City, Missouri



Office of the City Attorney

28th Floor, City Hall 414 East 12th Street Kansas City, Missouri 64106

(816) 513-3129 Fax: (816) 513-2716

November 26, 2019

Mr. Andrew Bracker, Brownfields Coordinator City Planning and Development City of Kansas City, Missouri 414 E. 12th Street, 16th Floor Kansas City, MO 64106

RE: Brownfields Revolving Loan Fund Coalition grant application

Dear Mr. Bracker:

Pursuant to your request related to the Brownfields Revolving Loan Fund Coalition grant application you are preparing, this letter is to confirm that the City of Kansas City, Missouri (the "City") has the legal authority to:

- (1) access and secure sites within the City in the event of an emergency or default of a loan agreement or non-performance, and to administratively assist and programmatically support other Coalition jurisdictions through sub-grants, or other means and in their enforcement of loan agreements which may be in default within their respective jurisdictions; and
- (2) perform the actions necessary to manage a revolving loan fund, including the ability to hold funds, make loans, enter into loan agreements (including in collaboration with other Coalition jurisdictions loan provisions which will have the effect of assigning enforcement responsibilities to such jurisdiction in which the property is located), and collect and administer monetary repayments, with the understanding the collection through judicial or administrative on-site enforcement in other jurisdictions outside of the City will be the responsibility of the Coalition member in whose jurisdiction the defaulted loan has been made.

The City is a Missouri municipal charter corporation created under the authority of Article VI, Section 19 of the Constitution of the State of Missouri and has adopted a Charter under the same authority. Section 19(a) of the Constitution provides that:

Letter to Andrew Bracker, Brownfields Coordinator November 26, 2019 Page 2 of 3

Any city which adopts or has adopted a charter for its own government, shall have all powers which the general assembly of the state of Missouri has authority to confer upon any city, provided such powers are consistent with the constitution of this state and are not limited or denied either by the charter so adopted or by statute. Such a city shall, in addition to its home rule powers, have all powers conferred by law.

As such, the City has been granted broad powers by the State. In its own Charter, the City adopts similar powers. Article 1, Section 102 of the Charter states:

The City shall have all powers which the General Assembly of the State of Missouri has authority to confer upon any City, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this Charter or by statute. The City shall, in addition to its home rule powers, have all powers conferred by law.

More specific to your request, the Revised Statutes of Missouri Section 82.300 authorizes the City and other similar municipalities to:

enact all needful ordinances for preserving order, securing persons or property from violence, danger and destruction, protecting public and private property and for promoting the general interests and ensuring the good government of the city, and for the protection, regulation and orderly government of parks, public grounds and other public property of the city, both within and beyond the corporate limits of such city.

The City has enacted various ordinances to carry out these enumerated powers. For example, Chapters 18 and 56 of the City's Code give the Director of City Development and the Director of Neighborhood and Community Services, respectively, the powers to intervene at properties in cases of emergencies. Further, under Article XIII of Chapter 34 of the City's Code, the Director of Health may post property within the City that presents an immediate, clear and present danger to the health and environment (Section 34-512(a)), has the right to inspect such site (Section 34-514), and may enter on such property within the City to abate such hazardous condition, either directly, or indirectly through a contractor (Section 34-515(a)). Numerous departments, boards, commissions, and agencies, as well as several independent corporations, have been created for the purposes of assisting in exercising the authority and powers granted to the City. These entities are capable of and available to assist with managing the functions contemplated and required under this grant program.

Section 70.220.1 of the Revised Statutes of Missouri provides authority for the City to cooperate with other coalition members. It states in part that a municipality:

Letter to Andrew Bracker, Brownfields Coordinator November 26, 2019 Page 3 of 3

[M]ay contract and cooperate with any other municipality or political subdivision, or with an elective or appointive official thereof or with a duly authorized agency of the United States, or of this state, or with other states or their municipalities or political subdivisions, or with any private person, firm, association or corporation, for the planning, development, construction, acquisition or operation of any public improvement or facility, or for a common service; provided, that the subject and purposes of any such contract or cooperative action made and entered into by such municipality or political subdivision shall be within the scope of the powers of such municipality or political subdivision.

Further supporting the City's cooperative powers, Article 1, Section 103 of the City's Charter provides that the City has:

[T]he power to cooperate or join by contract or otherwise with other cities, with states or with the United States, or other governmental bodies, singly or jointly or in districts or associations for promoting or carrying out any of the powers of the city.

