

City of Caney

Regular Council Meeting

Monday, February 5th, 2024 at 6:30 p.m.

Call Meeting to Order: Mayor Joshua Elliott

Roll Call

Zach Ellison	Justin Harkey	Aaron Elliott	Lori Patterson
Valerie Hurd	Kenith Butts	Addie Traxson	Debbie Wood

Pledge of Allegiance: Mayor Joshua Elliott

Invocation: Mayor Joshua Elliott

Public Comments

Any citizen desiring to address the Council shall be recognized, advance to the podium, and state his/her name and address for the record. Comments shall be limited to 3 minutes unless extended by a majority vote of the Council. The Council does not hear matters involving litigation or City Personnel. The Council does not take action on subjects not on the agenda unless unusual or hardship conditions exist.

Consent Agenda

Presented by Joshua Elliott, Mayor

A. Approval of the Minutes for the 01/16/2024 & 01/25/2024 Meetings

B. Appropriations and Payroll No. 01/19/2024 **\$205,521.63**

a. Approval of Purchases over \$5,000

i. EFTPS (Payroll Taxes)	\$	11,757.59
ii. Payroll (01/19/2024)	\$	53,499.24
iii. KPERS (Retirement)	\$	7,428.65
iv. R.E.P	\$	8,881.90
v. Waste Connections	\$	19,280.94
vi. BCBS	\$	22,094.19
vii. AWG	\$	43,103.25
viii. Evergy	\$	10,739.73

C. Main Street Auto- \$3,434.42: Tires for PD, Alternator, Batteries and fuel treatments

D. CMB License for Casey's General Store

Recommended Action: _____ make a motion to approve the Consent Agenda Items A-B as presented. _____ seconded the motion. Motion Carries: _____

Recommended Action: _____ make a motion to approve the Consent Agenda Item C Main Street Auto \$3,434.42. _____ seconded the motion. Motion Carries: _____

Old Business

New Council Business

A. Approve CDBG Housing Contract

Presented by Amber Dean, City Clerk

Recommended Action: _____ made a motion to approve the CDBG Housing Contract as presented. _____ seconded the motion. Motion Carries: _____

B. Approve the Housing Plan for the CDBG Grant

Presented by Amber Dean, City Clerk

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Monday, February 5th, 2024 at 6:30 p.m.

Recommended Action: _____ made a motion to approve the Housing plan as presented.
_____ seconded the motion. Motion Carries: _____

C. Approve the Demolition Plan for the CDBG Grant

Presented by Amber Dean, City Clerk

Recommended Action: _____ made a motion to approve the Demolition plan as presented.
_____ seconded the motion. Motion Carries: _____

D. Approve the CDBG Environmental Review Packet and the Request for Release of Funds and Certification

Presented by Amber Dean, City Clerk

Recommended Action: _____ made a motion to approve the CDBG Environmental Review Packet and the Request for Release of Funds and Certification as presented. _____
seconded the motion. Motion Carries: _____

E. Executive Session (Non-Elected Personnel)

To discuss confidential information relating to personnel matters of non-elected personnel according to K.S.A 75-4319 (1)

Recommended Action: _____ move to Recess into executive session to discuss confidential information relating to personnel matters of non-elected personnel, according to K.S.A 75-4319 (1) for 5 minutes to include the City Council and Mayor.. Entering in at _____ and returning to regular session at _____.
_____ Seconded Motion. Motion Carries: _____

_____ moved to return to regular session at _____. _____ seconded the motion. Motion Carries: _____

F. Appoint New City Clerk

Presented by Mayor Joshua Elliott

Recommended Action: _____ made a motion to appoint _____ as the new City Clerk with a Salary of _____. _____ Seconded the motion. Motion Carries: _____

Department Comments:

Council Comments:

Adjournment

_____ Moved to adjourn the meeting at _____.
_____ Seconded Motion. Motion Carries: _____.

City of Caney

Council Meeting Minutes

Tuesday, January 16th, 2024 at 6:30 p.m.

Call Meeting to Order: Mayor Joshua Elliott

Roll Call-all present

Zach Ellison	Justin Harkey	Aaron Elliott	Lori Patterson
Valerie Hurd	Kenith Butts	Addie Traxson	Debbie Wood

Pledge of Allegiance: Mayor Joshua Elliott

Invocation: Mayor Joshua Elliott

Public Comments

Robert Hahn: 201 W 9th- Spoke about his JMV Letter. He has addressed the problem at this time

Consent Agenda

Council Member Wood a motion to approve the Consent Agenda Items A-C as presented. Council Member Patterson seconded the motion. Motion Carries: 8-0

Old Business

New Council Business

A. Accept Best bid from Central States Capital Market for the bond

Council Member Wood made a motion to accept the bid from Central States Market. Council Member Wood seconded the motion. Motion Carries: 8-0

B. Approve Ordinance 2024-01-Authorizing the Issuance of the Bonds

Council Member Patterson made a motion to approve Ordinance 2024-01 as presented. Council Member Wood seconded the motion. Motion Carries: 8-0

Roll Call

Zach Ellison-Aye	Justin Harkey Aye	Aaron Elliott Aye	Lori Patterson Aye
Valerie Hurd Aye	Kenith Butts Aye	Addie Traxson Aye	Debbie Wood Aye

C. Approve Resolution 24-02: General Obligation Bonds Series 2024-A

Council Member Patterson made a motion to approve Resolution 24-07: General Obligation Bonds Series 2024-A as presented. Council Member Wood seconded the motion. Motion Carries: 8-0

Council Member Butts Made a motion to table Items D-J until the 1st Meeting in April. Council Member Ellison seconded the Motion. Motion Carried: 6-2

Discussion on the process of Code Enforcement

Council Member Patterson made a motion to place Items D-J back on the agenda tonight. Council Member Elliott seconded. Motion Carried: 7-1

D. Approve Resolution 24-03: Junked Motor Vehicle Abatement at 310 South Fawn

Council Member Patterson made a motion to approve Resolution 24-03: Junked Motor Vehicle Abatement as presented. Council member Wood seconded the motion. Motion Carries: 7-1

E. Approve Resolution 24-04: Junked Motor Vehicle Abatement at 507 S Wood

Council Member Patterson made a motion to approve Resolution 24-04: Junked Motor Vehicle Abatement as presented. Council member Hurd seconded the motion. Motion Carries: 7-1

City of Caney

Council Meeting Minutes

Tuesday, January 16th, 2024 at 6:30 p.m.

F. Approve Resolution 24-05: Junked Motor Vehicle Abatement at 201 W 9th

Removed from Agenda- Property Owner addressed issue

G. Approve Resolution 24-05: Junked Motor Vehicle Abatement at 211 S Bradley

Council Member Patterson made a motion to approve Resolution 24-05: Junked Motor Vehicle Abatement as presented. Council member Wood seconded the motion. Motion Carries: 7-1

H. Approve Resolution 24-06: Junked Motor Vehicle Abatement at 607 E 5th Ave

Council Member Ellison made a motion to approve Resolution 24-06: Junked Motor Vehicle Abatement as presented. Council member Elliott seconded the motion. Motion Carries: 7-1

I. Approve Resolution 24-07: Junked Motor Vehicle Abatement at 600 N Foreman

Council Member Patterson made a motion to approve Resolution 24-07: Junked Motor Vehicle Abatement as presented. Council member Wood seconded the motion. Motion Carries: 7-1

J. Approve Resolution 24-08: Declaration of a Water Watch and rescind all previous water warning or water emergency resolutions

Council Member Ellison made a motion to approve Resolution 24-08: Declaration of a Water Watch and rescind all previous water warning or water emergency resolutions as presented. Council Member Traxson seconded the motion. Motion Carries: 8-0

K. Elect City Council President

Presented by Amber Dean, City Clerk: The City Council Shall elect one of its own body as the president of the council for a term of 1 year.

Council Member Elliott made a motion to appoint Council Member Ellison as Council President for a period of 1 year. Council Member Elliott seconded the motion. Motion Carries: 5-3

L. Appoint Paul Kritz as the Caney City Attorney for the term of 1 year

Council Member Patterson made a motion to reappoint Paul Kritz as the City Attorney for a term of 1 year. Council Member Traxson seconded the motion. Motion Carries: 8-0

M. Appoint John Horst as the Caney Municipal Judge for the term of 1 year

Council Member Ellison made a motion to reappoint John Horst as Caney Municipal Judge for a term of 1 year. Council Member Elliott seconded the motion. Motion Carries: 8-0

N. Executive Session (Non-Elected Personnel)

Council Member Ellison made a motion to Recess into executive session to discuss confidential information relating to personnel matters of non-elected personnel, according to K.S.A 75-4319 (1) for 10 minutes to include the City Council, Mayor and City Administrator. Entering in at 7:12 p.m and returning to regular session at 7:22 p.m..

Council Member Traxson seconded the motion. Motion Carries: 8-0

Council Member Wood made a motion to extend Executive Session 5 minutes, returning at 7: 27 p.m. Council Member Patterson seconded the motion. Motion Carries: 8-0

Council Member Patterson made a motion to return to regular session at 7:28 p.m. Council Member Elliott seconded the motion. Motion Carries: 8-0

O. Appoint Amber Dean as the Caney City Clerk for the term of 1 year

Council Member Ellison motioned to reappoint Amber Dean as the City Clerk for a term of 1 year. Council Member Elliott seconded the motion. Motion Carries:8-0

P. Approve MOU between Caney Fire Department and Montgomery County Rural Fire

Council Member Hurd made a motion to approve the MOU as presented. Council Member Wood seconded. Motion carries: 8-0

City of Caney

Council Meeting Minutes

Tuesday, January 16th, 2024 at 6:30 p.m.

Q. Approve the AFG Grant submittal with the request to waive the match requirement.

Council Member Ellison motioned to approve the submittal of the AFG Grant as presented. Council Member Hurd seconded the Motion. Motion Carries: 8-0

R. Approve the purchase of a Franklin 60hp submersible pump w/ 6” motor (River pump) for the Water Department in the amount of \$8,498.40

Council Member Patterson motioned to approve the Purchase of the River pump in the amount of \$8,498.40 presented. Council Member Hurd seconded the motion. Motion Carries: 8-0

S. Approve the Phase 2 Water Project-Meter Replacement

Council Member Patterson made a motion to approve the phase 2 water project and secure the ARPA funds for the grant match. Council Member Elliott seconded. Motion Carries: 8-0

T. Executive Session (Non-Elected Personnel)

Council Member Ellison made a motion to Recess to enter the executive session to discuss confidential information relating to non-elected personnel matters, according to K.S.A 75-4319 (1) for 5 minutes to include the City Council, Mayor, City Clerk and City Administrator. Entering in at 7:51 p.m. and returning to regular session at 7:56 p.m.

Council Member Patterson seconded the motion. Motion Carries: 8-0

Council Member Patterson made a motion to return to regular session. Council Member Elliott seconded the motion. Motion Carries: 8-0

Council Member Elliott made a motion to donate a cemetery plot for Chad Johnson. Council Member Hurd seconded the motion. Motion Carries: 7-0

Department Comments:

- Mayor-Joshua Elliott- Welcomed Kelley Zellner back!
- City Administrator- Kelley Zellner- Thanks everyone for prayers. He thanks EMT services for saving his life. Update on current projects.

Council Comments:

Council Member Patterson: Reminded that the Sales Tax is now @ 2% only on state sales tax

Adjournment

Council Member Patterson Moved to adjourn the meeting at 8:01 p.m.

Council Member Traxson Seconded Motion. Motion Carries: 8-0

Joshua Elliott., Mayor

ATTEST:

Amber Dean, City Clerk

City of Caney

Special Council Meeting Minutes

Thursday, January 25th, 2024 at 6:30 p.m.

Call Meeting to Order: Mayor Joshua Elliott

Roll Call

Zach Ellison- Present

Justin Harkey-Present

Aaron Elliott-Present

Lori Patterson-Present

Valerie Hurd-Absent

Kenith Butts-Absent

Addie Traxson-Present

Debbie Wood-Present

Pledge of Allegiance: Mayor Joshua Elliott

Invocation: Mayor Joshua Elliott

A. Executive Session (Non-Elected Personnel)

Council Member Patterson made a motion to Recess into executive session to discuss confidential information relating to personnel matters of non-elected personnel, according to K.S.A 75-4319 (1) for 15 minutes to include the City Council and Mayor with the City Clerk on standby. Entering in at 6:31 p.m. and returning to regular session at 6:46 p.m..

Council Member Ellison seconded the motion. Motion Carries: 7-0

Council Member Patterson made a motion to return to regular session. Council Member Butts seconded the motion. Motion Carries: 7-0

Council member Ellison made a motion to accepted the resignation of Amber Dean, City Clerk. Council Member Elliott seconded the motion. Motion Carries: 7-0

Adjournment

Council Member Patterson Moved to adjourn the meeting at 6:47 p.m.

Council member Wood Seconded Motion. Motion Carries: 7-0

Joshua Elliott., Mayor

ATTEST:

Amber Dean, City Clerk

STATE OF KANSAS
GRANT AGREEMENT NO. 23-HR-002
between the

STATE OF KANSAS
DEPARTMENT OF COMMERCE

and the

City of Caney

I. Grant Agreement

A. This Grant Agreement, hereinafter called "Agreement," is between the State of Kansas, Department of Commerce, and its representative, hereinafter called "Department" and the City of Caney, Kansas, hereinafter called the "Grantee." This Agreement consists of the body and the following: CONDITION LETTER (attached hereto as Attachment A), SPECIAL CONDITIONS (attached hereto as Attachment B), and the Grantee's APPROVED PROJECT APPLICATION dated **DECEMBER 15, 2023**, (attached and incorporated by reference as Attachment C, a copy of which shall be maintained and available in the Department's files) and the GRANTEE HANDBOOK (which is attached and incorporated by reference as Attachment D).

II. Authority

- A. This Agreement is financed in part through a grant provided to the Department by the United States Department of Housing and Urban Development (HUD) under Title I of the Federal Housing and Community Development Act of 1974, as amended (42 USC 5301 et. seq.), hereinafter called "the Federal Act." As provided in the Federal Act, the State of Kansas, through the Department, has elected to administer the federal program of Small Cities Community Development Block Grants.
- B. The Department, in accordance with the provisions of K.S.A. 74-5001 et. seq., hereinafter called "the State Act," has approved the application of the Grantee and awarded funds for the purpose of supporting the Grantee's Community Development Program.
- C. In the event of changes in any applicable Federal regulations and/or law, this Agreement shall be deemed to be amended when required to comply with any law so amended.
- D. Federal Program – Community Development Block Grant Cluster (CDBG) (CFDA No. 14.228).

III. Description of Activities

Grantee agrees to perform, or cause to be performed, the work specified in the APPROVED PROJECT APPLICATION.

IV. Period of Performance

The period of performance for all activities assisted by this Agreement shall commence on **JANUARY 31, 2024**, hereinafter called the "Commencement Date," and shall be complete on **JANUARY 30, 2026**, hereinafter called the "Completion Date," except those activities required for close-out and final audit.

V. Compensation

- A. In consideration of the Grantee's satisfactory performance of the work required under this Agreement and the Grantee's compliance with the terms of this Agreement, the Department shall provide the Grantee the total sum of **\$300000** in Community Development Block Grant funds. Such funds shall be used by the Grantee in accordance with the Activities listed and budgeted on the APPROVED PROJECT APPLICATION and the CONTRACT PROJECT BUDGET FORM.
- B. In addition, the Grantee shall provide **\$3000** in other sources of funds to this Community Development Program and such funds shall be used by the Grantee in accordance with the Activities and budget on the APPROVED PROJECT APPLICATION.
- C. It is expressly understood and agreed that in no event will the total program funds provided by the Department exceed the sum of **\$300000**. Any additional funds required to complete the program activities set forth in this Agreement will be the sole responsibility of the Grantee, and not the responsibility of the Department.

- D. The Grantee understands that this Agreement is funded in whole or in part by federal funds. In the unlikely event the federal funds supporting this Agreement become unavailable or are reduced, the Department may terminate or amend this Agreement and will not be obligated to pay the Grantee from State revenues.
- E. It is hereby agreed that funds committed to be provided by the Department are conditioned upon the availability and use of funds to be provided by the Grantee from other sources. In the event any portion of the funds required to be provided by the Grantee pursuant to subsection (B) of paragraph V. are not made available or used for activities as listed and budgeted, the Department may, in its discretion, withdraw or reduce proportionately the funds to be provided to the Grantee pursuant to subsection (A) of paragraph V.
- F. The Grantee shall not anticipate future funding from the Department beyond the duration of this Agreement and in no event shall this Agreement be construed as a commitment by the Department to expend funds beyond the termination of this Agreement.

VI. Indemnification

The Grantee shall indemnify, defend, and hold harmless the State and its officers and employees from any liabilities, claims, suits, judgments, and damages arising as a result of the performance of the obligations under this Agreement by the Grantee or any subgrantee, contractor, subcontractor, or person. The liability of the Grantee under this Agreement shall continue after the termination of the Agreement with respect to any liabilities, claims, suits, judgments, and damages resulting from acts occurring prior to termination of this Agreement.

VII. Obligations of Grantee

- A. All of the activities required by this Agreement shall be performed by personnel of the Grantee or by third parties (subgrantees, contractors, or subcontractors) under the direct supervision of the Grantee and in accordance with the terms of written contracts. Any such contracts may be made subject to approval by the Department.
- B. Except as may otherwise be provided in the SPECIAL CONDITIONS, the Grantee may subgrant, contract, or subcontract any of the work or services covered by this Agreement.
- C. The Grantee shall remain fully obligated and liable under the provisions of this Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any of the program being assisted under this grant.
- D. The Grantee shall require any third party to comply with all lawful requirements necessary to insure that the program is carried out in accordance with this Agreement.
- E. The Grantee shall comply with all timelines for completion of Grantee's Environmental Review and contracting responsibilities as established by the Department in the CONDITION LETTER.

VIII. Environmental Review Compliance

- A. The obligation and utilization of the funding assistance is subject to the requirements for a release of funds by the State under the Environmental Review procedures at 24 CFR Part 58 for any activities requiring such release.
- B. The Grantee agrees to assume all of the responsibilities for Environmental Review, decision making and action, as specified and required in Section 104(g) of Title I of the Housing and Community Development Act of 1974 (Public Law 93-383), as amended. The Grantee shall not allow any subrecipient to assume the grantee's Environmental Review responsibilities.

IX. Program Costs

- A. The Grantee may only incur such costs as are reasonable and necessary to the Grantee's Program and as are allowable under the Department's Procedures (2 CFR Part 200). Cost items not specifically authorized may only be incurred after written approval by the Department.
- B. Cash and in-kind contributions made by the Grantee shall follow the criteria established by the Department's Procedures.

- C. The total "Small Cities CDBG Funds" expended for "Administration" shown in the Contract Project Budget Form shall not exceed the approved amount unless amended by all parties to this contract.
- D. The Grantee shall not incur costs on any program activity until the Environmental Review required by 24 CFR 58 has been completed and the Department has issued the "Notice of Release of Funds."
- E. Any program activities performed by the Grantee in the period between notification of award and execution of this Agreement shall be performed at the sole risk of the Grantee. In the event this agreement should not become effective, the Department shall be under no obligation to pay the Grantee for any costs incurred or monies spent in connection with program activities, or to otherwise pay for any activities performed during such period. However, upon execution of this Agreement, all Program Costs incurred in connection with approved activities performed during this period shall be reimbursed in accordance with the terms and conditions of this Agreement.
- F. Grant funds may not, without advance written approval by the Department, be obligated after the Completion Date except for those activities required for close-out. Obligations incurred prior to and still outstanding as of the Completion Date shall be liquidated within ninety (90) days.
- G. At any time during the period of performance under this Agreement, and upon receipt of the progress and financial reports, Final Program Report or Final Audit Report, the Department may review all Program Costs incurred by the Grantee and all payments made to date. Upon such review the Department shall disallow any items of expense which are not determined to be allowable or are determined to be in excess of approved expenditures; and shall, by written notice specifying the disallowed expenditures, inform the Grantee of any such disallowance.
- H. If the Department disallows costs for which payment has not yet been made, it shall refuse to pay such costs. If payment has been made with respect to costs which are subsequently disallowed, the Department may deduct the amount of disallowed costs from any future payments under this Agreement or require that the Grantee refund the amount of the disallowed costs.

X. Requisition of Grant Funds

- A. Requisitions for cash advances shall be made on the established forms and shall not ordinarily be made more frequently than twice a month or in amounts less than \$3,000 and in no cases more than \$200,000.
- B. The Grantee shall establish procedures to insure that any amounts of cash in excess of the limits set forth in (A) above shall be expended within three (3) days of receipt of the funds in the depository account.
- C. Cash advances made by the Grantee to subgrantees shall conform substantially to the same standards of timing and amount as apply to the Grantee under this Agreement.
- D. Amounts withheld from contractor to assure satisfactory completion of work shall not be paid until the Grantee has received a final payment request from the contractor and has certified the work is complete and satisfactory.
- E. The Department may terminate advance financing and require the Grantee to finance its operations with its own working capital should it be determined that the Grantee is unwilling or unable to establish procedures to minimize the time lapsing between cash advances and disbursement. Payments to the Grantee would then be made only as reimbursement for actual cash disbursements.

XI. Depositories for Program Funds

- A. The Grantee shall maintain a separate record for money received under the Community Development Program. Into this fund shall be deposited:
 - 1. Moneys received from the Department.
 - 2. Program income earned through program activities.
- B. Any interest earned, prior to disbursement, on advances of grant funds shall be remitted to the State for subsequent return to the United States Treasury.

