

CDBG GRANTEE INFORMATION SHEET

This information is provided to the Department of Economic Development to be used in updating mailing lists necessary for distributing CDBG Information.

CDBG Grant Number: 09-DTR-104

Local Government Grantee: City of Lexington

City/Village/County of: Lexington Federal Tax ID number 47-6006255

Mailing Address: P. O. Box 70, Lexington, NE 68850

Mayor/Chairperson: John Fagot (President of the City Council)

Clerk: Joe Peplitsch (City Manager)

Local Government CDBG Contact

List below the person from the local government that will serve as the day-to-day contact for the CDBG grant. A local contact person must be designated even if a for-profit firm is hired as the certified administrator for the grant.

Joe Peplitsch, City Manager

Contact Person/Title

{ 308 } 324-2341

{ 308 } 324-4590

Phone Number

Fax Number

Email Address jpepp@cityoflex.com

Complete this item even if the local contact will be the mayor/chairperson or clerk. If this person will be the certified administrator, check here

Certified Administrator

If the local government has hired or intends to hire a for-profit or not-for-profit firm to administer the grant, provide the following information:

Firm

Dawson Area Development

Federal Tax ID or Social Security Number if no Tax Number
47-0726051

Name of Grant Administrator
Deb Jensen

Address P. O. Box 106
Cozad NE 69130

City Cozad Zip Code
{ 308 } 784-3902

Phone Number
{ 308 } 784-3941

Fax Number
Email Address djdad@cozadtel.net
Certified 1995 Expires July 2015
date date

Engineer/Architect/Development Corporation (if applicable)

Firm

Federal Tax ID or Social Security Number if no Tax Number

Primary Contact

Address _____ NE _____
City _____ Zip Code
{ }

Phone Number
{ }

Fax Number

Email Address _____

AUTHORIZATION TO REQUEST GRANT FUNDS

CDBG CDBG Disaster CDBG-R HOME NAHTF NSP

This is to Certify that Joe Pepplitsch, City Manager and
(TYPED NAME [Mayor/Board Chairperson])
Pamela Berke, Deputy City Clerk are authorized to
(TYPED NAME [Clerk/Executive Director])
request Grant Funds for Grant Number(s)** 09-DTR-104 ;
and that the signatures appearing below are the true signatures of
the aforementioned individuals.

SIGNATURES OF AUTHORIZED OFFICIALS

Signature

Joe Pepplitsch

Typed Name

City Manager

Title

jpepp@cityoflex.com

Email

October 12, 2010

Date

Signature

Pamela Berke

Typed Name

Deputy City Clerk

Title

pberke@cityoflex.com

Email

October 12, 2010

Date

Nebraska Department of Economic Development

__City of Lexington__ 09-DTR-104__
CDBG Grantee CDBG No.

__P. O. Box 70; 406 E. 7th Street__
Address

__Lexington__ NE __68850__
City Zip Code

__Joe Peplitsch__ (__308__)_324-2341__
Contact Person Telephone

FINANCIAL MANAGEMENT CERTIFICATION

Check "Yes" or "No" in the column to the left to indicate if your financial management system complies with these statements:

YES NO

1. Does the financial management system provide for:

- ✓ (a) proper recording and accounting for all CDBG receipts?
- ✓ (b) control over and accountability for all funds, property, and other assets?
- ✓ (c) records that identify the source and use of funds?
- ✓ (d) the expenditure of CDBG funds within ten days of the receipt of funds?
- ✓ (e) the application of program income to the CDBG fund?
- ✓ (f) the disbursing of program income prior to making additional drawdowns?
- ✓ (g) accounting records that are supported by source documents
- ✓ (h) a comparison of actual expenditures with amounts budgeted for activities within the grant?
- ✓ (i) audits to be conducted in accordance with OMB Circular A-128
- ✓ (j) a method which assures timely and appropriate resolutions of audit findings and resolutions?
- ✓ (k) audits of non-profit subrecipients to be conducted in accordance with OMB Circular A-133?

YES NO

2. Are the individuals who are responsible for the financial management of the CDBG:

- ✓ (a) familiar with OMB Circular A-102 and A-87 and Treasury Circular 1075?
- ✓ (b) aware that failure to comply with these regulations will result in audit findings and the repayment of ineligible costs to the Department of Economic Development?

I certify that the above responses are an accurate indication of the status of the financial management system which will be used for the Community Development Block Grant.