Therefore, it is the opinion of the Law Department that the City of Kansas City, Missouri has the power and authority required to apply for, agree to and effectively manage and operate a Brownfields Cleanup Revolving Loan Fund grant as described on page one, provided however, such operation does not include direct judicial or on-site enforcement by the City upon loans in default on property outside of the City's geographical jurisdiction, as within the jurisdiction of other Coalition governmental entities, such other entities will have the primary responsibility for direct judicial or on-site enforcement of defaulted loans within their respective geographical jurisdictions. The City is relying upon legal opinions issued by other Coalition jurisdictions as to their entity's authority to enter into the memorandum of understanding, that will specify that they will undertake or authorize enforcement activity within their jurisdiction.

Should you have any questions, or if you would like to discuss this further, please do not hesitate to contact me.

Sincerely,

Amelia McIntyre, Associate City Attorney

Opinion of Legal Counsel for the Unified Government of Wyandotte County/Kansas City, Kansas



LEGAL DEPARTMENT of the UNIFIED GOVERNMENT OF WYANDOTTE COUNTY/KANSAS CITY, KANSAS

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Jeffrey Conway
Kathryn M. Devlin
Edward James Bain

Prosecutors
Andrew K. Hall
Francis X. Altomare

November 20, 2019

Mayor Quinton Lucas City of Kansas City, Missouri City Hall, 29th Floor Kansas City, MO 64106

RE: Kansas City Regional Brownfields Coalition Revolving Loan Fund Grant

Dear Mayor Lucas:

With respect to the above referenced grant application, please be advised that it is the opinion of the Legal Department that the Unified Government of Wyandotte County/Kansas City, Kansas ("UG") has legal authority to:

(1) access and secure Brownfield sites located within Kansas City, Kansas, in the event of an emergency or default of a loan agreement or non-performance under a subgrant; and (2) perform the actions necessary to manage a revolving loan fund, including the ability to hold funds, make loans, enter into loan agreements, and collect repayments.

This authority is found in:

1. Article 12, section 5 of the Kansas Constitution, which grants broad home rule powers to cities;

[§ 5. Cities' powers of home rule

* * * * *

(b) Cities are hereby empowered to determine their local affairs and government including the levying of taxes, excises, fees, charges and other exactions except when and as the levying of any tax, excise, fee, charge or other exaction is limited or prohibited by enactment of the legislature applicable uniformly to all cities of the same class: Provided, That the legislature may establish not to exceed four classes of cities for the purpose of imposing all such limitations or prohibitions. Cities shall exercise such determination by ordinance passed by the governing body with referendums only in such cases as prescribed by the legislature, subject only to enactments of the legislature of statewide concern applicable uniformly to all cities, to other enactments of the legislature applicable uniformly to all cities, to enactments of the legislature applicable uniformly to all cities of the same class limiting or prohibiting the levying of any tax, excise, fee, charge or other exaction and to enactments of the legislature prescribing limits of indebtedness. All enactments relating to cities now in effect or hereafter enacted and as later amended and until repealed shall govern cities except as cities shall exempt themselves by charter ordinances as here in provided for in subsection (c).

* * * * *

(d) Powers and authority granted cities pursuant to this section shall be liberally construed for the purpose of giving to cities the largest measure of self-government.

* * * * * *

- 2. The Kansas Contaminated Property Redevelopment Act (K.S.A. 65-34,177 *et seq.*), which is intended to allow real property with environmental contamination to be purchased without the purchaser becoming liable for cleanup costs;
 - [Sec. 65-34,184. Same; contaminated property redevelopment fund. (a) There is established in the state treasury the contaminated property redevelopment fund, which shall be administered by the secretary. Moneys collected by the secretary from the following sources shall be remitted to the state treasurer in accordance with K.S.A. 75-4215, and amendments thereto, and deposited in the state treasury to the credit of the fund:
 - (1) Fees for CELR applications;
 - (2) the federal brownfields program;
 - (3) gifts, grants, reimbursements or appropriations from any source intended to be used for purposes of the fund;
 - (4) interest attributable to the investment of moneys in the fund;
 - (5) penalties collected pursuant to this act; and
 - (6) repayment of any brownfields loan, including interest and fees.

- (b) Expenditures from the contaminated property redevelopment fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or the secretary's designee for the following purposes:
 - (1) Review and approval of CELR applications;
 - (2) oversight and modifications of completed CELRs;
 - (3) development, operation and maintenance of the CELR tracking system;
 - (4) loans to municipalities for assessment and cleanup actions at brownfields redevelopment projects;
 - (5) grants to municipalities for assessment and cleanup actions at brownfields redevelopment projects; and
 - (6) administration and enforcement of the provisions of this act.
- (c) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the contaminated property redevelopment fund interest earnings based on:
 - (1) The average daily balance of moneys in the contaminated property redevelopment fund for the preceding month; and
 - (2) the net earnings rate of the pooled money investment portfolio for the preceding month.]
- 3. Section 2-31(f) of the 2008 Code of Ordinances and Resolutions of the Unified Government of Wyandotte County/Kansas City, Kansas.