XII. Financial Management

- A. Grantees shall establish and maintain a system which assures effective control over and accountability for all funds, property and other assets used in the Community Development Program.
- B. Grantees shall either adopt the system recommended by the Department or certify to the Department, in writing, prior to making the first requisition of funds that the alternative system proposed for use shall meet the following standards:
 - 1. Maintenance of separate accounting records and source documentation for the Community Development Program;
 - 2. Provision for accurate, current and complete disclosure of the financial status of the Program;
 - 3. Establishment of records of budgets and expenditures for each approved activity;
 - 4. Demonstration of the sequence and status of receipts, obligations, disbursements and fund balance;
 - 5. Provision of financial status reports in the form specified by the Department;
 - 6. Compliance with the Department's audit requirements (2 CFR Part 200); and
 - 7. Consistency with generally accepted accounting principles as specified by the Kansas Department of Administration, unless a waiver of GAAP has been received by the Grantee from the Kansas Director of Accounts and Reports.

XIII. Monitoring and Reporting

- A. The Grantee shall monitor the activities of the Community Development Program, including those of contractors and subcontractors, to assure that all program requirements are being met.
- B. The Grantee shall submit progress and financial reports to the Department in accordance with the schedule set forth in the SPECIAL CONDITIONS. These reports shall be in a format prescribed by the Department.
- C. The Grantee shall submit a Final Program Report with the close-out no later than ninety (90) days following the Completion Date.
- D. From time to time, as requested in writing by the Department, the Grantee shall submit such data and other information as the Department may require.
- E. Failure to report as required or respond to requests for data or information in a timely manner may be grounds for suspension or termination of the Grant.

XIV. Procurement Procedures

- A. The Grantee shall use established procurement procedures which reflect applicable State and local laws and regulations and the Department's Procedures for the establishment of procurement systems.
- B. These standards do not relieve the Grantee of any contractual responsibilities under its contracts. The Grantee is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements entered into support of a grant. These include but are not limited to source evaluation, protests, disputes, and claims.

XV. Bonding Requirements

- A. When administering federal grants and subgrants, a Grantee may follow its own requirements and practices with respect to: (1) bonding of employees and contractors, and (2) insurance. Federal grantor agencies are not permitted to impose requirements beyond those listed below. The government-wide grants management common rule, "Uniform Administrative Requirements for Grants to State and Local Governments," contains bonding requirements only for circumstances when a grantee contracts for construction or facility improvement (including alteration and renovation) and the bids and contracts exceed \$25,000. The following types of bonds are required in the "Procurement" section of the common rule:

- A 100 percent “performance bond” on the part of the contractor to secure fulfillment of all the contractor’s obligations under the contract; and
 - A 100 percent “payment bond” on the part of the contractor to assure payment, as required by law, of all persons supplying labor and materials as part of work provided under the contract.
- B. The Department reserves the right to promulgate and enforce bonding procedures and requirements applicable to any project.
- C. All bonds shall be procured from a surety company registered and licensed to do business in the State of Kansas and countersigned by its Kansas resident agent.

XVI. Program Income

- A. Program Income, as defined in the Final Statement, means gross income earned by the Grantee from activities supported by grants made by the Department under the provisions of the Federal Act, or as otherwise defined by the Department.
- B. All Program Income from a project funded by this Agreement may be retained by the Grantee (unless specified as a Special Condition to this agreement) and shall be added to funds committed to the support of the program established by this Agreement or for such eligible program activities as may be authorized by the Department. This income shall be disbursed to the maximum extent feasible prior to requisitioning additional funds under this agreement.

XVII. Program Close-out Procedures

- A. Program close-out is the process by which the Department determines that all applicable administrative and financial actions and all required work of the program including audit and resolution of audit findings have been completed or that there are no additional benefits likely to occur by continuation of program activities or costs. All findings from Department monitoring visits must be cleared prior to close-out.
- B. The Completion Date is the date specified in Section IV., Period of Performance, of this Agreement or amendment thereto, on which assistance ends for all program activities except those required to complete the close-out or the date on which the grant is suspended or terminated.
- C. The Grantee shall submit to the Department close-out documents covering the entire program within ninety (90) days of completion date. Additionally, one copy must be placed where other program documents are available for public review, and at least one copy must remain in the Grantee’s files. The Department may grant extensions to the time for submission of these documents when so requested by the Grantee in writing.
- D. The Department retains the right to recover any appropriate amount of unobligated program funds.
- E. The Grantee shall account for any property acquired with grant funds, or received from the federal or state government in accordance with the Department’s property management procedures.

XVIII. Termination for Convenience

- A. The Department or Grantee may terminate the grant in whole, or in part, when both parties agree that the continuation of the program would not produce beneficial results commensurate with the further expenditure of funds.
- B. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated.
- C. The Grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Grantee shall be allowed full credit for noncancelable obligations, property incurred prior to termination.

XIX. Suspension or Termination-for-Cause

- A. The Department may suspend the grant, in whole or in part, at any time during the Grant Period, and upon reasonable notice to the Grantee withhold further payments or prohibit the Grantee from incurring additional obligations of grant funds when it is determined that the Grantee has failed to substantially comply with the conditions of this Agreement. This will be done pending corrective action by the Grantee or a decision by the Department to terminate the grant. The Department shall allow all necessary and proper costs which the Grantee could not reasonably avoid during the period of suspension.
- B. The Department, after reasonable notice following procedures pursuant to Final Statement may terminate the grant, in whole or in part, at any time during the Grant Period when it is determined that the Grantee has failed to substantially comply with the conditions of this Agreement. The Department shall promptly notify the Grantee in writing, of the determination and the reasons for the termination, together with the effective date and may initiate procedures to recapture all funds advanced to Grantee.
- C. Payments made to the Grantee or recoveries by the Department under grants which have been suspended or terminated for cause shall be in accord with the legal rights and liabilities of the parties.

XX. Audit Requirements

- A. The Grantee shall arrange for the performance of annual financial/compliance audits of the grant project. All audits must be performed by an independent qualified auditor. The audit period is identical with the Grantee's regular fiscal year. The audit(s) will be conducted in accordance with the requirements set forth in the audit section of the Kansas CDBG Handbook, which are based on 2 CFR Part 200.
 - 1. If the local government expends \$750,000 or more of Federal grant assistance from all programs, it must have an annual audit performed in accordance with 2 CFR Part 200. An audit is a financial and compliance audit that covers the entire operations of the local government, rather than being limited to the CDBG project or other Federal grants.
 - 2. If the local government expends less than \$750,000 in a fiscal year, it will be the option of the Department of Commerce to determine if a project specific audit will be required. If such audit is required, it will be procured and paid for by the Department.
 - 3. Grantee's will be required to submit the "audit information form" to the Department of Commerce each fiscal year. This form must be submitted to the Department by or before May 15th of each fiscal year.
- B. Grantees are required to submit one copy of a fiscal year audit report covering the program. The audit reports shall be sent within 30 days after the completion of the audit, but no later than the nine months after the end of the audit period unless agreed to by the Department.
- C. If any expenditures are disallowed as a result of the Final Audit Report, the obligation for reimbursement to the Kansas Small Cities Community Development Block Grant Program shall rest with the Grantee.

XXI. Retention of and Access to Records

- A. Financial records, supporting documents, statistical records, and all other records pertinent to this program shall be retained in accordance with the Department's Procedures.
- B. Authorized representatives of the Department, the Secretary of HUD, the Inspector General of the United States, or the U.S. General Accounting Office shall have access to all books, accounts, records, reports, files, papers, things, or property belonging to, or in use by, the Grantee pertaining to the administration of these grants and the receipt of assistance under the Small Cities CDBG program as may be necessary to make audits, examinations, excerpts, and transcripts for a period of three years after the entire State CDBG grant year you were awarded from has been closed out by HUD.
- C. Any contract or agreement entered into by the Grantee shall contain language comparable to subsection (B) so as to assure access by authorized parties to the pertinent records of any subgrantee, contractor, or subcontractor.

XXII. Conflict of Interest

- A. In the procurement of supplies, equipment, construction and services by Grantees and subgrantees, the conflict of interest provisions of the Kansas Department of Commerce as provided at 2 CFR Part 200 shall apply.
- B. No member of the Governing Body, officer or employee of the Grantee, or its designees or agents, or any other person who exercises any functions or responsibilities with respect to the program assisted by this Agreement during his tenure or for one year thereafter, shall have any direct interest in any contract or subcontract, or the proceeds thereof, for the work to be performed in connection with the program.
- C. The Grantee shall incorporate, or cause to be incorporated, in all third party agreements, a provision prohibiting such interest pursuant to the purpose of this Section.
- D. The Grantee shall not employ, nor shall permit any third party to employ any employee of the Department.

XXIII. Equal Opportunity

In addition to all equal opportunity provisions and the Assurances incorporated by reference herein, the Grantee agrees to comply with all of the requirements of the Kansas Acts Against Discrimination relating to fair employment practices, to the extent applicable and shall cause the foregoing provisions to be inserted in all contracts with third parties for any work covered by this Agreement so that such provisions will be binding upon such third parties.

Grantee will conduct and administer the grant in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq., as amended) and the Fair Housing Act (42 USC 3601-20) and will affirmatively further fair housing.

XXIV. Waiver of Enforcement

A waiver by the Department of the right to enforce any provision of this Agreement shall not be deemed a waiver of the right to enforce each and all of the provisions herein.

XXV. Reversion of Assets

- A. Consistent with the provisions at 24 CFR 570.703, the Grantee shall transfer any CDBG funds on hand at the time of expiration of the Agreement and any accounts receivable attributable to the use of CDBG funds to the Department.
- B. Any real property under the Grantee's control that was acquired or improved in whole or in part with CDBG funds in excess of \$25,000 shall be used for its original intended purpose for five years after expiration of the agreement. Should the Grantee fail to utilize said property for its intended purpose, the Grantee shall pay the Department an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property.

XXVI. Budget Amendments and Other Changes

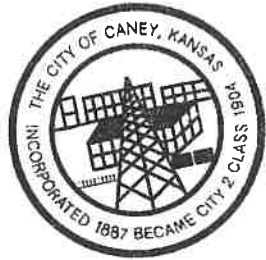
- A. During the implementation of the grant project, the Grantee may revise the CDBG activities amounts in the CONTRACT PROJECT BUDGET FORM; provided that:
 - 1. The cumulative effect of the revision is to not make line item budget transfers which exceed ten percent of the total grant or \$10,000 cumulative of CDBG monies, whichever is less.
 - 2. The change does not increase any professional services of the CDBG approved budget;
 - 3. The change will not significantly change the scope, location or objectives of the approved activities; and
 - 4. The change does not add or eliminate any activity.
- B. Any such changes to this Agreement shall constitute an amendment, including time extension of the completion date.

- C. The Grantee shall notify the Department if, through the use of other funds, there is an intention to expand, enhance or add to the scope of the program covered by the Agreement, or there is a proposal to undertake activities that will have an impact upon the buildings, areas or activities of this program. The Department reserves the right to require an amendment to this Agreement if such is deemed necessary.
- D. Amendments to the terms and conditions of this Agreement shall not become effective unless reduced to writing, applicable standard forms submitted in duplicate, passed by Resolution of the governing body, and signed by the duly authorized representative of the Grantee, and signed by the Department.
- E. I hereby certify that I have knowledge of all activities in the above-referenced grant. I also certify that I am aware that the regulations of the CDBG program prevent the use of any facility built or rehabilitated with CDBG funds, or any portion thereof, to be used for the conduct of official business. By accepting the above-referenced grant award, I certify that no portion of the above grant award violates this regulation.

Copies or originals of all CDBG recipient files and documentation must be maintained at the recipient's principal place of business.

We, the undersigned, have read and understood the above document and hereby agree to the terms and conditions contained herein.

DATED BY THE DEPARTMENT OF COMMERCE THIS _____ DAY OF _____, 20_____.



STATE OF KANSAS
DEPARTMENT OF COMMERCE

By: _____
CDBG Program
Kansas Department of Commerce

By: _____
Notary Public, State of Kansas

City of Caney Kansas
(Grantee)

By: _____
(Name) (Title)

(SEAL)

ATTEST: _____
(For the Grantee)

SPECIAL CONDITIONS

In addition to the general terms and conditions of this Agreement, the Grantee and the Department hereby agree to the following Special Conditions:

1. As provided in Section IX., Program Costs, F., the Notification of Award for the grant under this Agreement is dated **DECEMBER 15, 2023**.
2. As provided in Section XIII., Monitoring and Reporting, B., the Grantee shall submit Quarterly Progress Reports to the Department. The reporting periods consist of January/February/March, April/May/June, July/August/September and October/November/December. Quarterly Progress Reports are to be submitted to the Department on or before ten (10) days after the end of each quarter. A Quarterly Progress Report shall be submitted for each quarter, or portion thereof, during the Period of Performance as provided in Section IV. Any extension of time approved by the Department will require additional Quarterly Progress and Financial Reports to be submitted in accordance with the above-referenced schedule.
3. As provided in Section IV., Period of Performance, all activities assisted by this Agreement shall be completed on **JANUARY 30, 2026** except for those activities required to close out the program, such as the Final Program Report and the Final Audit Report.
4. As provided in Section XIII., Monitoring and Reporting, C., the Grantee shall submit a Final Program Report to the Department on or before **APRIL 30, 2026**.
5. The Grantee shall not use funds that have been granted by HUD under the Federal Act, or which may have been accrued as a consequence of activities supported with such grant funds (program income), in whole or in part for the support of the Activities covered by this Grant Agreement without first having secured the express written approval of HUD.
6. The Grantee shall be permitted to satisfy the program audit requirements of Section XX., Audit Requirements, by conducting a single municipal government-wide financial audit at the time of an annual audit provided for by Kansas law. Said audit will be completed on or before September 30 of each year the grant is open and one year after the grant is closed. Grantees receiving federal assistance in any fiscal year must have an audit made in accordance with 2 CFR Part 200 for such fiscal year unless exempted under 2 CFR Part 200. Those Grantees having expended \$750,000 or more of total federal funds from all sources must have an annual audit.
7. Will require each unit of local government to be distributed Title I funds to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations in accordance with Section 519 of Public Law 101-144, (the 1990 HUD Appropriations Act) and prohibiting the barring of entrance or exit to any facility or location which is the subject of such demonstration (Cranston-Gonzales National Affordable Housing Act).
8. In addition to the above certifications, the undersigned also makes the certification required which is attached regarding Lobbying.
9. The Grantee shall adhere to the Build America Buy America Act, as codified in 41 U.S.C. § 8301, 2 C.F.R. Part 184, and any applicable guidance issued by HUD, and require all iron and steel, construction materials, and manufactured products that are incorporated into the work and activities described in the Approved Project Application are produced in the United States.

CERTIFICATION REGARDING LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Date

Official

Grantees are required to keep records until three years after the entire CDBG grant year from HUD has been closed out.

GRANTEE NAME:

City of Caney

GRANT NUMBER:

ACTIVITY	CDBG FUNDS	OTHER FUNDS	SOURCE OF OTHER FUNDS	TOTAL COST
1. Public Facilities/Construction				
a. Water/Lines/Treatment				\$ -
b. Sewer/Lines/Treatment				\$ -
c. Street Improvements				\$ -
d. Drainage/Flood				\$ -
e. Center/Facility				\$ -
f. Other (Identify)				\$ -
g. Acquisition, including easements				\$ -
h. Engineering Design				\$ -
i. Construction Inspection				\$ -
j. Architectural Services				\$ -
k. Other Professional Services				\$ -
Public Facility Activities Total	\$ -	\$ -		\$ -
2. Housing Activities				
a. Housing Rehabilitation	\$ 175,000		CDBG	\$ 175,000
b. Lead-Based Paint Activities	\$ 24,000			\$ 24,000
c. Demolition	\$ 65,000		CDBG	\$ 65,000
d. Acquisition				\$ -
e. Relocation				\$ -
f. New Construction				\$ -
g. Housing Inspection	\$ 36,000		CDBG	\$ 36,000
Housing Activities Total	\$ 300,000	\$ -		\$ 300,000
3. Administration	\$ -	\$ 3,000	Local	\$ 3,000
a. Administrative Activities				\$ -
b. Legal				\$ -
c. Audit				\$ -
Administration Total	\$ -	\$ 3,000	Local	\$ 3,000
ALL ACTIVITIES TOTAL	\$ 300,000	\$ 3,000		\$ 303,000

HOUSING PLAN

City of Caney

The United States Department of Housing & Urban Development (HUD) allocates funds used by the Kansas Department of Commerce for the Community Development Block Grant (CDBG) Housing Rehabilitation program. The City of Caney has been awarded a CDBG grant from Commerce for the purpose of housing rehabilitation within the city limits of Caney.

HOMEOWNER REHABILITATION

The maximum amount for rehabilitation is \$25,000 per unit. This program is designed to provide housing rehabilitation for low- to moderate-income individuals who own a housing unit within the city limits of Caney, KS.

Applicants will be screened and rated in accordance with eligibility criteria as set out in this Housing Rehabilitation Plan.

ELIGIBILITY REQUIREMENTS

Only property located within the city limits of Caney is eligible for this program. To qualify, total household income for all individuals 18 years or older living in the home must be less than the low- to moderate income guidelines set by HUD for Montgomery County, Kansas. The eligible home must be the primary residence of the applicant for owner-occupied units.

Households must meet the following 2023 HUD income limitations in accordance with CDBG rules (income from all sources of family members over 18 years of age). The program will utilize the most current income limits as they become available each year.

No. In Household	LMI Income
1	\$40,800
2	\$46,600
3	\$52,450
4	\$58,250
5	\$62,950
6	\$67,600
7	\$72,250
8	\$76,900

1. The real property taxes and utilities must be current for all properties.
2. Hazard insurance naming the City as an additional insured in at least the amount of the rehabilitation contract will be required. If repairs are necessary to obtain the hazard insurance, then evidence will be required showing that coverage will be provided upon completion of the rehabilitation.
3. *The applicant must have owned the unit for at least six (6) months prior to the application date.

VERIFICATION OF ELIGIBILITY

All income information will be kept confidential.

Applicants must qualify as low- to-moderate income (LMI) prior to the time the inspection for rehabilitation is conducted. Re-Verification will be required if a new income tax return has been filed before inspection. Also, Re-verification will be required if 6 months has lapsed and rehabilitation has not begun

Adjusted Gross Income from the latest years IRS 1040 will be used for income verification. All income tax returns will need to be included for anyone in the household over 18 that are not attending school. The most recent tax return must be used – NO EXCEPTIONS.

****NET ASSETS***

- 1. Additionally, the household residents cannot have access to net assets exceeding \$ _____, excluding primary residence, personal vehicle, and household goods.*
- 2. Personal financial statements that list the assets and liabilities of each household member over 18 will be required.*
- 3. Net assets will be the difference between the fair market value of the asset and the liabilities against it.*
- 4. The applicant will be responsible for providing loan balances from the lender in writing or grant permission to the City to obtain.*
- 5. Assessed valuation of the property from the real and personal property tax rolls may be used as a comparison for the value listed for real and personal property assets.*
- 6. Livestock and harvested crops will be valued at current market prices.*

TYPES OF FINANCIAL ASSISTANCE

- 1. Households who income-qualify will be awarded CDBG Housing Rehabilitation funds in the form of a soft or deferred loan for the full amount of the rehabilitation costs or the maximum allowed under CDBG guidelines, whichever is less, for a three-year period.**
- 2. A soft loan may be forgiven and considered a grant if all contractual agreements are followed.**
- 3. The homeowners are required under CDBG guidelines to enter into a contractual agreement with the City, which will place a lien against the rehabilitated property for a three-year period to meet the guidelines as set out by the Housing Rehabilitation Plan.**
- 4. The agreement will also stipulate that the unit must be the homeowners' primary residence, kept and maintained in a standard condition.**

5. If within the three-year lien period the homeowner should move from the housing unit, it must be sold to a low- to-moderate income person, who will occupy the unit as the primary residence and will assume the balance of the prorated lien. The City must verify the income of the person intending to purchase the home, or if the home is sold to someone other than a low- to-moderate income individual, the cost of the rehabilitation will be prorated and must be paid back into the City's Housing program by the homeowner.
6. If a homeowner dies within the three-year lien period and has no spouse, the home may be sold or rented to a low- to-moderate income household. If sold or rented to a non-LMI family, the homeowner's estate must pay back the prorated amount on the lien. For example, if the home is sold in the 13th month following completion of the rehabilitation, then 12/36 or 1/3 of the loan would be forgiven and the homeowner's estate would repay 2/3 of the original amount.

APPLICATION SELECTION CRITERIA

First-Come/First-Served

A public meeting will be held to review and explain the application and grant program. Applications must be turned in to City Hall during business hours or by mail or will be taken at City Hall on _____ Between 8:00 a.m. and 4:30 p.m. Applications will be accepted on a first-come/first-served basis with priority being given to applications received on or before _____, 20__ Applications received after this date will be processed only if grant funds are still available. Individuals having received a Housing Rehabilitation grant in the past are not eligible.

STANDARDS FOR IMPROVEMENTS

This program does not consist of remodeling or cosmetic repairs. The goal of the Housing Rehabilitation program is to add twenty years to the useful life of the housing unit. Housing rehabilitation activities will include only the repairs necessary to meet the Housing Quality Standards (HQS) defined by the Housing Rehabilitation program as determined by the Housing Inspector. Housing units considered for rehabilitation must meet the definitions of a *substandard* unit and must be *suitable for rehabilitation*.