SIGNATURE – Lexington City Manager

Joe Peplitsch

DATE

CITY OF LEXINGTON, NEBRASKA

PROCUREMENT PROCEDURES AND CODE OF CONDUCT

The City of Lexington, Nebraska will in all cases of procurement for professional services, construction services and materials needed for Community Development Block Grant (CDBG) Programs adhere to Code of Federal Regulation 24 C.F.R. Section 85.36 or current state statutes; in all cases the stricter shall apply. The following procedures summarize said laws and regulations.

A. Procurement shall be made by one of the following methods:

- 1) **Small Purchase Procedures [24 C.F.R. Section 85.36 (d)(1)] – This method will generally be used to obtain small quantities of supplies.** Small purchase procedures are those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the simplified acquisition threshold fixed at 41 U.S.C. 403(11) (currently set at \$100,000). If small purchase procedures are used, price or rate quotations shall be obtained from an adequate number of qualified sources.
- 2) **Competitive Sealed Bids [24 C.F.R. Section 85.36 (d)(2)] - This method will generally be used to obtain contractors for construction projects and for large quantities of goods or materials.** Bids are publicly solicited and a firm-fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.
- 3) **Competitive Proposals [24 C.F.R. Section 85.36 (d)(3)] - This method will generally be used to obtain professional services.** This method has two sub-parts—the Request for Proposal and the Request for Qualifications. Request for Proposals – The Request for Proposals (RFP) must clearly and accurately state the technical requirements for the goods and services required; The grantee must publicize the RFP, and to the maximum extent practicable, honor reasonable requests by parties to have an opportunity to compete; Proposals must be solicited from an adequate number of qualified sources, consistent with the nature and requirements of the procurement; The grantee must conduct a technical evaluation of the submitted proposals to identify the responsible offerors; As necessary, the grantee must conduct negotiations with those offerors who are deemed responsive and responsible and fall within a competitive price range, based on the grantee's evaluation of the bidders' pricing and technical proposals. After negotiations, these bidders may be given the opportunity to submit a "best and final" offer; and the grantee must award the contract to the most responsive and responsible offeror after price and other factors are considered through scoring the proposals or "best and final" offers according to predetermined evaluation criteria. The successful proposal/offeror must clearly be the most advantageous source of the goods and services. Request for Qualifications - Grantees and sub-grantees may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby competitors'

qualifications are evaluated and the most qualified competitor is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms are a potential source to perform the proposed effort.

- 4) **Non-Competitive Proposals/Sole Source [24 C.F.R. Section 85.36 (d)(4)] – This method will only be used after approval from the Department of Economic Development.** When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.
 - 5) **Non-Competitive Proposals/Sole Source [24 C.F.R. Section 85.36 (d)(4)] – This method will only be used after approval from the Department of Economic Development.** When requesting permission to use this method, the grantee will have to show that another method of procurement was not feasible because: the item or service was only available from a single source; a public emergency or condition requiring urgency existed which did not permit the use of competitive procurement; or competition was determined to be inadequate after solicitation of proposals from a number of sources.
- B. The cost plus a percentage of cost and percentage of construction cost method of contracting shall not be used.
- C. The City of Lexington shall maintain records sufficient to detail the significant history of a procurement. These records shall include at a minimum: rationale for the method of procurement; selection of contract type; contractor selection or rejection; and the basis for the cost or price.
- D. The following contract provisions or conditions shall be included in all procurement contracts and subcontracts:

General Administrative Provisions

- Effective date of the contract.
- Names and addresses of the firm and the grantee.
- Citation of the authority of the grantee under which the contract is entered into and the source of the funds.
- Conditions and terms under which the contract may be terminated by either party and remedies for violation/breach of contract.
- Procedures for amending or revising the contract.

Scope of Services

- Detailed description of the extent and character of the work to be performed.
- Time for performance and completion of contract services, including project milestones, if any.
- Specification of materials or other services to be provided (i.e. maps, reports, etc.)

Method of Compensation

- Provisions for compensation for services including fee and or payment schedules and specification of maximum amount payable under the contract.