[Sec. 2-31. - Specific powers.

The unified government shall have power:

* * * * *

(f) To make regulations to secure the general health of the inhabitants and to prevent, abate and remove nuisances;

* * * * * *]

- 4. A general writ of execution set forth in K.S.A. section 60-2401 *et seq.*, that the UG can seek in event of default, specifically in K.S.A. section 60-2420.
 - [60-2420. General execution; notice. If a general execution is issued, a notice shall be served on the defendant along with the writ of execution, notifying the defendant of the following:
 - (a) That a general execution has been issued directing an officer to seize any nonexempt property of the defendant to be sold in satisfaction of the judgment against the defendant;
 - (b) of the defendant's right to assert any claim of exemption allowed under the law with respect to the property seized; and
 - (c) of the defendant's right to a hearing on such claim.

The notice shall contain a description of the exemptions that are applicable to general executions and the procedure by which the defendant can assert any claim of exemption and shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council. The return filed with the writ of execution shall indicate that a copy of the notice was served on the defendant along with the writ.]

In addition, Kansas law provides that any local unit of government may exercise jointly its power with other local units of the state, public agencies of another state, or the United States, in the Interlocal Cooperation Act (K.S.A. 12-2901 *et seq.*):

12-2901. Purpose of act. It is the purpose of this act to permit local governmental units to make the most efficient use of their powers by enabling them to cooperate with other localities, persons, associations and corporations on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population and other factors influencing the needs and development of local communities.

If you have any questions, please do not hesitate to contact me.

Sincerely.

Jeffrey Conway

Assistant Counsel

Opinion of Legal Counsel for Jackson County, Missouri



OFFICE OF THE COUNTY COUNSELOR

JACKSON COUNTY COURTHOUSE

415 EAST 12TH STREET KANSAS CITY, MISSOURI 64106 816-881-3355 Fax: 816-881-3398

November 27, 2019

The Honorable Quinton Lucas, Mayor City of Kansas City, Missouri 414 E. 12th Street, 29th Floor Kansas City, MO 64106

Re: Kansas City Regional Brownfields Coalition Revolving Loan Program Grant

Dear Mayor Lucas:

Pursuant to the participation of Jackson County as a member of the coalition for the above referenced grant application, please be advised that Jackson County, a constitutional home rule charter county of the state of Missouri, has legal authority to access and secure brownfield sites located within the unincorporated area of Jackson County. This authority is found in article VI, section 18(a), of the Missouri Constitution, which authorizes counties to adopt home rule charters, article II, sections 16.3 and .30 of the Jackson County Charter. which authorize the county to adopt ordinances relating to the public health, police, and traffic, and sections 4440, 4461, and 4462 of the Jackson County Code, which authorize the county health officer (Director of Public Works) to enter onto any property unincorporated area of the county to examine the conditions of that property and to secure and/or abate any public health nuisances found thereon, through use of "any suitable means." Further Jackson County has legal authority to perform the actions necessary to manage a revolving loan fund. This authority includes the ability to hold funds, make loans, enter into loan agreements, and collect repayments. Jackson County also has the authority to judicially enforce the remedies of the loan agreement in case of loan default on properties within its jurisdiction, including foreclosure on a deed trust. It is anticipated that the County would be assigned these remedies as a standard part of any loan on properties outside the city limits of Kansas City, MO, in Jackson County. The Jackson County Charter and Code may be viewed on the Jackson County website, www.jacksongov.org. Within the incorporated cities located in Jackson County, Jackson County would rely on rights-of-entry executed by Brownfield loan and subgrant recipients to provide legal authority to enter onto real property for the purpose of securing and/or abating nuisances.

Very truly yours,

y D. Haden

Shief Deputy County Counselor

cc: Andrew Bracker Matt Dark

Statutory Cost Share

Kansas City, Missouri and the Kansas City Regional Brownfields Coalition RLF will require that recipients of RLF loans and subgrants provide an eligible local cost share as part of every loan or subgrant. The amount of the cost share will be sufficient to generate 20% of the total RLF award, \$200,000. Since the amount of funding offered for loans and subgrants is less than \$1,000,000, the cost share percentage will be higher to produce the required total cost share amount. Under the proposed budget, the amount of cost share is currently anticipated to be 27.792% of each loan or subgrant.

Kansas City, Missouri has operated an existing RLF program for nearly 20 years and has had success implementing this cost share strategy. Typically, borrowers and subgrantees have generated excess eligible cost share in the course of performing cleanup activities when costs increase due to changes requested by state oversight officials, or because of unexpected conditions. Kansas City currently is in compliance with its total cost share obligations on its existing RLF program through borrower and subgrantee cost shares.

No waiver of the cost share requirement is requested for this RLF coalition grant.