“Substandard” is defined as a housing unit that does not adequately meet Housing Quality Standards criteria set for the following: Building Exterior (foundation, roof, gutters, doors, windows, and insulation), Heating System, Plumbing System, Electrical Systems/Appliances or Building Interior (ceilings, walls, floors, doors, ventilation, smoke detectors)

“Suitable for Rehabilitation” is defined as a substandard house for which it is technically and financially feasible to restore it to a standard condition, given the funding limits of the program.

***Emergency repairs and handicapped accessibility items may be addressed on a case-by-case basis at the discretion of the Housing Board and City Council following the CDBG guidelines. Emergency repairs must be verified by the City's Housing Inspector and must cause an immediate and**

overwhelming threat to the home's occupant. The emergency repair must be brought to code standards.

Only one grant per house may be awarded.

LIMITED/INELIGIBLE ACTIVITIES

The following activities are limited to the identified restrictions:

1. *Mobile Homes.
 - a. Mobile homes will not receive assistance until all other eligible units have been rehabilitated.
 - b. The City will only assist mobile homes if they were manufactured after 1976, are on a permanent foundation and the owner of the mobile home also owns the land. In addition, the entire property must be taxed as real property.
 - c. The home may only be rehabilitated to the minimum standard.
2. *Rental Units.
 - a. Tenant must be documented to be LMI.
 - b. If homeowner is documented to be LMI, he/she must contribute 15 percent of rehabilitation costs.
 - c. If homeowner is documented to be non-LMI, homeowner must provide at least 25 percent of rehabilitation costs.
3. Contracts for deed
 - a. Any seller must be unable to use the property as collateral and must be unable to convey title to the property unless such a transaction is subject to the land sales contract; legally accepted limitation of the conveyance must exist in recorded form.
 - b. The contract or ownership interest must be recorded.
 - c. The seller must be obligated to deliver to the buyer a fee simple title to the property on full payment of the contract price, without qualification.
 - d. The purchaser must have:
 1. Full use, possession and quiet enjoyment of the property;
 2. Equitable title to the property; and
 3. Full rights of redemption for a period of not less than 90 days unless such rights are afforded by local law.
 - e. The purchaser and seller must jointly sign the repayment agreement. The repayment agreement resolves the following:
 1. If the buyer moves from the unit prior to the expiration of the repayment agreement, the seller must do one of the following:
 - ii. Rent or sell the dwelling to an LMI person; or
 - iii. Repay a prorated portion of the housing rehabilitation costs.
 2. If the seller is not willing to enter into the repayment agreement, the dwelling will not be eligible for rehabilitation.

Without these minimum provisions in a contract, the grantee should assume that the seller has an ownership interest in the property and should be treated as such with regard to state rehabilitation provisions, i.e., treated as a rental.

4. *Living Trust

- a. Applicants meeting all other eligible criteria, and who currently reside on a property with a title held by a Living Trust, are eligible for a rehabilitation soft or forgivable loan.
- b. Income eligibility is determined by the income of the person residing at the property.
- c. The holder of the deed will be required to sign all grant documents.
- d. A property held as a Living Trust must be considered as a tenant and handles as such.

5. * Life Estates.

- a. Applicants meeting all other eligible criteria but deed held as life estate is eligible for a rehabilitation soft or forgivable loan.
- b. Occupant must reside on the property as their permanent residence.
- c. Income eligibility is determined by the income of the occupant of the property.
- d. Grant conditions will provide that the grant monies, made available at the time of the rehabilitation be due and payable upon sale or transfer of the property, and upon termination of the life estate of the current occupant.

The following activities are considered ineligible:

8. Remodeling or work not required to meet CDBG standards.
9. Air conditioners or air conditioning, unless required by a doctor.
10. Properties with a business located within the residence.

“WALK-AWAY” POLICY

If the initial inspection and cost estimate for bringing the home up to Housing Quality Standards indicates that the cost of rehabilitation is expected to exceed the maximum allowable, the homeowner will be notified. The application will be considered a “walk away” until:

1. The homeowner has completed some of the repairs on their own and the estimate of the remaining work would be at or below the maximum allowable. The homeowner is responsible to notify the City when they have the work completed so the property can be re-inspected. All work must be approved by the Housing Inspector.
2. If the homeowner is unable to make repairs they may provide the necessary additional funds within 30 days after they are notified. If the funds have not been deposited at the City within the allotted time, the City will cancel the application, close the file and “walk away” from the property.

If the original cost estimate is below the maximum allowable, the property will be included in the next bidding process. Homeowners will be notified within 10 days after the bid opening if the lowest contractor bid for their home exceeds the maximum allowable. In that event, the applicant will have the option to supply the additional funds. The applicant will be given 20 days to satisfy the requirements for all necessary additional funding. Additional funds must be received in full by the City prior to the execution of the construction contract. If the homeowner cannot provide the additional funds, the City may “walk away” from that home. If the applicant does not respond in 5 days, the City will cancel the application, close the file and “walk away” from the property.

Lead-based paint risk assessment inspections will be completed after the Housing Quality Standards inspection and if the estimated cost for repairs is below \$25,000. If the lead-based paint risk assessment shows lead and repairs cannot be done with containment, which allows a family use of restroom, cooking and sleeping facilities, the family must relocate to a lead safe housing unit for the duration of the rehabilitation and until the dwelling passes the clearance test. Refusal to relocate will be grounds to “walk away”.

Children, age six or younger, will be required to relocate if lead activity is necessary, even if containment is possible. Refusal to relocate will be grounds to “walk away”.

LEAD-BASED PAINT REQUIREMENTS

The homeowner, contractor, City, Housing Board, Grant Administrator and Housing Inspector will be required to follow all regulations of all state and federal regulations regarding lead-based paint hazards. The appropriate regulations are hereby made a part of this plan.

Participation in the Housing Rehabilitation program is voluntary for all parties. All property proposed for rehabilitation, and built prior to 1978, will be inspected for lead-based paint.

The City will require that children younger than 7 years of age living in a house built prior to 1978 be tested for an elevated blood lead level. If an applicant refuses to allow the child's blood to be tested, the City may elect not to rehabilitate the home.

The City is not required to pay any expenses for relocation of the household that may be required by lead-based paint activities during construction. However, the City recognizes that if relocation is required, it could produce a degree of hardship on the household. It will be the policy of the program to provide the household with \$ 90.00 per day relocation expense allowance for a household of two persons, plus \$ 15.00 per day for each additional household member. This allowance will be paid for the actual days the members are **required** to be out of the home. If a family voluntarily relocates during rehabilitation, when relocation is not required, it will be the policy of the City to not pay any relocation expenses.

LEAD-BASED PAINT PRECAUTIONS

All occupants of property to be rehabilitated will be notified of the following:

1. All households will receive both the "Protect Your Family from Lead in Your Home" and "Renovation Right" brochures.
2. All households will receive a copy of the risk assessment report to sign within 15 days after the risk assessment is completed.
3. If lead-based paint is discovered in the assessment, households will receive a "Lead Hazard Reduction Notice" within 15 days after work is completed.
4. All households, which have been identified as having lead-based paint, will receive a copy of the "Lead Hazard Clearance Notice".
5. Require any individual 7 years of age or younger, residing in the home, to have a blood test for elevated levels of lead.
6. Homeowners may sign a waiver to remain in their home if no child seven or under lives in the house and the repairs can be completed with self-containment; and restroom, cooking and sleeping facilities are available.
7. Relocation costs to a lead free dwelling may be paid to a homeowner or tenant when the risk assessment shows elevated levels of lead in areas where repairs will be done with or without containment and a restroom, cooking, and sleeping facilities are not available.
8. Participation in the Housing Rehabilitation program is voluntary, therefore, temporary relocation expenses are not required.

ROLES AND RESPONSIBILITIES

Homeowner

The homeowner must agree to abide by all the rules and regulations of the Housing Rehabilitation program and allow the rehabilitation work to be performed on his/her home in accordance with the Housing and Lead Hazard Control Plans, the Material Application Manual and/or the CDBG Housing Quality Standards guidelines.

The homeowner/tenant must:

1. Complete a Property Owners' Soft Loan Agreement.
2. Remove all obstacles from inside and outside of the house in order to view and subsequently work on the dwelling. This may include removing any stored items from areas and cutting any weeds or saplings that may obscure the foundation, or hauling away items stacked in or around the house, or homeowner/tenant must agree to allow debris to be removed from the premises by the contractor or City.
3. Grant access to the dwelling for additional inspections, pre-bid conference inspections, rehabilitation work, ongoing inspections of work, and state monitoring visit.
4. Provide electricity and water to the contractor at no cost.
5. Sign a waiver of liability for the property identified in the application.
6. Provide proof of property insurance and must keep the dwelling insured for the three-year soft loan period.
7. Shall provide documentation of lead blood level for every child age seven (7) and under if the home was constructed prior to 1978, prior to rehabilitation work proceeding.
8. Must agree to relocate should it become necessary in order to perform the lead hazard work.
9. Maintain the rehabilitated property in good condition and repair so it will not become a substandard property.
10. Must fill out an application and supply income documentation for the Weatherization program.
11. **The homeowner will be required to attend this final inspection and to sign the final inspection certificate.** If the homeowner has questions or comments on any of the rehabilitation work it should be mentioned at this time, prior to signing the certificate of completion.
12. If requested, the homeowner must make the home available at a CDBG monitoring visit.

GRIEVANCE POLICY

All grievances or concerns regarding civil rights, fair housing, the City Council, the Grant Administrator, City Clerk, the Housing Inspector, the contractor(s), the contractor's workmanship, the bid procedure(s), the awarding of the contracts etc. shall follow the grievance policy included in this application. All grievances and concerns should first be made in writing to the City Clerk. The City Clerk will then observe the following procedure:

Level 1

The City Clerk receives a written complaint.

The City Clerk contacts the Grant Administrator if the controversy is regarding workmanship, client treatment or contractor misunderstandings. The Grant Administrator will contact the Housing Inspector and contractor to meet on site and address the client or contractor concerns. A written resolution will be made to the complainant and a copy of the resolution will be forwarded to the City Clerk.

The City Clerk will immediately advance the complaint to level 2 if the complaint is on fair housing, civil rights, procurement or an environmental issue.

The complainant has the right to appeal the decision and must do so in writing to the City Clerk within five days from the date of the written resolution.

Level 2

The written complaint concerning fair housing, civil rights, procurement, the environment or an appeal of a previous decision will be reviewed by the Mayor, and City Clerk, with the assistance of the Grant Administrator and the City Attorney. If the complaint is a fair housing or civil rights concern, the City may submit the complaint to the Kansas Human Rights Commission, 130 South Market, Suite 7050, Wichita, Kansas, 67202, for investigation and resolution. After review, a written decision will be made to the complainant and the City Council.

The complainant has the right to appeal the decision and must do so in writing to the City Clerk within five days from the date of the written resolution.

Level 3

The City Clerk receives a written appeal from the complainant. The City Council will review the appeal with assistance from the City Attorney and Grant Administrator. All written evidence will be made available to the City Council for their deliberation. The City Council shall present a written resolution to the complainant within 15 days of the date the appeal was received.

All grievances/concerns regarding this project should first be made in writing. The letter must be submitted to the City Clerk. The City Clerk will then refer the complaint to the appropriate party(ies) to resolve the dispute. Written notice will be given to the complainant within 15 days. If the grievance remains unsolved after this action, the Grant Administrator, Housing Inspector, contractor and the homeowner will review the situation. Subsequently, a written recommendation of resolution will be forwarded to the Housing Board.

If this problem still cannot be resolved, the Housing Board will make disposition of the complaint from documentation that the complainant, Housing Inspector, contractor and/or Grant Administrator have submitted. Any of the involved parties may be called to appear before the Housing Board for clarification of the matter. At the time the Housing Board agrees, as a group, to make disposition of the complaint, they must in writing state their disposition and how it was determined. The Housing Board will then meet with the City Council to state their disposition of the complaint.

The governing body will then review the complaint at the next City Council meeting. The City Council will determine at that meeting if the Housing Board's decision is acceptable or unacceptable. If it is unacceptable, the City Council has the right to overturn the decision of the Housing Board. At that time the final disposition will be made in writing to the complainant.

Final responsibility for the Housing Rehabilitation program rests with the City. The City will be involved with the Housing program, perform duties as necessary and will have the final decision in local matters involving this grant.

CONFLICT OF INTEREST POLICY

The City will follow the Kansas Department of Commerce's Conflict of Interest Policy. Persons covered under this policy include: a city employee, elected or appointed official, agent, consultant, officer or any immediate family member or business partner of the above, of the recipient, or any designated public agencies or sub-recipients, which are receiving funds from the CDBG program. A copy of this policy has been adopted and is available for review from the City.

Amendments of these policies and procedures may be made by the City and must be submitted to the Kansas Department of Commerce for approval. When changes in the CDBG guidelines would adversely affect Housing Rehabilitation program applications already under review, such application will be evaluated under the CDBG guidelines in effect at the time of application.

Adoption of the Housing Rehabilitation Plan

This Housing Rehabilitation Plan and all related attachments was approved and adopted by the City Council of the City of Caney on the ____ day of _____, 2024.

City of Caney

BY: _____
Mayor

ATTEST: _____
City Clerk

DEMOLITION PLAN

City of Caney, Kansas

1. Target Area Location: CDBG funds are targeted within an area in the city, generally on the West side of Caney. The North boundary is West Taylor Street, and the South boundary is West Fourth Ave. The East boundary is North Spring Street, and the West boundary is North Foreman. See attached map. The City of Caney has funds available for the removal of residential structures in residential areas within the target area of Caney, KS
2. Structure Eligibility: Upon request to demolish an unsafe, dangerous or blighted structure, the City inspection staff shall certify that the structure to be demolished is in condemnable condition and presents a hazard to public health and safety. A structure not deemed condemnable by the City inspection staff shall not be eligible for this program.
3. Eligible Activities: Structures that are in condemnable condition would be removed under this plan, in accordance to the ranking system below. Structures to be removed using the CDBG funds would need to be in the target area. Those to be removed with City funds should be within the target area and would comply with the City Voluntary Demolition program. These activities would result in the improvement of the health and safety of area residents.
4. Ineligible Activities: Any activity that does not result in the removal of a blighting influence or improving the health and safety of residents. Property that has not be vacant for more than three (3) months.
5. Expenditure Limits: Cost must be reasonable.
6. Application Procedures: The availability of demolition funds will be publicized to residents of the target area through the local newspaper and other appropriate means. Applicants will be able to pick up forms at City Hall, 100 West Fourth Ave, Caney KS 67333 from 8:00 a.m. – 4:30 p.m. A copy of the application may be picked up and should be returned to the office.

Applications will be screened and recipients will be ranked by the procedures below. The final determination of recipients and work to be done will be dependent upon findings of the preliminary inspections, cost estimates and contractor bids.
7. Role of Property Owner: Property owners agree to allow the demolition work and to provide access to the property by demolition personnel. Access will be required for preliminary inspections, pre-bid conference inspections, demolition and ongoing inspection of work. A waiver of liability must be completed for each property, which is included in the application.
8. Complaint Procedures: The City of Caney Uniform Building Code Board of Appeals

will serve as an appeal board to hear grievances of individuals regarding the administration and demolition. All grievances shall be answered in writing within fifteen (15) working days of receipt of the grievance. The decision of the Board of Appeals shall be final.

9. Demolition Contract Procedures: Procurement procedures of the CDBG program must be used for procurement of services, materials and products. Competitive sealed bids for demolition will be taken for individual properties.

Bids will be solicited from known contractors and notices to bidders will be publicly advertised. All parties interested in bidding will be provided with a clear and accurate description of the technical requirements of the service to be procured, as well as any other requirements which offers must fulfill and all other factors to be used in evaluating bids or proposals.

In the event that an insufficient number of bids are received, or the bids are unacceptable, the work may be rebid or alternative procurement procedures may be used, such as the Small Purchases Procedures or Non-Competitive Negotiations.

Awards shall be made only to responsible contractors who possess the potential ability to perform successfully under the terms and conditions of a proposed procurement. Consideration shall be given to price, as well as such matters as contractor integrity, compliance with public policy, record of past performance and financial and technical resources.

Bids will be reviewed and approved by the Housing Rehabilitation Staff composed of the City Inspector, Deputy Inspector or contracted staff inspector.

10. Amendments to Demolition Plan: Provisions of the Demolition Plan may be amended by the City Commission and Commerce.

Adoption of the Demolition Plan

This Demolition Plan and all related attachments was approved and adopted by the City Council of the City of _____ on the ___ day of _____, 20__

City of _____

BY: _____
Mayor

ATTEST: _____
City Clerk



STATUTORY CHECKLIST

Use this worksheet for projects that are Categorically Excluded under 24 CFR §58.35(a).

PROJECT NAME: City of Caney Housing Project

ERR FILE # 23-HR-002(optional)

An "ERR Determination" form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

DIRECTIONS – For each authority, check one of the appropriate boxes under "Status."

"A box" The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

"B box" The project requires an additional compliance step or action, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation or Policy cited at 24 CFR §58.5	STATUS		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The project site is not in an EPA-designated non-attainment or maintenance area. No further action is required. See attachment 1: Counties Designated "Nonattainment," 01-08-2024 KDHE/BER granted clearance on 01/31/2024. KDHE Division of Environment approved the project; KDHE Bureau of Air advised that an asbestos inspection may be needed per house. See attachment 2: KDHE Comments, 01/31/2024; KDHE/BER Memorandum, 01/31/2024; KDHE Division of Environment request for comment sheet;
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project area is not within 2500 feet of a civil airport or 15000 feet of a military runway. The closest airport is the Independence Municipal Airport in Independence, Kansas, approximately 11.3 miles north of the project area. No further action is required. See attachment 3: www.airnav.com, 01/08/24. The nearest commercial service airport is the Tulsa International Airport in Tulsa, Oklahoma, located approximately 61.8 miles South of the project area. No further action is required. See attachment 4: ACAIS Commercial Service Airports 01/08/23

3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/> <input type="checkbox"/>	No coastal zone management programs exist in the states of HUD Region VII, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Manag't. (http://coastalmanagement.noaa.gov/mystate/welcome.html)
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/> <input checked="" type="checkbox"/>	<p>The Kansas Water Office granted clearance for this project with the following notes: If the project proceeds to construction, practices need to be put in place to ensure contaminants do not reach the surface or groundwater in the area, NEPAassist was utilized to map Superfund, Hazardous Waste, Toxic Release, and Air Emission sites. No sites were found within the project area. No further action is required in conjunction with KDHE/ BER and KDHE Assessment and Restoration Section comments referenced above. KCC was contacted and no response has been returned. No Further Action is required. See attachment 5: NEPAassist map and ECHO reports 01/09/2024, See Attachment 6: KWO response 1/19/2024</p> <p>KDHE Assessment and Restoration Section has 1 known supersite within the vicinity of the proposed project area. Remediation activities were completed between June 1999 and April 2000. No further action is required. See attachment 2 KDHE assessment and restoration Memorandum, 01/31/2024. See</p> <p>KDHE Assessment and Restoration Section granted clearance for the project stating there are no known Brownfields and Orphans Sites within the project area. No further action is required. See attachment 2: KDHE assessment and Restoration Section Memorandum, 01/31/2024..</p> <p>KDHE Bureau of Water noted no major concerns. No Further Action is required KDHE Comments, 01/31/2024 ;KDHE Division of Environment request for comment sheet; attachment 2..</p> <p>KDHE Bureau of Waste Management stated any sewage contaminated material should be disposed at a municipal solid waste landfill. Other construction/demolition waste or clean rubble may be disposed in accordance with the enclosed Technical Guidance Document. This document will be included in the bid specifications and construction contract. See attachment 2: KDHE Bureau of Waste Management Memorandum, 01/31/2024; See Attachment 7: Technical Guidance Document SW-1994-G2.</p>
5. Endangered Species [50 CFR 402]	<input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The U. S. Fish and Wildlife Service's Ipac and EOS system was utilized to determine if any endangered or threatened species were in the project area. Twelve species were listed within Montgomery County. U. S. Fish and Wildlife Service was contacted and approved. No further action is required. See attachment 9: EOS System Documents 01/08/24, See Attachment 10 IPAC systems and See Attachment 8: U.S Fish and Wildlife comments 01/30/2024</p>
6. Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/> <input type="checkbox"/>	<p>The EPA EJS maps reflect that minority population is less than 50% percent. The Low-Income Population map reflects 60-70 percent of the population as LMI, while the 2015 HUD LMI Census reflects 52—12 percent. The housing project will benefit both minority and LMI populations as it will eliminate the threat to public health and safety. The public was invited to comment on the project during the application process, but no comments were received. No further action is required. See attachment 11: EPS EJS maps, 01/09/2024</p>
7. Explosive and Flammable Operations [24 CFR 51C]	<input checked="" type="checkbox"/> <input type="checkbox"/>	<p>KDHE/BER Storage Tank Section did not identify any storage tank facilities within the vicinity of the proposed project area. Clearance for the project should be granted. No further actions are required. See attachment 2: KDHE Comments, 01/31/2024; KDHE/BER Memorandum, 01/31/2024 ;KDHE Division of Environment request for comment sheet;</p> <p>Federal Emergency Management Agency: Hazard Identification and Risk Assessment was contacted and no response has been returned. No Further Action is required.</p>
8. Farmland Protection [7 CFR 658]	<input checked="" type="checkbox"/> <input type="checkbox"/>	<p>No further action is required under the Farmland Protection Policy Act(FPPA) because is will take place in utility right- of-way located, mostly within city limits.</p>

9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project does not involve activities in the 100-year floodplain. See attachment 12: Firm Panel Map and FEMA flood map (FEMA.gov) 1.8.2023
10. Historic Preservation [36 CFR 800]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	When to Consult with Tribes Under Section 106" was completed, and it was determined this project does not require review by THPOs' s. Project activities will occur in previously disturbed areas and will not involve significant ground disturbance. However, out of respect for Tribal entities, construction contracts will include a condition that if archeological sites or human remains are discovered during project construction, that portion of the project shall stop immediately, and the project manager shall notify the City of Caney, who in turn will notify the THPO. The City of Caney will resume its responsibilities under 36 CFR 800. 13(b). Contact with the Kansas History Preservation Office was made, there are 13 historic properties or buildings located in Caney, KS. None of the historic properties or buildings will be included in the rehabilitation or demolition project. SHPO has not responded at this time. See attachment 13: When to Consult with Tribes Under Section 106, 01/09/2023, See Attachment 18: Historic Properties List
11. Noise Control [24 CFR 51B]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This project involves the rehabilitation and demolition of homes. The project is not within 15mi of an airport or 1,000ft of a major road but within 3,000ft of a railroad. A noise assessment was performed, and the DNL was 70 dB, Mitigation is recommended utilizing noise attenuation measures. See Attachment 19
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No designated sole source aquifers are located in HUD Region VII. Aquifers) See attachment 19: EPA Region VII sole source aquifers.
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The U.S Army Corps of Engineers advised that if discharge of dredged or fill material in waters is possible, a permit will be required. This project will not discharge dredged or filled material, so no further action is needed. The project is not located in, nor will it impact a wetland. See attachment 15: U.S. Fish and Wildlife National Wetlands Inventory map, 1/9/2024, See Attachment 16: US Army Corps of Engineers response 1/19/2024
14. Wild and Scenic Rivers [36 CFR 297]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project is not located near a designated Wild and Scenic River. No further action is required. See Attachment 17: National Wild and Scenic Rivers System map, 010/09/24

DETERMINATION:

- Box "A" has been checked for all authorities.** The project can convert to Exempt, per §58.34(a)(12), since the project does not require any compliance measure (e.g., consultation, mitigation, permit or approval) with respect to any law or authority cited at §58.5. The project is now made Exempt and **funds may be drawn down;** OR
- Box "B" has been checked for one or more authority.** The project cannot convert to Exempt since one or more authority requires compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD- 7105.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §§ 58.70 & 58.71 **before committing funds;** OR
- The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Part 58.6 Requirements [24 CFR §58.6]

Complete the following table for all projects.