Federal Standard Provisions

- Compliance with Executive Order 11246, as amended (Required for service contractors only if the contractor has 50 or more employees and the contract is for more than \$50,000)
- Title VI of the Civil Rights Act of 1964 clause
- Section 109 of the Housing and Community Development Act of 1974 clause
- Section 3 compliance clause (Required only if the contract exceeds \$100,000)
- Access to Records/Maintenance of Records clause
- When required, all construction contracts exceeding \$2,000 shall include provisions for compliance with the Davis-Bacon Act (DBA), the Contract Work Hours and Safety Standards Act (CWHSSA), The Copeland Act (Anti-Kickback Act) clause, and the Fair Labor Standards Act (FLSA) clause.

This Code of Conduct shall govern the performance of the elected or appointed officials or member of any board or commission employees or agents of the City of Lexington, Nebraska engaged in the award and administration of contracts supported by Federal funds under Community Development Block Grant.

- I. The provisions and requirements of the *Conflicts of Interest, at subpart (d)* of the Nebraska Political Accountability and Disclosure Act [such subpart (d) encompassing Sections 49-1493 through 49-14,104 of the Nebraska Revised Statutes], are incorporated in this Code of Conduct by this reference. The provisions and requirements of 24 C.F.R. Section 85.36(b)(3) are also incorporated in this Code of Conduct by this reference. The requirements of these Nebraska state statutes and federal regulations will be adhered to, and in the event of a conflict in the requirements of any of such state and federal requirements, the stricter of any conflicting provisions will be adhered to.
- II. No employee, officer or agent of the municipality shall participate in the selection, or in the award or administration of a contract supported by Federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when an employee or agent; any member of his or her immediate family; his or her partner; or an organization, which employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.
- III. The municipal employees, officers or agents shall neither solicit nor accept gratuities, favors or anything of monetary value from contractors, potential contractors, or parties to subcontracts.
- IV. Violations of this Code of Conduct will invoke penalties and sanctions consistent with applicable Federal and State laws.

John Fagot, President, Lexington City Council

Joe Peplitsch, City Manager/Clerk

Date

Date

EXCESSIVE FORCE CERTIFICATION

On this 12th day of October, 20 10, the

Lexington City Council President, John Fagot of **City of Lexington**

(Title and Name of Chief Elected Official)

(Name of Local Government Unit)

does hereby certify to the Nebraska Department of Economic Development that the

City of Lexington has adopted and will enforce a policy to prohibit the

(Name of Local Government Unit)

use of excessive force by law enforcement agencies within its jurisdiction against any individual engaged in nonviolent civil rights demonstration.

(Chief Elected Official Signature)

THE CITY OF LEXINGTON POLICIES AND PROCEDURES ON AFFIRMATIVELY FURTHERING FAIR HOUSING

STATEMENT OF POLICY

In accordance with the regulations of the State of Nebraska's Community Development Block Grant Program and Federal Fair Housing laws and in furthering The City of Lexington's commitment to nondiscrimination and equal opportunity in housing, the City of Lexington hereby establishes policies and procedures to affirmatively further fair housing within the City. These policies and procedures are intended to further the objectives of Title VIII of the Civil Rights Act of 1968 and Executive Order 11063.

Execution shall be through the following procedure:

Host a Fair Housing Month (which is in April) event, such as a Fair Housing poster contest or Housing Information event that includes Fair Housing advocates.

This policy shall have full force and become effective on this 12th day of October, 2010.

Joe Peplitsch, Lexington City Manager

NEBRASKA CDBG GRANTEE IMPLEMENTATION SCHEDULE

PROJECT ACTIVITIES AND MILESTONES

Name of Grantee: City of Lexington CDBG # 09-DTR-104 Program Representative Kevin Andersen

Date of Project Completion (contracted): 8/11/2012 Extended Completion Date: N/A Page 2 of 3

Project Activity / Milestones	CDBG / LOCAL AMOUNT BUDGETED	1 ST QTR. July-Sept 2010	2 ND QTR. Oct-Dec 2010	3 RD QTR. Jan-Mar 2011	4 TH QTR. Apr-June 2011	5 TH QTR. July-Sept 2011	6 TH QTR. Oct-Dec 2011	7 TH QTR. Jan-Mar 2011	8 TH QTR. Apr-June 2011
Activity: CDBG 030 Clearance/Demo	\$ 30,000	\$ 0	\$ 0	\$ 0	\$ 5,000	\$ 5,000	\$ 5,000	\$ 5,000	\$ 10,000
Other	\$ 10,500	\$ 0	\$ 0	\$ 0	\$ 1,750	\$ 1,750	\$ 1,750	\$ 1,750	\$ 3,500
a) Demolition					X X X	X X X	X X X	X X X	X X X
b) Clearance					X X X	X X X	X X X	X X X	X X X
Activity: CDBG 070 Public Facilities	\$ 4,500	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 4,500
Other	\$ 1,500	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1,500
a) Public Facility improvements									
Activity: CDBG 0230 Streets	\$ 125,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 62,500	\$ 62,500
Other	\$ 40,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 20,000	\$ 20,000
a) Street Improvements								X X X	X X X

ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: ___09-DTR-104___

PROJECT NAME: Lexington Downtown Revitalization Project

DETERMINATION OF LEVEL OF REVIEW

ERR GRANT# 09-DTR-104

Project Name: Lexington Downtown Revitalization Project Program Year: 8/11/2010 – 8/11/201

Project Location: Downtown Lexington, Nebraska

Project Description (*Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.*):

This project will revitalize the downtown area of Lexington by possible acquisition, demolition, improvement of public facilities and streets, removal of architectural barriers, and rehabilitation of commercial buildings within this area. Site specific environmental reviews will be completed to address requirements that require additional compliance review and will be included in the ERR.

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and the following determination with respect to the project is made:

- Exempt** from NEPA review requirements per 24 CFR 58.34(a)(____)
- Categorically Excluded NOT Subject** to §58.5 authorities per 24 CFR 58.35(b)(____)
- Categorically Excluded SUBJECT** to §58.5 authorities per 24 CFR 58.35(a)(1,2,3)
(A Statutory Checklist for the §58.5 authorities is attached.)
- An **Environmental Assessment** (EA) is required to be performed. (An Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58 is attached.)
- An **Environmental Impact Statement** (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

Deb Jensen _____ Preparer Name	_____ Signature
CDBG Administrator _____ Title	_____ Date

Joe Peplitsch _____ Responsible Entity Certifying Officer	_____ Signature
Lexington City Manager _____ Title	_____ Date

STATUTORY CHECKLIST

Use this worksheet only for projects that are CATEGORICALLY EXCLUDED SUBJECT TO (CEST) Related Federal Statutes and Authorities [24 CFR §58.35(a)]

GRANTEE: City of Lexington **GRANT#** 09-DTR-104

A “Determination of Level of Review” form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. In addition the “Requirements listed at 24 CFR §58.6” form must also be completed. 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 either Box “A” or “B” 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 A B	Compliance Documentation
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input checked="" type="checkbox"/> <input type="checkbox"/>	The nature and location of this project is not in an EPA designated non-attainment area or maintenance area . If building is identified for demolition, Tier II review will be accomplished at that time. Consulted http://www.epa.gov/oar/oaqps/greenbk/mapnmpoll.html
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="checkbox"/> <input type="checkbox"/>	Project will involve only existing structures—no additions or new construction will be done. Downtown area is not located within 2,500 feet of the end of the Lexington Airport.
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 Management. (http://www.ocrm.nos.noaa.gov/czm/czmsitelist.html)

4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	As buildings and projects are identified, Tier II evaluation may be done. Project is not located near any landfill or site that contains hazardous materials. Reference: http://www.epg.gov/emefdata/em4ef.html
5. Endangered Species [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project will have “no effect” or “is not likely to adversely affect” any federally protected Threatened or Endangered Species nor modify critical habitats. Therefore no further action is required. This project is located in a downtown commercial area. Websites searched: http://crithab.fws.gov/
6. Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project will not create an adverse health burden or environmental effect on minority or low income persons in the designated area. http://www.epa.gov/environmentaljustice/resources/policy/ej-seat.html#environmental
7. Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from State Fire Marshal’s fuel division stated “no facts known that would impact this project”. If rehab would take place on property where tank is known to exist, further consultation would be required.
8. Farmland Protection [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is located in downtown (urban) area and has no farmland near the boundaries of the project area. Reference map found at: http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx
9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is outside of Special Flood Hazard Area and project is not a critical action. See documentation of FIRM Comm. Panel 310063 0005 A.
10. Historic Preservation [36 CFR 800]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Letter from NE State Historical Society states that 106 review requests be submitted as properties for rehab are identified.
11. Noise Control [24 CFR 51B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project improvements to commercial buildings may include weatherization measures that mitigate current levels. The Lexington downtown area is adjacent to US Highway 30 and the Union Pacific Railroad.
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no designated Sole Source Aquifers in EPA Region VII (Nebraska, Iowa, Missouri, and Kansas). Source: http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_reg7.pdf
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The project does not involve acquisition of undeveloped land, change of land use, or new construction. Therefore, the threshold requirements of 24 CFR 55 are not implicated and no further action is required.
14. Wild and Scenic Rivers [36 CFR 297]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There are no scenic or wild rivers listed on the national Park Service site for this project area: http://www.rivers.gov/wildriverslist.html#ne