OMB Number: 4040-0004 Expiration Date: 12/31/2019

Application for I	Federal Assista	nce SF	-424			
* 1. Type of Submissi Preapplication Application Changed/Corre	ion: ected Application	⊠ Ne	ee of Application: ew ontinuation evision		f Revision, select appropriate letter(s): Other (Specify):	
* 3. Date Received: 12/03/2019			cant Identifier: of Kansas City	, Mi	Missouri	
5a. Federal Entity Ide	ederal Entity Identifier: 5b. Federal Award Identifier:					
State Use Only:				<u> </u>		
6. Date Received by	Received by State: 7. State Application Identifier:					
8. APPLICANT INFO	8. APPLICANT INFORMATION:					
* a. Legal Name: C:	ity of Kansas	City,	Missouri			$\overline{1}$
* b. Employer/Taxpay	* b. Employer/Taxpayer Identification Number (EIN/TIN): * c. Organizational DUNS: 0731342310000					
d. Address:				-		
* Street1:	414 East 12th	Stree	t			
Street2:	15th Floor					
* City:	Kansas City					
County/Parish:						
* State:					MO: Missouri	
Province:						
* Country:					USA: UNITED STATES	
* Zip / Postal Code:	64106-2795					
e. Organizational U	nit:					
Department Name:					Division Name:	
City Developmen	nt Department			ַן	Urban Redevelopment	
f. Name and contac	t information of p	erson to	be contacted on m	atte	ters involving this application:	
Prefix:			* First Nam	e:	Andrew	$\overline{1}$
Middle Name: J.		<u> </u>				_
* Last Name: Bra	cker					
Suffix:						_
Title: Brownfield	ls Coordinator					
Organizational Affiliat	tion:					
City of Kansas	City, Missour	i				
* Telephone Number:	(816) 513-30	002			Fax Number:	
* Email: andrew.b	* Email: andrew.bracker@kcmo.org					

Application for Federal Assistance SF-424
* 9. Type of Applicant 1: Select Applicant Type:
C: City or Township Government
Type of Applicant 2: Select Applicant Type:
Type of Applicant 3: Select Applicant Type:
* Other (specify):
* 10. Name of Federal Agency:
Environmental Protection Agency
11. Catalog of Federal Domestic Assistance Number:
66.818
CFDA Title:
Brownfields Assessment and Cleanup Cooperative Agreements
* 12. Funding Opportunity Number:
EPA-OLEM-OBLR-19-06
* Title:
FY20 GUIDELINES FOR BROWNFIELD REVOLVING LOAN FUND GRANTS
13. Competition Identification Number:
Title:
14. Areas Affected by Project (Cities, Counties, States, etc.):
Add Attachment Delete Attachment View Attachment
Add Attachment Delete Attachment
* 15. Descriptive Title of Applicant's Project:
Kansas City Regional Brownfields Coalition RLF
Attach supporting documents as specified in agency instructions.
Add Attachments Delete Attachments View Attachments

Application for Federal Assistance SF-424					
16. Congressional Districts Of:					
* a. Applicant	0-005		* b. Program/Project MO-005		
Attach an additional l	ist of Program/Proje	ct Congressional District	cts if needed.		
1234-Congressi	onal Districts	s.docx	Add Attachment		
17. Proposed Proje	ect:				
* a. Start Date: 09	/01/2020		* b. End Date: 08/31/2025		
18. Estimated Fund	ding (\$):				
* a. Federal		1,000,000.00			
* b. Applicant		200,000.00			
* c. State		0.00			
* d. Local		0.00			
* e. Other		0.00			
* f. Program Income		0.00			
* g. TOTAL		1,200,000.00			
* 19. Is Application	Subject to Review	v By State Under Exec	cutive Order 12372 Process?		
a. This applicat	ion was made ava	ilable to the State unde	er the Executive Order 12372 Process for review on 12/02/2019.		
b. Program is s	ubject to E.O. 123	72 but has not been se	elected by the State for review.		
c. Program is n	ot covered by E.O.	. 12372.			
* 20. Is the Applica	nt Delinquent On	Any Federal Debt? (If	f "Yes," provide explanation in attachment.)		
Yes	No				
If "Yes", provide ex	planation and attac	ch			
			Add Attachment Delete Attachment View Attachment		
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001) ** I AGREE* ** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.					
Authorized Repres	entative:				
Prefix:					
		* Firs	st Name: Andrew		
Middle Name: J.		* Firs	st Name: Andrew		
	cker	* Firs	st Name: Andrew		
	cker	* Firs	st Name: Andrew		
* Last Name: Bra	cker fields Coordin		st Name: Andrew		
* Last Name: Bra	fields Coordin	nator	st Name: Andrew Fax Number:		
* Last Name: Brade Suffix: Brown * Title: Brown * Telephone Number	fields Coordin	nator			