§58.6 Requirements	Status (Y/N)	Source Documentation
Flood Disaster Protection Act [Flood Insurance] [§58.6(a)]	Yes	This project is not in a flood zone per map number 20125C0315D. However, the City of Caney is a National Flood Insurance Program member. Attachment 12
Coastal Barrier Resources Act/Coastal Barrier Improvement Act [§58.6(c)]	YES	No Coastal Barrier Resource Areas in MO/KS/NE/IA. http://coastalmanagement.noaa.gov/mystate/welcome.html
Airport Runway Clear Zone Disclosure & Notification [§58.6(d)]	yes	The project area is not located within 2500 feet of a civil airport or 15000 feet of a military runway. The closest airport is the Independence Municipal Airport in Independence, Kansas, approximately 11.3 miles north of the project area. No further action is required. See attachment 3: www.airnav.com, 01/08/24.

PREPARER:

SIGNATURE: Amber Dean DATE: 2-2-24

PREPARER NAME & TITLE: Amber Dean, City Clerk

PREPARER'S AGENCY (If Different from Responsible Entity):

City of Caney

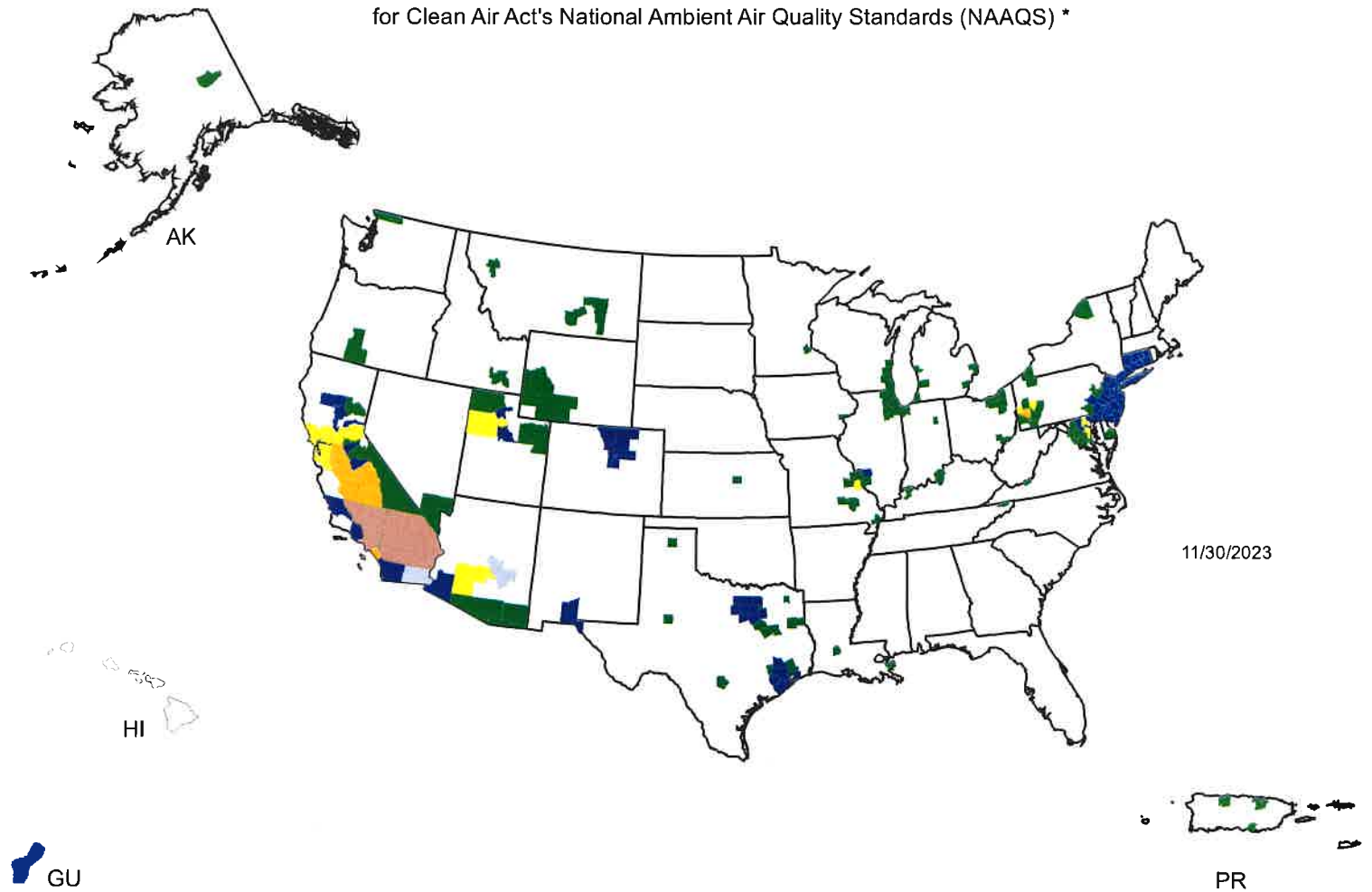
RESPONSIBLE ENTITY APPROVING OFFICIAL:

SIGNATURE: _____ DATE: 2-5-2024

APPROVING OFFICIAL NAME & TITLE: Joshua Elliott, Mayor

Counties Designated "Nonattainment"

for Clean Air Act's National Ambient Air Quality Standards (NAAQS) *



Legend **

- County Designated Nonattainment for 6 NAAQS Pollutants
- County Designated Nonattainment for 5 NAAQS Pollutants
- County Designated Nonattainment for 4 NAAQS Pollutants
- County Designated Nonattainment for 3 NAAQS Pollutants
- County Designated Nonattainment for 2 NAAQS Pollutants
- County Designated Nonattainment for 1 NAAQS Pollutant

* The National Ambient Air Quality Standards (NAAQS) are health standards for Carbon Monoxide, Lead (1978 and 2008), Nitrogen Dioxide, 8-hour Ozone (2008), Particulate Matter (PM-10 and PM-2.5 (1997, 2006 and 2012), and Sulfur Dioxide.(1971 and 2010)

** Included in the counts are counties designated for NAAQS and revised NAAQS pollutants. Revoked 1-hour (1979) and 8-hour Ozone (1997) are excluded. Partial counties, those with part of the county designated nonattainment and part attainment, are shown as full counties on the map.

Office of the Secretary
Curtis State Office Building
1000 SW Jackson St., Suite 540
Topeka, KS 66612-1367



Phone: 785-296-0461
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

Comments by: KDHE

Transmittal Date: February 1, 2024

This form provides notification and the opportunity for your agency to review and comments on this proposed project as required by Executive Order 12372. Review Agency, please complete Parts II and III as appropriate and return to the contact person listed below. Your prompt response will be appreciated.

Return To: Amber Dean

Email: cityclerk@caney.kscoxmail.com

PART I

REVIEW AGENCIES/COMMISSION

- Aging
- Agriculture
- Biological Survey
- Conservation Commission
- Corporation Commission

- Education
- Geological Survey, KS
- Health & Environment
- Historical Society
- Social & Rehabilitation

- State Forester
- Transportation
- Water Office, KS
- Wildlife & Parks
- Commerce

PART II

AGENCY REVIEW COMMENTS

(Attach additional sheet if necessary) Re: City of Caney

Kevin Heit, Bureau of Waste Management: Comments and an attachment are enclosed for this project.

Bureau of Environmental Remediation: Tiffini Wells, The Remedial Section has no concerns with this project, Christopher Wierman / Michael Casanova; comments are enclosed for this project, Brett Tavener; comments are enclosed for this project, Delbert Smith; comments are enclosed for this project, Jesse Cutter, comments are enclosed for this project, Redevelopment Section: Jorge Jacobs; No comments at this time.

Connie Ellis, Bureau of Air: BOA comments are enclosed.

Erich Glave, Bureau of Environmental Field Services, BEFS has no comments.

Tom Stiles, Bureau of Water: BOW comments are enclosed.

PART III

RECOMMENDED ACTION COMMENTS

- Clearance of the project should be granted.
- Clearance of the project should not be delayed but the Applicant should (in the final application) address and clarify the question or concerns indicated above.
- Clearance of the project should not be granted.
- Clearance of the project should be delayed until the issues or questions above have been clarified.
- Request the opportunity to review final application prior to submission to the federal funding agency.
- Request a State Process Recommendation in concurrence with the above comments

DIVISION/ AGENCY/ COMMISSION:

Judi Dunn, Division of Environment Director's Office

Phone: 785.291-3092

Email: Judi.Dunn@ks.gov

Attachment

2

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

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn

CC: Julie Coleman, Jeff Walker

FROM: Kevin Heit – Bureau of Waste Management

DATE: January 18th, 2024

RE: Intergovernmental Agency Review requested by the City of Caney for Kansas Department of Commerce, Small Cities Community Development Block Grant Program, CDBG Project #23-HR-002, sponsored activities of the City of Caney Housing Project, Montgomery County, KS.

The City of Caney and any contractor(s) should review the attached Technical Guidance Document and ensure all waste is properly disposed. Waste that does not meet the definition of clean rubble or construction/demolition waste should be disposed at a permitted municipal solid waste landfill. If further information is required, I may be reached via email at kevin.heit@ks.gov or by phone at (785) 296-1757.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Brett Tavener
DATE: January 17, 2024
RE: Intergovernmental Agency Review for Housing Rehabilitation, Caney, KS

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Storage Tank Section, did not identify any storage tank facilities within the vicinity of the proposed project area. Clearance for the project should be granted.

Staff members or representatives for the City of Caney or their consultant are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at 785-291-3105 or brett.tavener@ks.gov if you have any questions or concerns.

Attachment

2

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Delbert Smith
DATE: January 17, 2024
RE: Intergovernmental Agency Review requested by Kansas Department of Commerce (Housing Project – City of Caney).

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Spills Unit, has no identified contaminated spill sites within the vicinity of the proposed project.

Staff members or representatives for Kansas Department of Commerce or the City of Caney are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 368-7301 or by email at delbert.smith@ks.gov if you have any questions.

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Jesse Cutter
DATE: January 19, 2024
RE: Intergovernmental Agency Review requested by the City of Caney regarding the Housing Demolition/Rehabilitation Project

The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Orphan Sites Unit, has not identified any sites within the vicinity of the project which would be impacted by or would impact the proposed project.

Staff members or representatives for the City of Caney are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 296-1676 or by email Jesse.Cutter@ks.gov if you have any questions.

Attachment

2

Office of the Secretary
Curtis State Office Building
1000 SW Jackson St., Suite 540
Topeka, KS 66612-1367



Phone: 785-296-0461
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Connie Ellis
DATE: 12-20-23
RE: **City of Caney**

BOA comments: An asbestos inspection may be needed. Please contact Phil Schlaman with any asbestos questions, 785-296-1549.

Attachment
2

Office of the Secretary
Curtis State Office Building
1000 SW Jackson St., Suite 540
Topeka, KS 66612-1367



Phone: 785-296-0461
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Thomas C. Stiles
DATE: 1/31/2024
RE: Caney Housing Removal Project Environmental Review Comments from BOW

No major concerns by BOW.

Thomas C. Stiles
Director, Bureau of Water
Kansas Department of Health and Environment
1000 SW Jackson Street, Suite 420
Topeka, KS 66612
785-296-6170
Tom.stiles@ks.gov

Attachment
2

Division of Environment
Curtis State Office Building
1000 SW Jackson St., Suite 410
Topeka, KS 66612-1367



Phone: 785-296-1660
Fax: 785-559-4261
www.kdheks.gov

Janet Stanek, Secretary

Laura Kelly, Governor

MEMORANDUM

TO: Judi Dunn
FROM: Michael Casanova
DATE: February 2, 2024
RE: Intergovernmental Agency Review requested by City of Caney for Housing Rehabilitation Project in Montgomery County





The Kansas Department of Health and Environment Bureau of Environmental Remediation (KDHE/BER), Assessment and Restoration Section, Dry Cleaner / Superfund Unit, has one known Superfund site within the vicinity of the proposed project. The proposed project is located within the boundaries of the American Zinc, Lead and Smelting Company. Lead and zinc smelting was in operation from 1907 to 1920. Results of soil and surface water analyses indicated elevated levels of heavy metals at the site including, but not limited to, lead, zinc, and cadmium. Site removal activities were completed between June 1999 and April 2000.

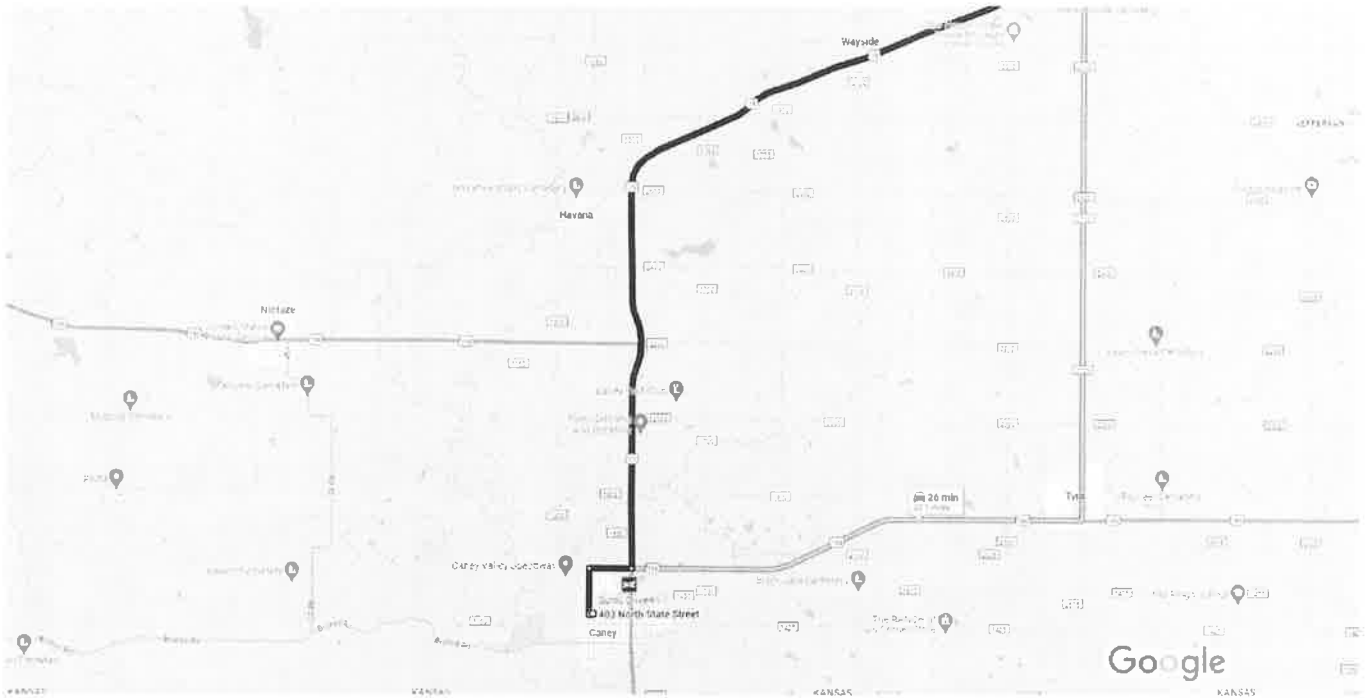
The EPA selected remedy included: excavation, relocation, regrading, capping, and revegetation of mine/mill waste piles. Removal actions consisted of excavating non-residential soil and smelter materials with lead concentrations greater than 500 milligrams per kilogram (mg/kg) and cadmium concentrations greater than 75 mg/kg. Non-residential excavated materials were placed in an on-site repository and capped with an engineered low-permeability cover. Soil and smelter materials on residential properties with lead concentrations greater than 500 mg/kg and cadmium concentrations greater than 50 mg/kg were excavated and disposed in a Subtitle C landfill in Independence, Kansas.

Staff members or representatives for the City of Caney or Montgomery County are welcome to come and view the KDHE/BER files in accordance with the Kansas Open Records Act. Please contact me at (785) 2966242 or by email at michael.casanova@ks.gov if you have any questions.