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 further compliance measure (e.g. consultation, mitigation, permit, or approval) with respect to any law or authority cited at §58.5. Complete Finding of Exempt Activity and document in writing per §58.34(a)(12) & (b); OR

Box "B" has been checked for one or more authorities. The project cannot convert to Exempt since one or more authorities require 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/RRF, request release of funds (HUD-7015.15), 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.

Deb Jensen
Preparer Name

Preparer Signature
October 12, 2010
Date

Joe Pepplitsch
RE Certifying Officer Name

RE Certifying Officer Signature
October 12, 2010
Date

24 CFR §58.6 – OTHER REQUIREMENTS

Use this worksheet for projects that are EXEMPT, CATEGORICALLY EXCLUDED SUBJECT TO (CEST), and CATEGORICALLY EXCLUDED NOT SUBJECT TO (CENST) Related Federal Statutes and Authorities.

This 58.6 Form 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.

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

No. Cite or attach Source Documentation: Map denotes project area is more than 2,500 feet from airport runway. [Project complies with 24 CFR 51.303(a)(3).]

Yes. Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

No. Cite or attach Source Documentation: No CBRA's in Nebraska according to <http://www.fema.gov/nfip/cobra.shtm> [Proceed with project.]

Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

No. Cite or attach Source Documentation: FIRM attached shows project area to be in the 500 year flood boundary. [Proceed with project.]

Yes. Cite or attach Source Documentation: _____
Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

No. Federal assistance may not be used in the Special Flood Hazard Area.

Deb Jensen _____ October 12, 2010 _____
Preparer Name Preparer Signature Date

Joe Peplitsch _____ October 12, 2010 _____
RE Certifying Officer Name RE Certifying Officer Signature Date

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

Date of Publication: October 9, 2010

City of Lexington
406 7th Street
Lexington, NE 68850
308-324-2341

On or after October 18, 2010 the above-named entity will submit a request to the Nebraska Department of Economic Development (DED) for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, To undertake the following project:

Project Title: Lexington Downtown Revitalization

Purpose: Acquisition/Easements, Clearance/Demolition, Public Facilities, Architectural Barrier Removal, and Commercial Rehabilitation, and Street Improvements.

Location: Downtown Lexington, Nebraska

Estimated Cost: \$462,000

The activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act requirements. An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at City of Lexington office, 406 7th Street, Lexington, NE and may be examined or copied weekdays—8:00 A.M. to 5:00 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the City of Lexington, P. O. Box 70, Lexington, NE. All comments received by October 18, 2010 will be considered by the City of Lexington prior to submission of a request for release of funds.

RELEASE OF FUNDS

The City of Lexington certifies to DED that Joe Pepplitsch, serving in his capacity of City Manager, consents to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. DED's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the City of Lexington to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

DED will accept objections to its release of funds and the City of Lexington's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Lexington; or (b) the City of Lexington has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; or (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by DED; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the

standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58, Section 58.76) and shall be addressed to:

*Nebraska Department of Economic Development
Community and Rural Development Division
P.O. Box 94666
Lincoln, NE 68509-4666*

Potential objectors should contact NE Department of Economic Development to verify the actual last day of the objection period.

Joe Peplitsch
Lexington City Manager

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. 3/31/2011)

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)	2. HUD/State Identification Number	3. Recipient Identification Number (optional)
4. OMB Catalog Number(s)	5. Name and address of responsible entity	
6. For information about this request, contact (name & phone number)	7. Name and address of recipient (if different than responsible entity)	
8. HUD or State Agency and office unit to receive request		

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)	10. Location (Street address, city, county, State)
11. Program Activity/Project Description	

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. 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.
4. 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.
5. 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.
6. 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:

7. 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.
8. 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
	Date signed
X Address of Certifying Officer	

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)