Airport Search Results

4 airports found near Caney, KS

ID	CITY	AIRPORT NAME	WHERE
 IDP	INDEPENDENCE, KS	INDEPENDENCE MUNICIPAL AIRPORT	11.3 nm NE
 61K	SEDAN, KS	SEDAN CITY AIRPORT	14.6 nm WNW
 BVO	BARTLESVILLE, OK	BARTLESVILLE MUNICIPAL AIRPORT	15.5 nm SSW
 CFV	COFFEYVILLE, KS	COFFEYVILLE MUNICIPAL AIRPORT	17.9 nm ENE



Map data ©2024 1 mi



via US-75 N

21 min

Fastest route now due to traffic conditions

18.2 miles



via US-166 E and Montgomery
County Rd 2700

26 min

20.1 miles

Explore nearby Independence-Freedom
Municipal Airport



Restaurants



Hotels



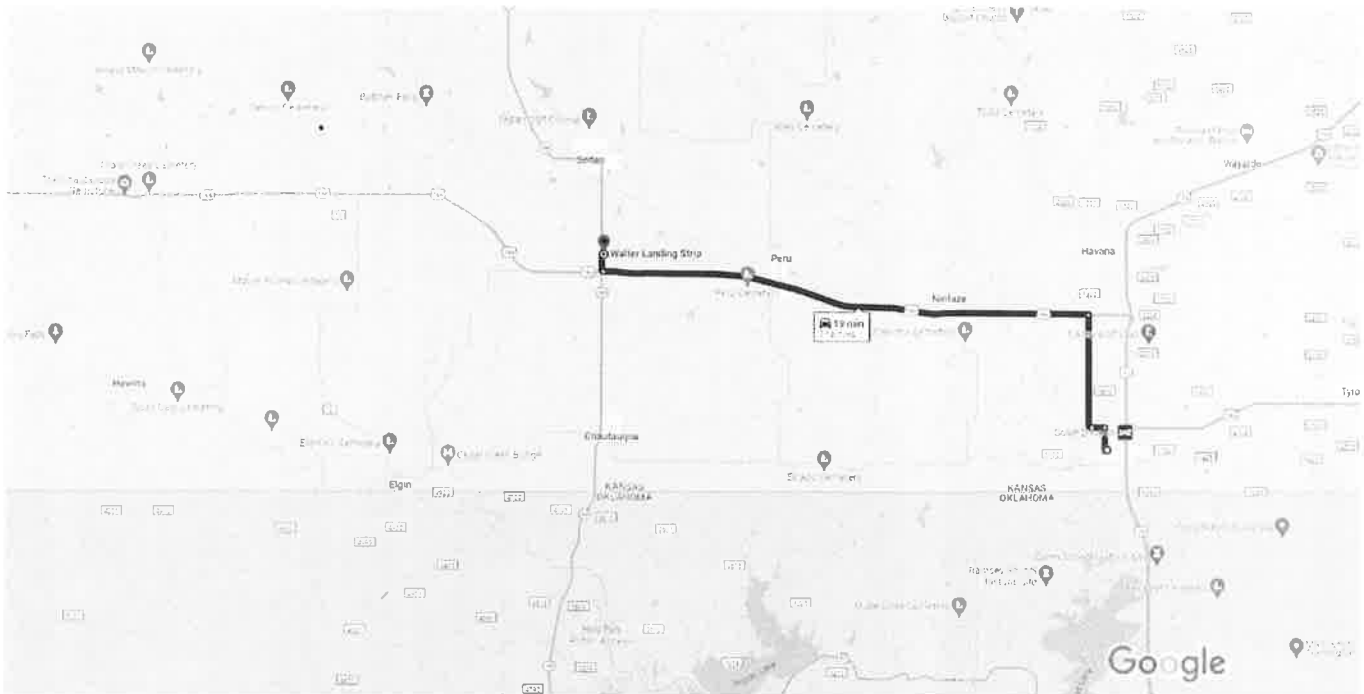
Gas stations



Parking Lots



More



Map data ©2024 2 mi



via US-166 W

19 min

Fastest route now due to traffic conditions

17.6 miles

Explore Walter Landing Strip



Restaurants

Hotels

Gas stations

Parking Lots

More

Google Maps

403 N State St, Caney, KS 67333 to Bartlesville OK
Municipal Airport, 401 Wiley Post Rd, Bartlesville, OK 74003

Drive 22.6 miles, 29 min



Map data ©2024 2 mi



via US-75 S

29 min

Fastest route now due to traffic conditions

22.6 miles

Explore nearby Bartlesville OK Municipal Airport



Restaurants



Hotels



Gas stations



Parking Lots



More

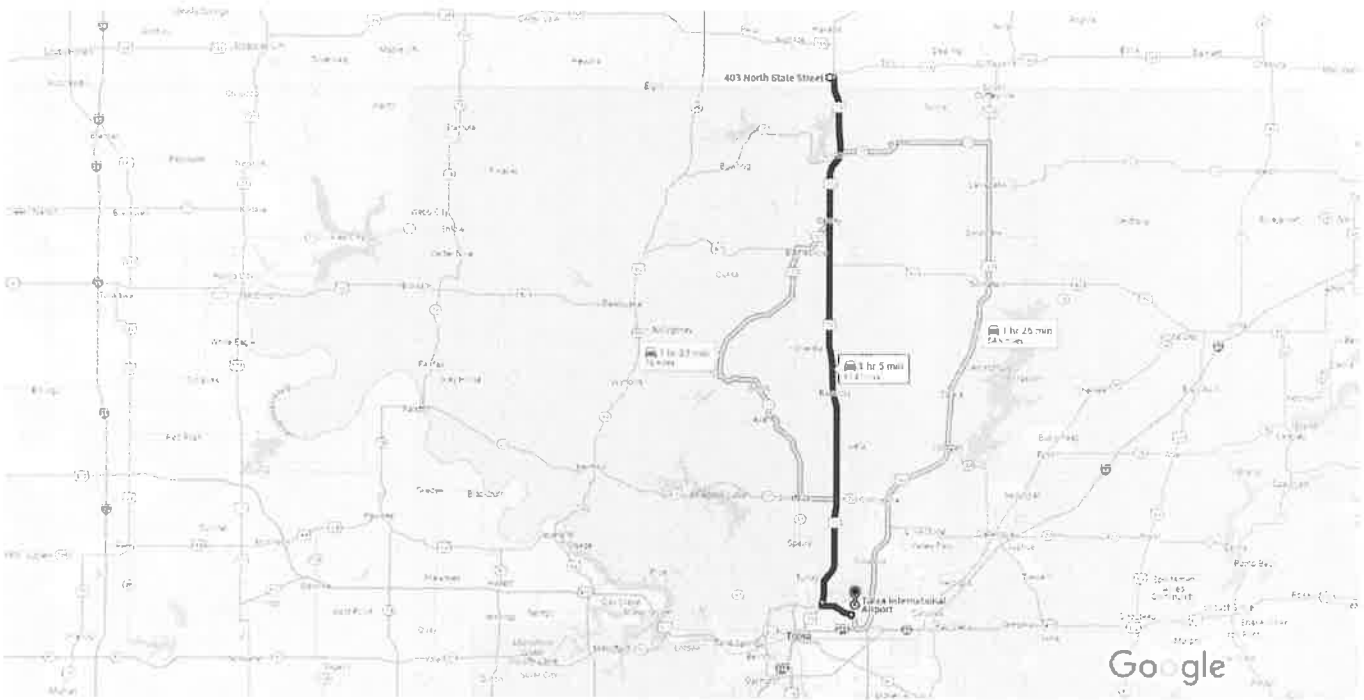
Attachment

3

Airport Search Results

55 airports found near Caney, KS, 50 closest airports shown below

ID	CITY	AIRPORT NAME	WHERE
→ IDP	INDEPENDENCE, KS	INDEPENDENCE MUNICIPAL AIRPORT	11.3 nm NE
→ 61K	SEDAN, KS	SEDAN CITY AIRPORT	14.6 nm WNW
→ BVO	BARTLESVILLE, OK	BARTLESVILLE MUNICIPAL AIRPORT	15.5 nm SSW
→ CFV	COFFEYVILLE, KS	COFFEYVILLE MUNICIPAL AIRPORT	17.9 nm ENE
→ H66	NOWATA, OK	NOWATA MUNICIPAL AIRPORT	22.9 nm SE
→ 2K6	MOLINE, KS	ELK COUNTY AIRPORT	27.3 nm NW
→ PPF	PARSONS, KS	TRI-CITY AIRPORT	27.8 nm NE
→ 2K7	NEODESHA, KS	NEODESHA MUNICIPAL AIRPORT	28.7 nm NNE
→ H76	PAWHUSKA, OK	PAWHUSKA MUNICIPAL AIRPORT	30.6 nm SW
→ 1K7	FREDONIA, KS	FREDONIA AIRPORT	34.3 nm N
→ 2F6	SKIATOOK, OK	SKIATOOK MUNICIPAL AIRPORT	39.7 nm S
→ H92	HOMINY, OK	HOMINY MUNICIPAL AIRPORT	40.7 nm SSW
→ 11K	ERIE, KS	SQUADRON FIELD AIRPORT	42.5 nm NE
→ K67	OSWEGO, KS	OSWEGO MUNICIPAL AIRPORT	43.5 nm ENE
→ H04	VINITA, OK	VINITA MUNICIPAL AIRPORT	44.5 nm ESE
→ CNU	CHANUTE, KS	CHANUTE MARTIN JOHNSON AIRPORT	44.6 nm NNE
→ O38	OWASSO, OK	GUNDYS AIRPORT	45.4 nm S
→ 07S	BEAUMONT, KS	BEAUMONT HOTEL AIRPORT	48.0 nm NW
→ GCM	CLAREMORE, OK	CLAREMORE REGIONAL AIRPORT	48.5 nm SSE
→ TUL	TULSA, OK	TULSA INTERNATIONAL AIRPORT	49.0 nm S
→ K11	CLAREMORE, OK	SAM RIGGS AIRPARK AIRPORT	49.6 nm SSE
→ MIO	MIAMI, OK	MIAMI REGIONAL AIRPORT	50.5 nm E
→ 95F	CLEVELAND, OK	CLEVELAND MUNICIPAL AIRPORT	50.7 nm SSW
→ OWP	SAND SPRINGS, OK	WILLIAM R POGUE MUNICIPAL AIRPORT	51.4 nm SSW
→ 4F1	WESTPORT, OK	WESTPORT AIRPORT	51.6 nm SSW
→ 1K8	KETCHUM, OK	SOUTH GRAND LAKE REGIONAL AIRPORT	52.3 nm ESE
→ 1H6	TULSA, OK	HARVEY YOUNG AIRPORT	52.8 nm S
→ 0K6	INOLA, OK	DOBIE'S AIRPORT	53.0 nm SSE
→ 13K	EUREKA, KS	LT WILLIAM M MILLIKEN AFB	53.0 nm SSE



Map data ©2024 Google 5 mi

- 🚗
via US-75 S and US-75 S
1 hr 5 min
Fastest route now due to traffic conditions
61.8 miles

- 🚗
via OK-11 E
1 hr 23 min
78.0 miles

- 🚗
via US-169 S
1 hr 26 min
84.9 miles

Explore nearby Tulsa International Airport



Restaurants Hotels Gas stations Parking Lots More

NEPAssist Report

Target Area

A3 Landscape



January 9, 2024

- Target Area
- Brownfields (ACRES)
- Water Dischargers (IPDES)
- Hazardous Waste (RCRAInfo)
- Superfund (HPL)
- Air Pollution (ICIS AIR)



Esri Community Map Contributor © GeoInformation
 Microsoft, Esri, Garmin, Garmin, Bing, Google
 GeoTechnologies, Inc., METI/USA, USGS, EPA, NPS,
 US Census Bureau, NOAA, NOAA

Input Coordinates: 37.015975,-95.936187,37.011606,-95.936187,37.011606,-95.941294,37.015975,-95.941294,37.015975,-95.936187

Project Area	0.09 sq mi
Within an Ozone 1-hr (1979 standard) Non-Attainment/Maintenance Area?	no
Within an Ozone 8-hr (1997 standard) Non-Attainment/Maintenance Area?	no
Within an Ozone 8-hr (2008 standard) Non-Attainment/Maintenance Area?	no
Within an Ozone 8-hr (2015 standard) Non-Attainment/Maintenance Area?	no
Within a Lead (2008 standard) Non-Attainment/Maintenance Area?	no
Within a SO2 1-hr (2010 standard) Non-Attainment/Maintenance Area?	no
Within a PM2.5 24hr (2006 standard) Non-Attainment/Maintenance Area?	no
Within a PM2.5 Annual (1997 standard) Non-Attainment/Maintenance Area?	no
Within a PM2.5 Annual (2012 standard) Non-Attainment/Maintenance Area?	no
Within a PM10 (1987 standard) Non-Attainment/Maintenance Area?	no
Within a CO Annual (1971 standard) Non-Attainment/Maintenance Area?	no
Within a NO2 Annual (1971 standard) Non-Attainment/Maintenance Area?	no
Within a Federal Land?	no
Within an impaired stream?	no
Within an impaired waterbody?	no
Within a waterbody?	no
Within a stream?	no
Within an NWI wetland?	Available Online
Within a Brownfields site?	no

Within a Superfund site?	no
Within a Toxic Release Inventory (TRI) site?	no
Within a water discharger (NPDES)?	no
Within a hazardous waste (RCRA) facility?	no
Within an air emission facility?	no
Within a school?	no
Within an airport?	no
Within a hospital?	no
Within a designated sole source aquifer?	no
Within a historic property on the National Register of Historic Places?	no
Within a Land Cession Boundary?	yes
Within a tribal area (lower 48 states)?	no
Within the service area of a mitigation or conservation bank?	no
Within the service area of an In-Lieu-Fee Program?	yes
Within a Public Property Boundary of the Formerly Used Defense Sites?	no
Within a Munitions Response Site?	no
Within an Essential Fish Habitat (EFH)?	no
Within a Habitat Area of Particular Concern (HAPC)?	no
Within an EFH Area Protected from Fishing (EFHA)?	no
Within a Bureau of Land Management Area of Critical Environmental Concern?	no
Within an ESA-designated Critical Habitat Area per U.S. Fish & Wildlife Service?	no
Within an ESA-designated Critical Habitat river, stream or water feature per U.S. Fish & Wildlife Service?	no

Created on: 1/9/2024 1:56:18 PM

Amber Dean

From: Tjelmeland, Kirk <Kirk.Tjelmeland@kwo.ks.gov>
Sent: Friday, January 12, 2024 4:41 PM
To: 'Amber Dean'
Subject: Housing Project Review
Attachments: Environmental Review_01122024.pdf

Good afternoon Amber,

Please find attached the KWO Environmental Review for the Housing Project. I recommended project approval. However, the protection of surface and groundwater in the area is critical so practices need to be put in place to keep any contaminants from entering the water.

Thank you for the opportunity to review the project.

Have a fantastic Friday afternoon,

Kirk "Tj" Tjelmeland
Field Services Coordinator
Kansas Water Office
P: 785-368-8149
C: 785-249-7535

Attachment

6

Request for Environmental Assessment Comments

REPLY REQUESTED BY:

Feb 10th, 2024

<p>TO:</p> <p style="text-align: center;">Kansas Water Office 900 SW Jackson Street, Suite 404 Topeka, KS 66612-1249</p> <p style="text-align: center;">(Please indicate any change in address or personnel)</p>	<p>GRANT NUMBER AND PROGRAM:</p> <p>Kansas Department of Commerce Small Cities Community Development Block Grant Program</p> <p>Grant No. 23-HR-002</p>
<p>APPLICANT NAME AND ADDRESS:</p> <p>City of Caney 100 West Fourth Ave Caney, KS 67333</p>	<p>RETURN TO:</p> <p>Amber Dean, City Clerk PO Box 129 Caney, KS 67333 620-879-2772 cityclerk@caney.kscoxmail.com</p>
<p>PROGRAM ACTIVITY/PROJECT NAME:</p> <p>City of Caney Housing Project</p>	<p>LOCATION:</p> <p>The Target area is on the west side of the City of Caney. The north boundary is West Taylor Street, and the south is West Fourth Ave. The east boundary is North Spring Street, and the west boundary is North Foreman, City of Caney, Montgomery County, Kansas 67333</p>

PROGRAM ACTIVITY/DESCRIPTION: The project will consist of demolishing and rehabilitating housing units in an area generally bounded by Caney City Limits, consisting of the demolition of 3 houses and rehabilitation of 5-12 houses. The estimated project cost is \$303,000.00, with the grant request for \$300,000 of the project cost. Construction/Demolition is anticipated during the Summer/Fall of 2024 (Map of the Target Area is on the backside of paper along with potential applicants).


REVIEW AGENCY COMMENTS:

No Comment Project Approval Other (Explain Below)

If the project proceeds to construction, practices need to be put in place to insure contaminants do not reach surface or groundwater in the area.

Attachment

6

<p>SIGNATURE:</p> 	<p>TITLE: <i>Field Services Coordinator</i></p>	<p style="text-align: center; font-size: 1.2em;">1-12-2024</p>
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Construction and Demolition Wastes and Clean Rubble Guidance Document

Construction and Demolition (C&D) waste is solid waste generated during construction or demolition activities. Clean rubble is also generated during construction or demolition activities, but it differs in composition from C&D waste. This document explains the definitions of C&D waste and clean rubble and acceptable methods for disposal of both.

Construction and Demolition Waste

Definition of C&D waste

C&D waste is defined in KSA 65-3402(u) as:

- solid waste resulting from the construction, remodeling, repair and demolition of structures, roads, sidewalks and utilities;
- untreated wood and untreated sawdust from any source;
- treated wood from construction or demolition projects;
- small amounts of municipal solid waste generated by the consumption of food and drinks at construction or demolition sites, including, but not limited to, cups, bags and bottles;
- furniture and appliances from which ozone depleting chlorofluorocarbons have been removed in accordance with the provisions of the federal clean air act;
- solid waste consisting of motor vehicle window glass; and
- solid waste consisting of vegetation from land clearing and grubbing, utility maintenance, and seasonal or storm related cleanup.

Such wastes include, but are not limited to, bricks, concrete, and other masonry materials, roofing materials, soil, rock, wood, wood products, wall or floor coverings, plaster, drywall, plumbing fixtures, electrical wiring, electrical components containing no hazardous materials, non-asbestos insulation and construction related packaging.

Other statutes and regulations further refine the definition:

Construction related packaging means small quantities of packaging wastes that are generated in the construction, remodeling or repair of structures and related appurtenances. "Construction related packaging" does not include packaging wastes that are generated at retail establishments selling construction materials, chemical containers generated from any source or packaging generated during maintenance of existing structures. *KSA 65-3402(dd)*

Furniture and appliances do not include computer monitors and other computer components, televisions, videocassette recorders, stereos, and similar waste electronics.

KAR 28-29-300(a)(4)(A)

Treated wood includes wood treated with any of the following:

- (i) Creosote;
- (ii) oil-borne preservatives, including pentachlorophenol and copper naphthenate;

- (iii) waterborne preservatives, including chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), and ammoniacal copper quaternary compound (ACQ); or
- (iv) any other chemical that poses risks to human health and the environment that are similar to the risks posed by the chemicals specified in paragraphs (i) through (iii).

KAR 28-29-300(a)(4)(B)

Untreated wood includes the following, if the wood has not been treated with any of the chemicals listed in the definition of treated wood:

- (i) Coated wood, including wood that has been painted, stained, or varnished; and
- (ii) engineered wood, including plywood, laminated wood, oriented-strand board, and particle board.

KAR 28-29-300(a)(4)(C)

Wastes which may be disposed of in a C&D landfill

In addition to the items *explicitly* identified as C&D waste in KSA 65-3402(u), the Kansas Department of Health and Environment (KDHE) considers the following materials as *acceptable* for disposal in a C&D landfill:

1. Uncontaminated wooden pallets;
2. Street sweepings (litter must be removed and concentrations of metals, volatile organic compounds, and other compounds must be below regulatory levels);
3. Floor tile, siding, and roofing material containing non-friable asbestos. This material should be:
 - a. handled so it remains non-friable (e.g., may have to be manually removed prior to demolition of structure);
 - b. transported wet (covered with a mist spray to suppress dust) or transported with tarp cover; and
 - c. covered immediately at the landfill;
4. Trees, brush, sod, and incidental quantities of leaves and grass;
5. Ash and other residues from the burning of trees and brush (trees and brush must have been burned in accordance with KAR 28-19-647);
6. Metal scrap (e.g. tie strapping);
7. Mobile homes and trailers (except the tires and fuel tanks). KDHE encourages the recycling of metal components.

Dry mud trap solids from commercial car washes may be applied as cover at a C&D landfill. To be considered a solid the material must pass the paint filter test, EPA method SW 846/9095.

Wastes which may *not* be disposed of in a C&D landfill

Construction and demolition waste does not include waste material containing friable asbestos, garbage, appliances from which ozone depleting chlorofluorocarbons have not been removed in accordance with the provisions of the federal clean air act, electrical equipment containing hazardous materials, tires, drums and containers even though such wastes resulted from construction and demolition activities.

KSA 65-3402(u)

In addition to the items *explicitly* identified as not being C&D waste, KDHE considers the following wastes *unacceptable* for disposal in a C&D landfill:

1. Processed tires - i.e. cut or baled;
2. Mud trap wastes from businesses other than commercial car washes;
3. Bagged or bulk quantities of leaves and/or grass clippings;
4. Trash bags, unless demonstrated to contain only acceptable wastes.

Disposal options for C&D wastes

Acceptable C&D wastes may be disposed of in either a municipal solid waste landfill (MSWLF) or in a C&D landfill. Both MSWLFs and C&D landfills must be approved by KDHE through a permit process. But because of the relatively inert nature of the wastes disposed in C&D landfills, these landfills do not have to meet design standards as strict as those for MSWLFs.

Most C&D landfills will, on occasion, receive waste that is not appropriate for disposal. Therefore, all C&D landfills should conduct waste screening (i.e., inspect incoming waste and remove unacceptable materials) and maintain a dumpster or roll-off container onsite for unacceptable wastes which are received at the landfill. Waste screening is covered in Guidance Document Waste Screening and General Operations at Construction & Demolition Landfills, and storage of unapproved wastes screened from construction and demolition landfills is addressed in Bureau of Waste Management Policy 02-01.

Clean Rubble

Definition of clean rubble

According to KSA 65-3402(w), "Clean rubble means the following types of construction and demolition waste: concrete and concrete products including reinforcing steel, asphalt pavement, brick, rock and uncontaminated soil as defined in rules and regulations adopted by the secretary."

KSA 65-3415b lists "clean rubble" as a waste which is exempt from the state solid waste tonnage fee. The definition of "construction and demolition waste" in KSA 65-3402(u) states: "Clean rubble that is mixed with other construction and demolition waste during demolition or transportation shall be considered to be construction and demolition waste."

Clean rubble that is brought separately to a construction and demolition landfill or a municipal solid waste landfill is not subject to the tonnage fee, even if the clean rubble is mixed with construction and demolition waste or municipal solid waste upon disposal.

Disposal of clean rubble

The stable nature of the materials in clean rubble means it may be disposed of with C&D waste, or it may be disposed of separately at a clean rubble site. However, clean rubble that is mixed with other C&D waste during demolition or transportation is considered to be C&D waste and must be disposed of at either a MSWLF or at a C&D landfill.

Unlike a C&D landfill, state statutes do not require a solid waste permit for operation of a site that accepts only clean rubble. However, a clean rubble site may be subject to local city or county requirements such as local approval (zoning or land use) and local ordinances.

Approval from the Division of Water Resources (DWR) may be required if the site is located in the 100-year flood plain. The operation and appearance of the site must not create a public nuisance or adversely affect the public health or the environment.

Issued: 04/1994; Content revised 01/20/1998, 09/1998, 05/29/2002, 07/02/2002, 10/03/2007, and 09/29/2014; Revised 06/23/2022: updated formatting and contact information and added hyperlinks

For additional information regarding proper management of solid or hazardous waste in Kansas, you may contact the Bureau of Waste Management at (785) 296-1600 or the address at the top of this document, or visit the Bureau's website at www.kdhe.ks.gov/Waste.

Request for Environmental Assessment Comments

REPLY REQUESTED BY:

Feb 10th 2024

<p>TO:</p> <p style="text-align: center;">US Fish & Wildlife Service 2609 Anderson Avenue Manhattan, KS 66502-2801</p> <p style="text-align: center;">(Please indicate any change in address or personnel)</p>	<p>GRANT NUMBER AND PROGRAM:</p> <p>Kansas Department of Commerce Small Cities Community Development Block Grant Program</p> <p>Grant No. 23-HR-002</p>
<p>APPLICANT NAME AND ADDRESS:</p> <p>City of Caney 100 West Fourth Ave Caney, KS 67333</p>	<p>RETURN TO:</p> <p>Amber Dean, City Clerk PO Box 129 Caney, KS 67333 620-879-2772 cityclerk@caney.kscoxmail.com</p>
<p>PROGRAM ACTIVITY/PROJECT NAME:</p> <p>City of Caney Housing Project</p>	<p>LOCATION:</p> <p>The Target area is on the west side of the City of Caney. The north boundary is West Taylor Street, and the south is West Fourth Ave. The east boundary is North Spring Street, and the west boundary is North Foreman, City of Caney, Montgomery County, Kansas 67333</p>

PROGRAM ACTIVITY/DESCRIPTION: The project will consist of demolishing and rehabilitating housing units in an area generally bounded by Caney City Limits, consisting of the demolition of 3 houses and rehabilitation of 5-12 houses. The estimated project cost is \$303,000.00, with the grant request for \$300,000 of the project cost. Construction/Demolition is anticipated during the Summer/Fall of 2024 (Map of the Target Area is on the backside of paper along with potential applicants).

REVIEW AGENCY COMMENTS:

No Comment Project Approval Other (Explain Below)

<p>SIGNATURE:</p> <p style="font-size: 1.2em; font-weight: bold;">GIBRAN SULEIMAN</p>	<p>Digitally signed by GIBRAN SULEIMAN Date: 2024.01.30 10:43:00 -06'00'</p>	<p>TITLE:</p> <p>Biologist</p>	<p>DATE:</p> <p>Jan 30, 2024</p>
---	--	--------------------------------	----------------------------------

Attachment
8



[ECOS](#) / [Species Reports](#) / Species County Report

Listed species believed to or known to occur in Montgomery, Kansas

This report includes species only if they have a **Spatial Current Range** in ECOS.

The following report contains species that are known to or are believed to occur in this county, based on the species current range, as defined by the USFWS. The definition of current range that the FWS uses is the general geographic area where we know or suspect that a species currently occurs.

This list of species by county cannot be used for consultation purposes. To obtain an official list of species that should be considered during consultation, please visit [IPaC](#).

CSV

Show entries

Search:

12 Species Listings

Group	Name	Population	Status	Lead Region
Mammals	Plains Spotted Skunk (Spilogale interrupta)	Wherever found	Resolved Taxon 3	Missouri Ecological Services Field Office
Reptiles	Alligator snapping turtle (Macrochelys temminckii)	Wherever found	Proposed Threatened 4	Assistant Regional Director- Ecological Services

Insects	American burying beetle (<u>Nicrophorus americanus</u>)	Wherever found, except where listed as an experimental population	Threatened	2	Oklahoma Ecological Services Field Office
Clams	Western fanshell (<u>Cyprogenia aberti</u>)	Wherever found	Threatened	3	Missouri Ecological Services Field Office
Mammals	Tricolored bat (<u>Perimyotis subflavus</u>)	Wherever found	Proposed Endangered	5	Pennsylvania Ecological Services Field Office
Insects	Monarch butterfly (<u>Danaus plexippus</u>)	Wherever found	Candidate	3	Assistant Regional Director- Ecological Services
Mammals	Little brown bat (<u>Myotis lucifugus</u>)	Wherever found	Under Review	3	Indiana Ecological Services Field Office
Insects	Regal fritillary (<u>Speyeria idalia</u>)	Wherever found	Under Review	6	South Dakota Ecological Services Field Office
Mammals	Northern Long-Eared Bat (<u>Myotis septentrionalis</u>)	Wherever found	Endangered	3	Minnesota-Wisconsin Ecological Services Field Office

Clams	Rabbitsfoot (<u>Quadrula</u> <u>cylindrica</u> <u>cylindrica</u>)	Wherever found	Threatened	4	Arkansas Ecological Services Field Office
Birds	Sprague's pipit (<u>Anthus</u> <u>spragueii</u>)	Wherever found	Resolved Taxon	6	Assistant Regional Director- Ecological Services
Clams	Neosho Mucket (<u>Lampsilis</u> <u>rafinesqueana</u>)	Wherever found	Endangered	4	Arkansas Ecological Services Field Office

Showing 1 to 12 of 12 entries

Previous 1 Next



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Kansas Ecological Services Field Office
2609 Anderson Avenue
Manhattan, KS 66502-2801
Phone: (785) 539-3474 Fax: (785) 539-8567



In Reply Refer To:
Project Code: 2024-0042604
Project Name: CANEY HOUSING PROJECT

January 30, 2024

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

Attachment

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evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Kansas Ecological Services Field Office
2609 Anderson Avenue
Manhattan, KS 66502-2801
(785) 539-3474

PROJECT SUMMARY

Project Code: 2024-0042604
Project Name: CANEY HOUSING PROJECT
Project Type: Residential Construction
Project Description: The project will consist of demolishing and rehabilitating housing units in an area generally bounded by Caney City Limits, consisting of the demolition of 4- houses and rehabilitation of 5-12 houses. The estimated project cost is \$303,000.00, with the grant request for \$300,000 of the project cost.
Construction/Demolition is anticipated during the Summer/Fall of 2024 (Map of the Target Area is on the backside of paper along with potential applicants).

Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@37.01476125,-95.93801596502432,14z>



Counties: Montgomery County, Kansas

ENDANGERED SPECIES ACT SPECIES

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

NAME	STATUS
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Endangered
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/10515	Proposed Endangered

REPTILES

NAME	STATUS
Alligator Snapping Turtle <i>Macrochelys temminckii</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4658	Proposed Threatened

CLAMS

NAME	STATUS
Rabbitsfoot <i>Quadrula cylindrica cylindrica</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5165	Threatened

INSECTS

NAME	STATUS
American Burying Beetle <i>Nicrophorus americanus</i> Population: Wherever found, except where listed as an experimental population No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/66	Threatened
Monarch Butterfly <i>Danaus plexippus</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9743	Candidate

CRITICAL HABITATS

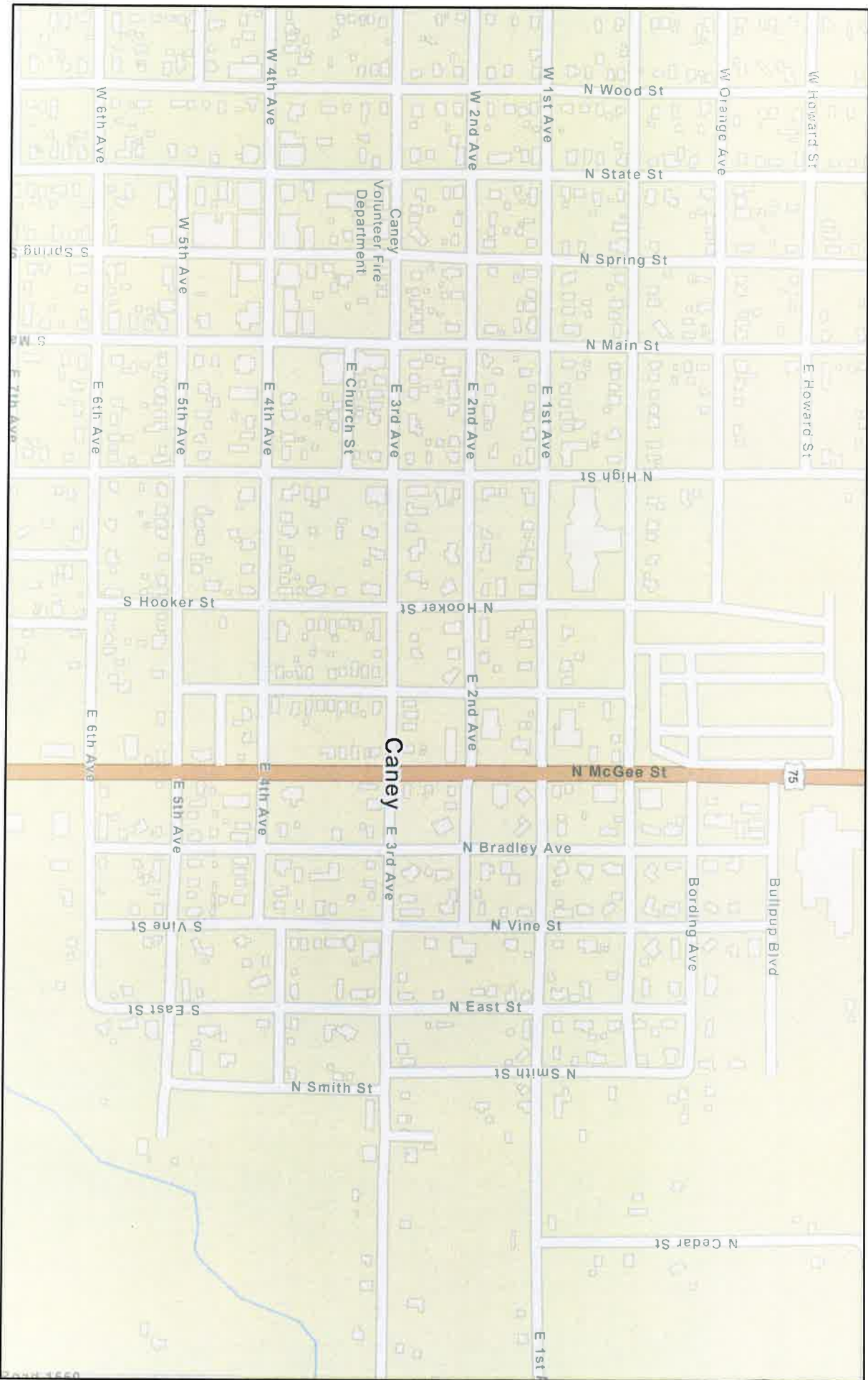
THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

IPAC USER CONTACT INFORMATION

Agency: Caney city
Name: AMBER DEAN
Address: 100 W 4th Ave
City: Caney
State: KS
Zip: 67333
Email: cityofcaney@caney.kscoxmail.com
Phone: 6208797227

Minority population



1/9/2024

People of Color
(National Percentiles)

Less than 50 percentile

Attachment

11

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, Geotechnologies, Inc, METANASA, USGS.

LMI Map



1/9/2024

Low Income
(National Percentiles)

60 - 70 percentile

Less than 50 percentile

Attachment

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Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, Satelgraph, Geotechnologies, Inc. MET/INASA, USGS.

National Flood Hazard Layer FIRMette



95°56'39"W 37°17'N



Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS

- Without Base Flood Elevation (BFE) Zone A, V, A99
- With BFE or Depth Zone AE, AO, AH, VE, AR
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD

- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
- Future Conditions 1% Annual Chance Flood Hazard Zone X
- Area with Reduced Flood Risk due to Levee. See Notes, Zone X
- Area with Flood Risk due to Levee Zone X

OTHER AREAS

- NO SCREEN Area of Minimal Flood Hazard Zone X
- Effective LOMRS
- Area of Undetermined Flood Hazard Zone X

GENERAL STRUCTURES

- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES

- 20.2 Cross Sections with 1% Annual Chance Water Surface Elevation
- 17.5 Coastal Transect
- Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS

- Digital Data Available
- No Digital Data Available
- Unmapped

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 12/21/2023 at 4:06 PM and does not reflect changes or amendments subsequent to this date and

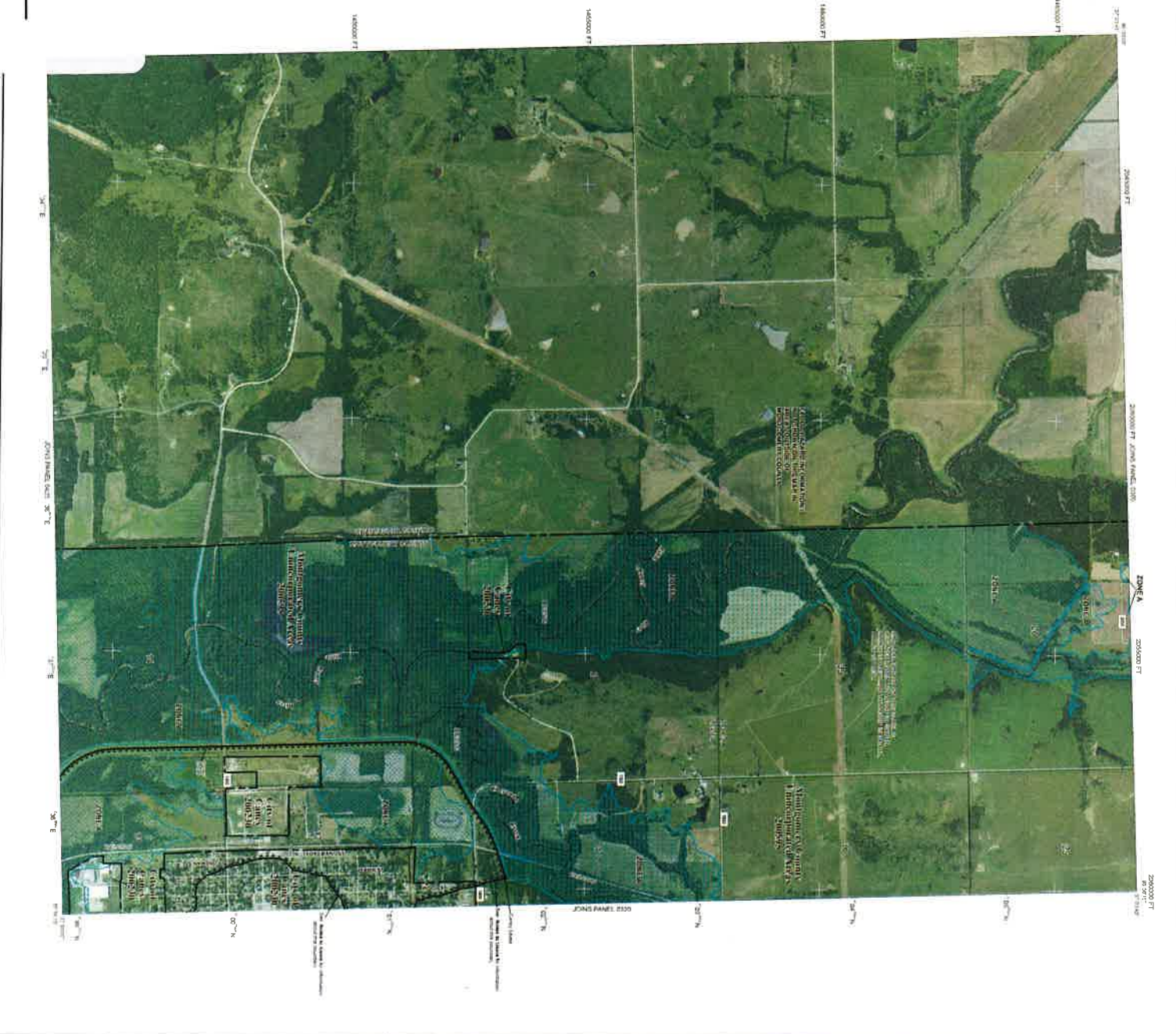
This map is for use in administering the National Flood Insurance Program (NFIP) and does not constitute a contract for insurance. Flood insurance coverage is provided only through the NFIP. Flood insurance coverage is not provided for areas not included on this map. Flood insurance coverage is not provided for areas not included on this map. Flood insurance coverage is not provided for areas not included on this map.

The Flood Insurance Rate Map (FIRM) is based on the Flood Insurance Rate Study (FIRS) and is subject to change. The FIRM is based on the best available information at the time of the study. The FIRM is based on the best available information at the time of the study. The FIRM is based on the best available information at the time of the study.

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ATTENTION: The best data to date indicates that the flood hazard information on this map is based on the best available information at the time of the study. The flood hazard information on this map is based on the best available information at the time of the study.



LEGEND

SPECIAL FLOOD HAZARD AREAS SUBJECT TO REMOVAL FROM THE NFIP: Areas shown in yellow on this map are subject to removal from the NFIP. Flood insurance coverage is not provided for these areas.

Special Flood Hazard Areas:

- Zone A:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood.
- Zone AE:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE).
- Zone AH:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 1 to 3 feet.
- Zone AO:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 3 to 6 feet.
- Zone X:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 6 to 12 feet.
- Zone X1:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 12 to 20 feet.
- Zone X2:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 20 to 30 feet.
- Zone X3:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 30 to 40 feet.
- Zone X4:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 40 to 50 feet.
- Zone X5:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 50 to 60 feet.
- Zone X6:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 60 to 70 feet.
- Zone X7:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 70 to 80 feet.
- Zone X8:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 80 to 90 feet.
- Zone X9:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 90 to 100 feet.

Other Flood Hazard Areas:

- Zone B:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 1 to 3 feet.
- Zone C:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 3 to 6 feet.
- Zone D:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 6 to 12 feet.
- Zone E:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 12 to 20 feet.
- Zone F:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 20 to 30 feet.
- Zone G:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 30 to 40 feet.
- Zone H:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 40 to 50 feet.
- Zone I:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 50 to 60 feet.
- Zone J:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 60 to 70 feet.
- Zone K:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 70 to 80 feet.
- Zone L:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 80 to 90 feet.
- Zone M:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 90 to 100 feet.

Map Scale: 1" = 1000'

North Arrow

Legend:

- Zone A:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood.
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- Zone X4:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 40 to 50 feet.
- Zone X5:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 50 to 60 feet.
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- Zone X7:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 70 to 80 feet.
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- Zone X9:** Special Flood Hazard Area (SFHA) subject to inundation by a 1% annual chance flood with a base flood elevation (BFE) and a water depth of 90 to 100 feet.

NATIONAL FLOOD INSURANCE PROGRAM

FIRM

FLOOD INSURANCE RATE 1

MONTGOMERY COUNTY, KANSAS AND ADJACENT AREAS

PANEL 315 OF 530

MAP NO. 2017BCK

EFFECTIVE DATE: JUNE 20, 2017

Federal Emergency Management Agency

When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

- If a project includes any of the types of activities below, invite tribes to consult: significant ground disturbance (digging)**

Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads

- New construction in undeveloped natural areas**

Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas

- Incongruent visual changes**

Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area

- Incongruent audible changes**

Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience

- Incongruent atmospheric changes**

Examples: introduction of lights that create skyglow in an area with a dark night sky

- Work on a building with significant tribal association**

Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall

- Transfer, lease or sale of a historic property of religious and cultural significance**

Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

- None of the above apply**

Project Reviewed By

Date

Attachment

1.3

Designated Sole Source Aquifers in EPA Region VII

Iowa, Kansas, Missouri, Nebraska



REGION VII (IA, KS, MO, NE)

Stephanie Lindberg
Drinking Water/Ground Water Branch
EPA Region 7
901 N. 5th Street
Kansas City, KS 66101
phone: (800) 223-0425
email: lindberg.stephanie@epa.gov

There are no designated Sole Source Aquifers in Region VII. Contact the coordinator above for more information about designating SSAs in Region VII.

Return to: [Sole Source Aquifer program home page](#)



Wetland



- Wetlands**
- Estuarine and Marine Deepwater
 - Estuarine and Marine Wetland
 - Freshwater Emergent Wetland
 - Freshwater Forested/Shrub Wetland
 - Freshwater Pond
 - Lake
 - Other
 - Riverine

Attachment
15

For informational reference only. The US Fish and Wildlife Service does not warrant the accuracy of the data shown on this map. The US Fish and Wildlife Service is not responsible for any errors or omissions in this map or for any consequences arising from the use of the information.

Amber Dean

From: Trier, Emma R CIV USARMY CENWK (USA) <Emma.R.Trier@usace.army.mil>
Sent: Friday, January 19, 2024 10:14 AM
To: cityclerk@caney.kscoxmail.com
Subject: General Inquiry for the City of Caney Kansas
Attachments: 2024-01-19 GenInq 2024-00060.pdf; 2022-03-08_RegulatoryBrochure.pdf

Ms. Dean:

Attached to this email is the requested General Inquiry from the Regulatory Branch of the US Army Corps of Engineers and a Regulatory brochure. If you have any questions, please let me know.

Thank you.

Emma Trier
Regulatory Assistant
U.S. Army Corps of Engineers
Kansas State Regulatory Office
2710 NE Shady Creek Access Road
El Dorado, KS 67042-8644
316-322-8247

Attachment

16



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, KANSAS CITY DISTRICT
KANSAS STATE REGULATORY OFFICE
2710 NE SHADY CREEK ACCESS ROAD
EL DORADO, KANSAS 67042

January 19, 2024

Kansas State Regulatory Office
NWK-2024-00060

Ms. Amber Dean
City of Caney
100 West Fourth Ave
Caney, KS 67333

Dear Ms. Dean:

This is in reply to your request for comment on the project of demolishing and rehabilitating housing units within city limits, consisting of the demolition of 3 houses and the rehabilitation of 5-12 houses in the City of Caney, Montgomery County, Kansas. This request was received on January 8, 2024. This project is located in Section 12, Township 35 South, and Range 13 East [Latitude 37.0131, Longitude - 95.9387].

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (USC 1344). The implementing regulation for this Act is found at 33 CFR 320-332.

Should the proposed improvements require the discharge of dredged or fill material in any waters of the United States, including wetlands, a Department of the Army (DA) permit may be required. However, if the proposed improvements do not require the discharge of dredged or fill material in any waters of the United States, including wetlands, a DA permit will not be required.

Federal regulations require that a DA permit be issued by the Corps of Engineers prior to the initiation of any construction on the portion of a proposed activity which is within the Corps' regulatory jurisdiction.

Enclosed is a copy of our Regulatory Brochure. Should your proposed work require a DA permit, the application form and instructions may be downloaded at: <https://www.nwk.usace.army.mil/Missions/Regulatory-Branch/> and submitted electronically to the appropriate Regulatory Office.

We are interested in your thoughts and opinions concerning your experience with the Kansas City District, Corps of Engineers Regulatory Program. Please feel free to complete our Customer Service Survey form on our website at: <https://regulatory.ops.usace.army.mil/customer-service-survey/>. You may also call and request a paper copy of the survey which you may complete and return to us by mail.

Emma Trier, Regulatory Assistant, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Ms. Trier at 816-389-3710 or by email at Emma.R.Trier@usace.army.mil. Please reference Permit No. 2024-00060 in all comments and/or inquiries relating to this project. This letter is only being provided to you electronically at: cityclerk@caney.kscoxmail.com.

Enclosure

Attachment

16

Mission

The Regulatory Program is committed to protecting the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions. The Corps evaluates permit applications for essentially all construction activities in the Nation's waters, including wetlands.

Corps Authority and Jurisdiction

The U.S. Army Corps of Engineers, Kansas City District Regulatory Branch is responsible for protecting the physical, chemical and biological health of our nation's aquatic resources. We are tasked with protecting the navigable capacity of Traditional Navigable Waters. We do this under the authorities of Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act. Protecting streams, lakes and wetlands is critical due to their role in improving water quality, providing habitat for fish and wildlife, as well as the extensive value they provide to the public.



How to reach us:

www.nwk.usace.army.mil/Missions/Regulatory-Branch

See **Service Area Map** to contact the appropriate office

Kansas City Regulatory Office

601 East 12th Street
Kansas City, MO 64106
Tel: 816-389-3990
Regulatory.KansasCity@usace.army.mil

Missouri State Regulatory Office

515 East High Street, #202
Jefferson City, MO 65101
Tel: 573-634-2248
Regulatory.MissouriState@usace.army.mil

Kansas State Regulatory Office

2710 NE Shady Creek Access Road
El Dorado, KS 67042
Tel: 316-322-8247
Regulatory.KansasState@usace.army.mil

Kanopolis Regulatory Satellite Office

107 Riverside Drive
Marquette, KS 67464
Tel: 316-322-8247
Regulatory.Kanopolis@usace.army.mil

Attachment

16



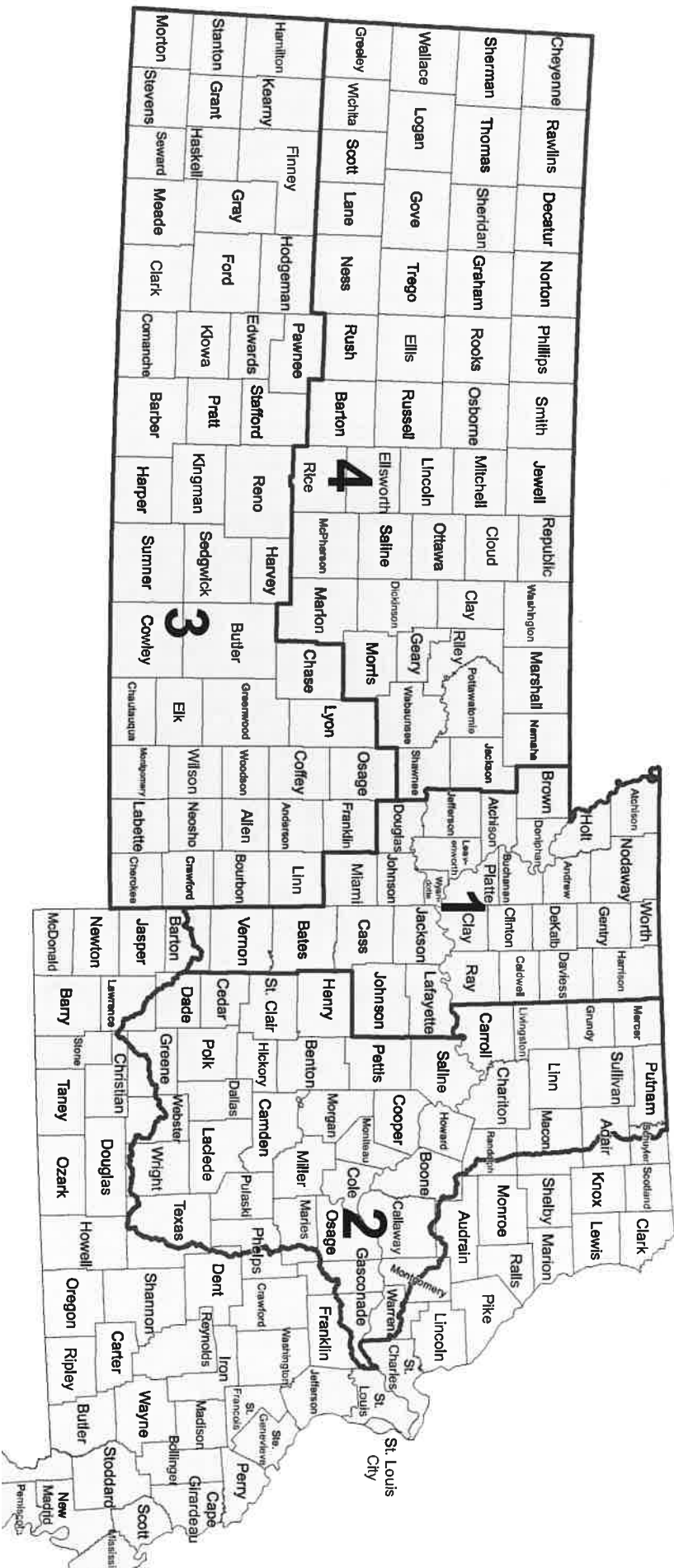
U.S. ARMY CORPS OF ENGINEERS
REGULATORY

PERMITTING PROGRAM



US Army Corps
of Engineers®
Kansas City District

Regulatory Office Boundary Map



1 Kansas City Regulatory Office
 601 East 12th Street
 Kansas City, MO 64106
 Tel: 816-389-3990
 FAX: 816-389-2032
 Regulatory.KansasCity@usace.army.mil

3 Kansas State Regulatory Office
 2710 NE Shady Creek Access Road
 El Dorado, KS 67042
 Tel: 316-322-8247
 Fax: 316-322-8259
 Regulatory.KansasState@usace.army.mil

2 Missouri State Regulatory Office
 515 East High Street #202
 Jefferson City, MO 65101
 Tel: 573-634-2248
 Fax: 573-634-7960
 Regulatory.MissouriState@usace.army.mil

4 Kanopolis Regulatory Satellite Office
 107 Riverside Drive
 Marquette, KS 67464
 Tel: 316-322-8247
 Fax: 316-322-8259
 Regulatory.Kanopolis@usace.army.mil

Attachment
 16



US Army Corps
 of Engineers
 Kansas City District
 Regulatory Program
 Service Areas



Kansas has approximately 133,956 miles of river, including the Kansas River, one of the world's longest prairie rivers, but no designated wild & scenic rivers.

[National Awards \(/national-awards\)](#) | [The Numbers \(/numbers\)](#) |
[Nationwide Rivers Inventory \(/nri\)](#) | [Documents \(/documents\)](#)

PARTNERS

Bureau of Land Management (<https://blm.gov/programs/national-conservation-lands/wild-and-scenic-rivers>)

National Park Service (<https://www.nps.gov/orgs/1912/index.htm>)

NPS Partnership Rivers (<https://www.nps.gov/orgs/1912/partnership-wild-and-scenic-rivers.htm>)

U.S. Fish & Wildlife Service (<https://fws.gov>)

U.S. Forest Service (<https://www.fs.usda.gov/managing-land/wild-scenic-rivers>)

River Management Society (<http://river-management.org/>)

REFERENCES

[Bibliography \(/bibliography\)](#)

[Interagency Council \(/council\)](#)

[Stewardship \(/stewardship\)](#)

[News \(/news\)](#)

[Videos \(/video\)](#)

[Vulnerability Disclosure Policy \(/vulnerability-disclosure-policy\)](#)

Historic Property List

Inventory_Number	Address_Number	Sub_Number	Street_Direction_Prefix	Street_Name	Street_Type	Street_Direction
125-389	00		E	TAYLOR	AVE	
125-408	110		E	8TH	AVE	
125-0780-00004	211		W	5TH	ST	
125-0780-00003	601		S	MAIN	ST	
125-388	00		N	MAGEE	ST	
125-390	219		W	4TH	AVE	
125-392	101		N	STATE	ST	
125-0780-00002	321		W	4TH	AVE	
125-387	00		N	MAGEE	ST	
125-283	2049			CR 2900		
125-391	00		S	HOOKER	ST	
125-394	00		S	HOOKER	ST	
125-359	133		N	STATE	ST	

Address_Remarks

War Memorial Park, Taylor Avenue and Hooker Street

9th Avenue and Spring Street

Sunnyside Cemetery, Taylor Avenue and US 75

SE corner of State Street and 4th Avenue

2019 PSIQ indicates address as 325 W 4th Avenue. Post-1992. building was relocated from 407 S Foreman; Caney
Sunnyside Cemetery, Taylor Avenue and US 75

Mark Park, 4th Avenue between Ridgeway and Hooker Streets

Mark Park, NW corner of 4th Avenue and Hooker Street

South of West 3rd Avenue.

County_City

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

Montgomery County - Caney

DNL Calculator

The Day/Night Noise Level Calculator is an electronic assessment tool that calculates the Day/Night Noise Level (DNL) from roadway and railway traffic. For more information on using the DNL calculator, view the [Day/Night Noise Level Calculator Electronic Assessment Tool Overview \(/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/\)](/programs/environmental-review/daynight-noise-level-electronic-assessment-tool/).

Guidelines

- To display the Road and/or Rail DNL calculator(s), click on the "Add Road Source" and/or "Add Rail Source" button(s) below.
- All Road and Rail input values must be positive non-decimal numbers.
- All Road and/or Rail DNL value(s) must be calculated separately before calculating the Site DNL.
- All checkboxes that apply must be checked for vehicles and trains in the tables' headers.
- **Note #1:** Tooltips, containing field specific information, have been added in this tool and may be accessed by hovering over all the respective data fields (site identification, roadway and railway assessment, DNL calculation results, roadway and railway input variables) with the mouse.
- **Note #2:** DNL Calculator assumes roadway data is always entered.

Site ID

Record Date

User's Name

Railroad #1 Track Identifier:

006908r

Rail # 1

Train Type

Electric

Diesel

Effective Distance

247.10

Average Train Speed

25

Engines per Train

1

Railway cars per Train

30

Average Train Operations (ATO)

14

Night Fraction of ATO

38

Railway whistles or horns?

Yes: No:

Yes: No:

Bolted Tracks?

Yes: No:

Yes: No:

Train DNL

0

70

Calculate Rail #1 DNL

70

Reset

Railroad #2 Track Identifier:

006909r

Attachment

19

Railroad #2 Track Identifier:

000000A

Rail # 2

Train Type

Electric

Diesel

Effective Distance

830.43

Average Train Speed

25

Engines per Train

1

Railway cars per Train

30

Average Train Operations (ATO)

2

Night Fraction of ATO

38

Railway whistles or horns?

Yes: No:

Yes: No:

Bolted Tracks?

Yes: No:

Yes: No:

Train DNL

0

53

Calculate Rail #2 DNL

53

Reset

Add Road Source

Add Rail Source

Airport Noise Level

0

Loud Impulse Sounds?

Yes No

Combined DNL for all Road and Rail sources

70

Combined DNL including Airport

N/A

Site DNL with Loud Impulse Sound

Attachment

19



Federal Railroad Administration

Office of Safety Analysis

[Home](#) [Crossing](#) [Forms/Publications](#) [Downloads](#) [Data](#) [Policies](#) [Support](#)

You are Visitor# 23883847

8.01 - Query by Location

Total Records: 138

Report Type: Inventory Accident

Inventory: Current History

Note: Selecting multiple crossings will increase the time required to generate a report. It is recommended that one record be generated at a time.

Number of Results per Page: 20 1 2 3 4 5 6 7 Results: 41 - 60 of 138

	Crossing#	State	Rr	Type	Position	Status	Milepost	County	City	Division	SubDivision	Branch	Street
<input type="checkbox"/>	006908R	KS	SKOL	Public	At Grade	Open	0021.89	MONTGOMERY	CANEY	EASTERN	Tulsa	Tulsa Sub	W 4th Avenue
<input type="checkbox"/>	006909X	KS	SKOL	Public	At Grade	Open	SKO 0022.02	MONTGOMERY	CANEY	EASTERN	Tulsa	Tulsa Sub	W 6th Avenue
<input type="checkbox"/>	007530N	KS	SKOL	Public	At Grade	Open	SKO 0001.01 Hig	MONTGOMERY	CHERRYVALE	EASTERN	COFFEYVILLE	Coffeyville Sub	4800 ROAD
<input type="checkbox"/>	007531V	KS	SKOL	Public	At Grade	Open	SKO 0001.52 Hig	MONTGOMERY	CHERRYVALE	EASTERN	COFFEYVILLE	Coffeyville Sub	4650 ROAD
<input type="checkbox"/>	007532C	KS	SKOL	Public	At Grade	Open	SKO 0002.03 Hig	MONTGOMERY	CHERRYVALE	EASTERN	COFFEYVILLE	Coffeyville Sub	4600 ROAD
<input type="checkbox"/>	007535X	KS	SKOL	Public	At Grade	Open	SKO 0003.06 Hig	MONTGOMERY	CHERRYVALE	EASTERN	COFFEYVILLE	Coffeyville Sub	4400 ROAD
<input type="checkbox"/>	007537L	KS	SKOL	Public	At Grade	Open	SKO 0004.14 Hig	MONTGOMERY	CHERRYVALE	EASTERN	COFFEYVILLE	Coffeyville Sub	US HWY 160
<input type="checkbox"/>	007539A	KS	SKOL	Public	At Grade	Open	SKO 0005.95 Hig	MONTGOMERY	LIBERTY	EASTERN	COFFEYVILLE	Coffeyville Sub	Hwy 169
<input type="checkbox"/>	007540U	KS	SKOL	Public	At Grade	Open	SKO 0006.26 Hig	MONTGOMERY	LIBERTY	EASTERN	COFFEYVILLE	Coffeyville Sub	3800 ROAD
<input type="checkbox"/>	007543P	KS	SKOL	Public	At Grade	Open	SKO 0007.33 Hig	MONTGOMERY	LIBERTY	EASTERN	COFFEYVILLE	Coffeyville Sub	3600 ROAD
<input type="checkbox"/>	007546K	KS	SKOL	Public	At Grade	Open	SKO 0008.13 Hig	MONTGOMERY	LIBERTY	EASTERN	COFFEYVILLE	Coffeyville Sub	MAIN STREET
<input type="checkbox"/>	007551G	KS	SKOL	Public	At Grade	Open	SKO 0009.38 Hig	MONTGOMERY	LIBERTY	EASTERN	COFFEYVILLE	Coffeyville Sub	3200 ROAD
<input type="checkbox"/>	007552N	KS	SKOL	Public	At Grade	Open	SKO 0010.38 Hig	MONTGOMERY	LIBERTY	EASTERN	COFFEYVILLE	Coffeyville Sub	3000 ROAD
<input type="checkbox"/>	007554C	KS	SKOL	Public	At Grade	Open	SKO 0011.37 Hig	MONTGOMERY	LIBERTY	EASTERN	COFFEYVILLE	Coffeyville Sub	2800 ROAD
<input type="checkbox"/>	007557X	KS	SKOL	Public	At Grade	Open	SKO 0013.38 Hig	MONTGOMERY	COFFEYVILLE	EASTERN	COFFEYVILLE	Coffeyville Sub	5100 ROAD
<input type="checkbox"/>	007559L	KS	SKOL	Public	At Grade	Open	SKO 0014.58 Hig	MONTGOMERY	COFFEYVILLE	EASTERN	COFFEYVILLE	Coffeyville Sub	2200 ROAD
<input type="checkbox"/>	007561M	KS	SKOL	Public	At Grade	Open	SKO 0015.78 Hig	MONTGOMERY	COFFEYVILLE	EASTERN	COFFEYVILLE	Coffeyville Sub	E MARTIN STREET
<input type="checkbox"/>	007562U	KS	SKOL	Public	At Grade	Open	SKO 0015.89 Hig	MONTGOMERY	COFFEYVILLE	EASTERN	COFFEYVILLE	Coffeyville Sub	E FIRST STREET
<input type="checkbox"/>	007563B	KS	SKOL	Public	At Grade	Open	SKO 0016.16 Hig	MONTGOMERY	COFFEYVILLE	EASTERN	COFFEYVILLE	Coffeyville Sub	E FOURTH STREET
<input type="checkbox"/>	007565P	KS	SKOL	Public	At Grade	Open	SKO 0016.30 Hig	MONTGOMERY	COFFEYVILLE	EASTERN	COFFEYVILLE	Coffeyville Sub	E SEVENTH STREET

Attachment

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Map data ©2024 Google 200 ft

Measure distance
Total distance: 247.10 ft (75.32 m)

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Part I, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 01 / 10 / 2024	B. Reporting Agency <input checked="" type="checkbox"/> Railroad <input type="checkbox"/> Transit <input type="checkbox"/> State <input type="checkbox"/> Other	C. Reason for Update (Select only one) <input checked="" type="checkbox"/> Change in Data <input type="checkbox"/> Re-Open <input type="checkbox"/> New Crossing <input type="checkbox"/> Date Change Only <input type="checkbox"/> Closed <input type="checkbox"/> Change in Primary Operating RR <input type="checkbox"/> No Train Traffic <input type="checkbox"/> Quiet Zone Update <input type="checkbox"/> Admin. Correction	D. DOT Crossing Inventory Number 006908R
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Part I: Location and Classification Information

1. Primary Operating Railroad South Kansas & Oklahoma Railroad Company [SKOL]		2. State KANSAS		3. County MONTGOMERY	
4. City / Municipality <input checked="" type="checkbox"/> In <input type="checkbox"/> Near CANEY		5. Street/Road Name & Block Number W 4th Avenue (Street/Road Name) * (Block Number)		6. Highway Type & No. LS	
7. Do Other Railroads Operate a Separate Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR			8. Do Other Railroads Operate Over Your Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR		
9. Railroad Division or Region <input type="checkbox"/> None EASTERN		10. Railroad Subdivision or District <input type="checkbox"/> None Tulsa		11. Branch or Line Name <input type="checkbox"/> None Tulsa Sub	
12. RR Milepost 0021.89 (prefix) (nnnn.nnn) (suffix)					
13. Line Segment * At Grade		14. Nearest RR Timetable Station * CANEY		15. Parent RR (if applicable) <input checked="" type="checkbox"/> N/A	
16. Crossing Owner (if applicable) <input checked="" type="checkbox"/> N/A					
17. Crossing Type <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	18. Crossing Purpose <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Pathway, Ped. <input type="checkbox"/> Station, Ped.	19. Crossing Position <input checked="" type="checkbox"/> At Grade <input type="checkbox"/> RR Under <input type="checkbox"/> RR Over	20. Public Access (if Private Crossing) <input type="checkbox"/> Yes <input type="checkbox"/> No	21. Type of Train <input checked="" type="checkbox"/> Freight <input type="checkbox"/> Intercity Passenger <input type="checkbox"/> Commuter <input type="checkbox"/> Transit <input type="checkbox"/> Shared Use Transit <input type="checkbox"/> Tourist/Other	
22. Average Passenger Train Count Per Day <input type="checkbox"/> Less Than One Per Day <input type="checkbox"/> Number Per Day 0					
23. Type of Land Use <input type="checkbox"/> Open Space <input type="checkbox"/> Farm <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Recreational <input type="checkbox"/> RR Yard					
24. Is there an Adjacent Crossing with a Separate Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Provide Crossing Number			25. Quiet Zone (FRA provided) <input checked="" type="checkbox"/> No <input type="checkbox"/> 24 Hr <input type="checkbox"/> Partial <input type="checkbox"/> Chicago Excused Date Established		
26. HSR Corridor ID <input checked="" type="checkbox"/> N/A		27. Latitude in decimal degrees (WGS84 std: nn.nnnnnnn) 37.0114150		28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnnn) -95.9421160	
29. Lat/Long Source <input checked="" type="checkbox"/> Actual <input type="checkbox"/> Estimated					
30.A. Railroad Use * 0			31.A. State Use *		
30.B. Railroad Use * No			31.B. State Use *		
30.C. Railroad Use * 10			31.C. State Use *		
30.D. Railroad Use * 2023			31.D. State Use *		
32.A. Narrative (Railroad Use) * 0			32.B. Narrative (State Use) *		
33. Emergency Notification Telephone No. (posted) 866-386-9321		34. Railroad Contact (Telephone No.) 620-336-2291		35. State Contact (Telephone No.) 785-296-7121	

Part II: Railroad Information

1. Estimated Number of Daily Train Movements					
1.A. Total Day Thru Trains (6 AM to 6 PM) 7		1.B. Total Night Thru Trains (6 PM to 6 AM) 7		1.C. Total Switching Trains 0	
1.D. Total Transit Trains 0		1.E. Check if Less Than One Movement Per Day <input type="checkbox"/> How many trains per week?			
2. Year of Train Count Data (YYYY) 2023		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 25 3.B. Typical Speed Range Over Crossing (mph) From 25 to 25			
4. Type and Count of Tracks Main 1 Siding 0 Yard 0 Transit 0 Industry 0					
5. Train Detection (Main Track only) <input type="checkbox"/> Constant Warning Time <input type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input type="checkbox"/> Other <input checked="" type="checkbox"/> None					
6. Is Trac <input type="checkbox"/> Ye			7.A. Event Recorder <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7.B. Remote Health Monitoring <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 01/10/2024	PAGE 2	D. Crossing Inventory Number (7 char.) 006908R
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Part III: Highway or Pathway Traffic Control Device Information

1. Are there Signs or Signals? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	2. Types of Passive Traffic Control Devices associated with the Crossing				
	2.A. Crossbuck Assemblies (count) 2	2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count) 2	2.D. Advance Warning Signs (Check all that apply; include count) <input checked="" type="checkbox"/> None	
				<input type="checkbox"/> W10-1 _____	<input type="checkbox"/> W10-3 _____
				<input type="checkbox"/> W10-2 _____	<input type="checkbox"/> W10-4 _____
2.E. Low Ground Clearance Sign (W10-5) <input type="checkbox"/> Yes (count _____) <input checked="" type="checkbox"/> No	2.F. Pavement Markings		2.G. Channelization Devices/Medians		2.H. EXEMPT Sign (R15-3)
	<input type="checkbox"/> Stop Lines	<input type="checkbox"/> Dynamic Envelope	<input type="checkbox"/> All Approaches	<input type="checkbox"/> Median	<input type="checkbox"/> Yes
	<input type="checkbox"/> RR Xing Symbols	<input checked="" type="checkbox"/> None	<input type="checkbox"/> One Approach	<input checked="" type="checkbox"/> None	<input checked="" type="checkbox"/> No
2.J. Other MUTCD Signs			2.K. Private Crossing Signs (if private)		2.L. LED Enhanced Signs (List types)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Yes <input type="checkbox"/> No		
Specify Type _____ Count _____			Specify Type _____ Count _____		Specify Type _____
3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)					
3.A. Gate Arms (count)	3.B. Gate Configuration	3.C. Cantilevered (or Bridged) Flashing Light Structures (count)		3.D. Mast Mounted Flashing Lights (count of masts)	3.E. Total Count of Flashing Light Pairs
Roadway 0 Pedestrian 0	<input type="checkbox"/> 2 Quad <input type="checkbox"/> Full (Barrier) Resistance <input type="checkbox"/> 3 Quad <input type="checkbox"/> Median Gates <input type="checkbox"/> 4 Quad	Over Traffic Lane 0 <input type="checkbox"/> Incandescent Not Over Traffic Lane 0 <input type="checkbox"/> LED		0 <input type="checkbox"/> LED <input type="checkbox"/> Back Lights Included <input type="checkbox"/> Side Lights Included	0
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) ____/____/____ <input checked="" type="checkbox"/> Not Required		3.G. Wayside Horn		3.H. Highway Traffic Signals Controlling Crossing	
		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Installed on (MM/YYYY) ____/____/____		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
3.J. Non-Train Active Warning				3.K. Other Flashing Lights or Warning Devices	
<input type="checkbox"/> Flagging/Flagman <input type="checkbox"/> Manually Operated Signals <input type="checkbox"/> Watchman <input type="checkbox"/> Floodlighting <input checked="" type="checkbox"/> None				Count 0 Specify type _____	
4.A. Does nearby Hwy Intersection have Traffic Signals?	4.B. Hwy Traffic Signal Interconnection	4.C. Hwy Traffic Signal Preemption		5. Highway Traffic Pre-Signals	6. Highway Monitoring Devices (Check all that apply)
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input checked="" type="checkbox"/> Not Interconnected <input type="checkbox"/> For Traffic Signals <input type="checkbox"/> For Warning Signs	<input type="checkbox"/> Simultaneous <input type="checkbox"/> Advance		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Storage Distance * _____ Stop Line Distance * _____	<input type="checkbox"/> Yes - Photo/Video Recording <input type="checkbox"/> Yes - Vehicle Presence Detection <input checked="" type="checkbox"/> None

Part IV: Physical Characteristics

1. Traffic Lanes Crossing Railroad	<input type="checkbox"/> One-way Traffic <input checked="" type="checkbox"/> Two-way Traffic <input type="checkbox"/> Divided Traffic	2. Is Roadway/Pathway Paved?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	3. Does Track Run Down a Street?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Number of Lanes 2							
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) ____/____/____ Width * _____ Length * _____							
<input type="checkbox"/> 1 Timber <input type="checkbox"/> 2 Asphalt <input type="checkbox"/> 3 Asphalt and Timber <input type="checkbox"/> 4 Concrete <input type="checkbox"/> 5 Concrete and Rubber <input type="checkbox"/> 6 Rubber <input type="checkbox"/> 7 Metal <input checked="" type="checkbox"/> 8 Unconsolidated <input type="checkbox"/> 9 Composite <input type="checkbox"/> 10 Other (specify) _____							
6. Intersecting Roadway within 500 feet?				7. Smallest Crossing Angle		8. Is Commercial Power Available? *	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Approximate Distance (feet) _____				<input type="checkbox"/> 0° - 29° <input type="checkbox"/> 30° - 59° <input type="checkbox"/> 60° - 90°		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Part V: Public Highway Information

1. Highway System		2. Functional Classification of Road at Crossing		3. Is Crossing on State Highway System?	4. Highway Speed Limit
<input type="checkbox"/> (01) Interstate Highway System <input type="checkbox"/> (02) Other Nat Hwy System (NHS) <input type="checkbox"/> (03) Federal AID, Not NHS <input checked="" type="checkbox"/> (08) Non-Federal Aid		<input checked="" type="checkbox"/> (0) Rural <input type="checkbox"/> (1) Urban <input type="checkbox"/> (1) Interstate <input type="checkbox"/> (5) Major Collector <input type="checkbox"/> (2) Other Freeways and Expressways <input type="checkbox"/> (3) Other Principal Arterial <input type="checkbox"/> (6) Minor Collector <input type="checkbox"/> (4) Minor Arterial <input checked="" type="checkbox"/> (7) Local		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	20 MPH <input type="checkbox"/> Posted <input checked="" type="checkbox"/> Statutory
				5. Linear Referencing System (LRS Route ID) *	
				6. LRS Milepost *	
7. Annual Average Daily Traffic (AADT) Year 1983 AADT 10		8. Estimated Percent Trucks 50 %	9. Regularly Used by School Buses? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Average Number per Day _____		10. Emergency Services Route <input type="checkbox"/> Yes <input type="checkbox"/> No

Submission Information - This information is used for administrative purposes and is not available on the public website.

Submitted by _____ Organization _____ Phone _____ Date _____

Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.

OMB approval expires 11/30/2022

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Attachment
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Map data ©2024 Google 200 ft



Caney Agri Services

4.7 ★★★★★ (85)

Grain elevator

Overview

Reviews

About

U. S. DOT CROSSING INVENTORY FORM

DEPARTMENT OF TRANSPORTATION
FEDERAL RAILROAD ADMINISTRATION

OMB No. 2130-0017

Instructions for the initial reporting of the following types of new or previously unreported crossings: For public highway-rail grade crossings, complete the entire inventory Form. For private highway-rail grade crossings, complete the Header, Parts I and II, and the Submission Information section. For public pathway grade crossings (including pedestrian station grade crossings), complete the Header, Parts I and II, and the Submission Information section. For Private pathway grade crossings, complete the Header, Parts I and II, and the Submission Information section. For grade-separated highway-rail or pathway crossings (including pedestrian station crossings), complete the Header, Part I, and the Submission Information section. For changes to existing data, complete the Header, Part I Items 1-3, and the Submission Information section, in addition to the updated data fields. Note: For private crossings only, Part I Item 20 and Part III Item 2.K. are required unless otherwise noted. An asterisk * denotes an optional field.

A. Revision Date (MM/DD/YYYY) 01 / 10 / 2024	B. Reporting Agency <input checked="" type="checkbox"/> Railroad <input type="checkbox"/> Transit <input type="checkbox"/> State <input type="checkbox"/> Other	C. Reason for Update (Select only one) <input checked="" type="checkbox"/> Change in Data <input type="checkbox"/> New Crossing <input type="checkbox"/> Re-Open <input type="checkbox"/> Date Change Only <input type="checkbox"/> Closed <input type="checkbox"/> Quiet Zone Update <input type="checkbox"/> No Train Traffic <input type="checkbox"/> Admin. Correction <input type="checkbox"/> Change in Primary Operating RR	D. DOT Crossing Inventory Number 006909X
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Part I: Location and Classification Information

1. Primary Operating Railroad South Kansas & Oklahoma Railroad Company [SKOL]		2. State KANSAS	3. County MONTGOMERY
4. City / Municipality <input checked="" type="checkbox"/> In <input type="checkbox"/> Near CANEY		5. Street/Road Name & Block Number W 6th Avenue (Street/Road Name) * (Block Number)	
6. Highway Type & No. LS RS 809			
7. Do Other Railroads Operate a Separate Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR		8. Do Other Railroads Operate Over Your Track at Crossing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Specify RR	
9. Railroad Division or Region <input type="checkbox"/> None EASTERN	10. Railroad Subdivision or District <input type="checkbox"/> None Tulsa	11. Branch or Line Name <input type="checkbox"/> None Tulsa Sub	12. RR Milepost SKO 0022.02 (prefix) (nnnn.nnn) (suffix)
13. Line Segment * At Grade	14. Nearest RR Timetable Station * CANEY	15. Parent RR (if applicable) <input type="checkbox"/> N/A SKOL	16. Crossing Owner (if applicable) <input type="checkbox"/> N/A SKOL
17. Crossing Type <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private	18. Crossing Purpose <input checked="" type="checkbox"/> Highway <input type="checkbox"/> Pathway, Ped. <input type="checkbox"/> Station, Ped.	19. Crossing Position <input checked="" type="checkbox"/> At Grade <input type="checkbox"/> RR Under <input type="checkbox"/> RR Over	20. Public Access (if Private Crossing) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
21. Type of Train <input checked="" type="checkbox"/> Freight <input type="checkbox"/> Intercity Passenger <input type="checkbox"/> Commuter		<input type="checkbox"/> Transit <input type="checkbox"/> Shared Use Transit <input type="checkbox"/> Tourist/Other	22. Average Passenger Train Count Per Day <input type="checkbox"/> Less Than One Per Day <input type="checkbox"/> Number Per Day 0
23. Type of Land Use <input type="checkbox"/> Open Space <input type="checkbox"/> Farm <input type="checkbox"/> Residential <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Institutional <input type="checkbox"/> Recreational <input type="checkbox"/> RR Yard			
24. Is there an Adjacent Crossing with a Separate Number? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Provide Crossing Number		25. Quiet Zone (FRA provided) <input checked="" type="checkbox"/> No <input type="checkbox"/> 24 Hr <input type="checkbox"/> Partial <input type="checkbox"/> Chicago Excused Date Established	
26. HSR Corridor ID <input checked="" type="checkbox"/> N/A	27. Latitude in decimal degrees (WGS84 std: nn.nnnnnnn) 37.0095420	28. Longitude in decimal degrees (WGS84 std: -nnn.nnnnnnn) -95.9420260	29. Lat/Long Source <input checked="" type="checkbox"/> Actual <input type="checkbox"/> Estimated
30.A. Railroad Use * 0	31.A. State Use *		
30.B. Railroad Use * No	31.B. State Use *		
30.C. Railroad Use * 10	31.C. State Use *		
30.D. Railroad Use * 2023	31.D. State Use *		
32.A. Narrative (Railroad Use) * 0		32.B. Narrative (State Use) *	
33. Emergency Notification Telephone No. (posted) 866-386-9321		34. Railroad Contact (Telephone No.) 620-336-2291	35. State Contact (Telephone No.) 785-296-7121

Part II: Railroad Information

1. Estimated Number of Daily Train Movements				
1.A. Total Day Thru Trains (6 AM to 6 PM) 1	1.B. Total Night Thru Trains (6 PM to 6 AM) 1	1.C. Total Switching Trains 3	1.D. Total Transit Trains 0	1.E. Check if Less Than One Movement Per Day <input type="checkbox"/> How many trains per week?
2. Year of Train Count Data (YYYY) 2023		3. Speed of Train at Crossing 3.A. Maximum Timetable Speed (mph) 25 3.B. Typical Speed Range Over Crossing (mph) From 25 to 25		
4. Type and Count of Tracks Main 1 Siding 0 Yard 0 Transit 0 Industry 0				
5. Train Detection (Main Track only) <input type="checkbox"/> Constant Warning Time <input checked="" type="checkbox"/> Motion Detection <input type="checkbox"/> AFO <input type="checkbox"/> PTC <input type="checkbox"/> DC <input type="checkbox"/> Other <input type="checkbox"/> None				
6. Is Track Signaled?		7.A. Event Recorder <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		7.B. Remote Health Monitoring <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

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Attachment
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OMB approval expires 11/30/2022

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U. S. DOT CROSSING INVENTORY FORM

A. Revision Date (MM/DD/YYYY) 01/10/2024	PAGE 2	D. Crossing Inventory Number (7 char.) 006909X
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Part III: Highway or Pathway Traffic Control Device Information

1. Are there Signs or Signals?					2. Types of Passive Traffic Control Devices associated with the Crossing					
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		2.A. Crossbuck Assemblies (count) 2	2.B. STOP Signs (R1-1) (count) 0	2.C. YIELD Signs (R1-2) (count) 0	2.D. Advance Warning Signs (Check all that apply; include count) <input type="checkbox"/> None					
					<input checked="" type="checkbox"/> W10-1 2	<input type="checkbox"/> W10-3	<input type="checkbox"/> W10-11	<input type="checkbox"/> W10-2	<input type="checkbox"/> W10-4	<input type="checkbox"/> W10-12
2.E. Low Ground Clearance Sign (W10-5) <input checked="" type="checkbox"/> Yes (count _____) <input type="checkbox"/> No		2.F. Pavement Markings			2.G. Channelization Devices/Medians		2.H. EXEMPT Sign (R15-3)		2.I. ENS Sign (I-13) Displayed	
		<input type="checkbox"/> Stop Lines <input type="checkbox"/> Dynamic Envelope <input type="checkbox"/> RR Xing Symbols <input checked="" type="checkbox"/> None			<input type="checkbox"/> All Approaches <input type="checkbox"/> Median <input type="checkbox"/> One Approach <input checked="" type="checkbox"/> None		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2.J. Other MUTCD Signs <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					2.K. Private Crossing Signs (if private)		2.L. LED Enhanced Signs (List types)			
Specify Type _____ Count _____ Specify Type _____ Count _____ Specify Type _____ Count _____					<input type="checkbox"/> Yes <input type="checkbox"/> No		0			
3. Types of Train Activated Warning Devices at the Grade Crossing (specify count of each device for all that apply)										
3.A. Gate Arms (count)		3.B. Gate Configuration		3.C. Cantilevered (or Bridged) Flashing Light Structures (count)			3.D. Mast Mounted Flashing Lights (count of masts)		3.E. Total Count of Flashing Light Pairs	
Roadway 0 Pedestrian 0		<input type="checkbox"/> 2 Quad <input type="checkbox"/> Full (Barrier) Resistance <input type="checkbox"/> 3 Quad <input type="checkbox"/> Median Gates <input type="checkbox"/> 4 Quad		Over Traffic Lane 0 <input type="checkbox"/> Incandescent Not Over Traffic Lane 0 <input type="checkbox"/> LED			2 <input type="checkbox"/> Incandescent <input checked="" type="checkbox"/> LED <input checked="" type="checkbox"/> Back Lights Included <input type="checkbox"/> Side Lights Included		4	
3.F. Installation Date of Current Active Warning Devices: (MM/YYYY) ____/____/____ <input checked="" type="checkbox"/> Not Required				3.G. Wayside Horn			3.H. Highway Traffic Signals Controlling Crossing		3.I. Bells (count)	
				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Installed on (MM/YYYY) ____/____/____			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		1	
3.J. Non-Train Active Warning						3.K. Other Flashing Lights or Warning Devices				
<input type="checkbox"/> Flagger/Flagman <input type="checkbox"/> Manually Operated Signals <input type="checkbox"/> Watchman <input type="checkbox"/> Floodlighting <input checked="" type="checkbox"/> None						Count 0 Specify type _____				
4.A. Does nearby Hwy Intersection have Traffic Signals?		4.B. Hwy Traffic Signal Interconnection		4.C. Hwy Traffic Signal Preemption		5. Highway Traffic Pre-Signals		6. Highway Monitoring Devices (Check all that apply)		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		<input checked="" type="checkbox"/> Not Interconnected <input type="checkbox"/> For Traffic Signals <input type="checkbox"/> For Warning Signs		<input type="checkbox"/> Simultaneous <input type="checkbox"/> Advance		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Storage Distance * _____ Stop Line Distance * _____		<input type="checkbox"/> Yes - Photo/Video Recording <input type="checkbox"/> Yes - Vehicle Presence Detection <input checked="" type="checkbox"/> None		

Part IV: Physical Characteristics

1. Traffic Lanes Crossing Railroad		2. Is Roadway/Pathway Paved?		3. Does Track Run Down a Street?		4. Is Crossing Illuminated? (Street lights within approx. 50 feet from nearest rail)	
Number of Lanes 2		<input type="checkbox"/> One-way Traffic <input checked="" type="checkbox"/> Two-way Traffic <input type="checkbox"/> Divided Traffic		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
5. Crossing Surface (on Main Track, multiple types allowed) Installation Date * (MM/YYYY) ____/____/____ Width * _____ Length * _____							
<input checked="" type="checkbox"/> 1 Timber <input type="checkbox"/> 2 Asphalt <input type="checkbox"/> 3 Asphalt and Timber <input type="checkbox"/> 4 Concrete <input type="checkbox"/> 5 Concrete and Rubber <input type="checkbox"/> 6 Rubber <input type="checkbox"/> 7 Metal <input type="checkbox"/> 8 Unconsolidated <input type="checkbox"/> 9 Composite <input type="checkbox"/> 10 Other (specify) _____							
6. Intersecting Roadway within 500 feet?				7. Smallest Crossing Angle		8. Is Commercial Power Available? *	
<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Approximate Distance (feet) 70				<input type="checkbox"/> 0° - 29° <input type="checkbox"/> 30° - 59° <input type="checkbox"/> 60° - 90°		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Part V: Public Highway Information

1. Highway System		2. Functional Classification of Road at Crossing			3. Is Crossing on State Highway System?		4. Highway Speed Limit	
<input type="checkbox"/> (01) Interstate Highway System <input type="checkbox"/> (02) Other Nat Hwy System (NHS) <input checked="" type="checkbox"/> (03) Federal AID, Not NHS <input type="checkbox"/> (08) Non-Federal Aid		<input checked="" type="checkbox"/> (0) Rural <input type="checkbox"/> (1) Urban <input type="checkbox"/> (2) Other Freeways and Expressways <input type="checkbox"/> (3) Other Principal Arterial <input type="checkbox"/> (6) Minor Collector <input type="checkbox"/> (4) Minor Arterial <input checked="" type="checkbox"/> (7) Local			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		30 MPH <input checked="" type="checkbox"/> Posted <input type="checkbox"/> Statutory	
					5. Linear Referencing System (LRS Route ID) *			
					6. LRS Milepost *			
7. Annual Average Daily Traffic (AADT) Year 2013 AADT 000455		8. Estimated Percent Trucks 10 %		9. Regularly Used by School Buses?			10. Emergency Services Route	
				<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Average Number per Day _____			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Submission Information - This information is used for administrative purposes and is not available on the public website.

Submitted by _____ Organization _____ Phone _____ Date _____

Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25 Washington, DC 20590.

Attachment

19

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 07/31/2017)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant	2. HUD/State Identification Number 23-HR-002	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s) CFDA 14.228	5. Name and address of responsible entity City of Caney 100 W Fourth Ave Caney, KS 67333	
6. For information about this request, contact (name & phone number) Amber Dean, 620-879-2772	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request Kansas Department of Commerce 1000 SW Jackson Street, Suite 100 Topeka, KS 66612-1354	The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following	
9. Program Activity(ies)/Project Name(s) City of Caney-Housing Project	10. Location (Street address, city, county, State) Caney, Kansas 67333	

11. Program Activity/Project Description

The project will consist of demolishing and rehabilitating housing units in an area generally bounded by Caney City Limits, consisting of the demolition of 4- houses and rehabilitation of 5-12 houses. The estimated project cost is \$303,000.00, with the grant request for \$300,000 of the project cost. Construction/Demolition is anticipated during the Summer/Fall of 2024. When reviewing the proposed improvements, it has been determined that the project is Categorical Exclusion Subject to 24 CFR 58.35 (a)(3)(iii).

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Title of Certifying Officer

Mayor

Date signed

02/05/2024

X

Address of Certifying Officer

City of Caney 100 W Fourth Ave, Caney KS 67333

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Title of Authorized Officer

Date signed

X

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)