

ITEM #: 16
DATE: 11-12-24
DEPT: P&R

COUNCIL ACTION FORM

**SUBJECT: IOWA DEPARTMENT OF NATURAL RESOURCES, LAND AND WATER
CONSERVATION FUND AGREEMENT**

BACKGROUND:

The City purchased approximately 50 acres of land at 5658 Ontario Street in FY 2023/24 for development into a new City park. The cost of this purchase was \$1,146,484 with funding coming from the Park Development Fund (\$946,484) and a Resource Enhancement And Protection (REAP) grant (\$200,000) administered through the Iowa Department of Natural Resources (IDNR).

Staff continued to seek other possible funding sources and identified another grant opportunity through the IDNR: the Land And Water Conservation (LWCF) Fund Program. The IDNR clarified for staff that the City could apply for the LWCF grant even though REAP funding has already been awarded. In March 2023, staff submitted a grant application for \$175,000, which was the maximum amount for a community the size of Ames. **The City's application scored the highest and staff was notified that the City was being recommended for an award of \$175,000.** It should be noted that these funds are federal monies administered through the IDNR.

Since the land was going to be purchased prior to LWCF grant being awarded, staff submitted a Waiver of Retroactivity for Land Acquisition. This waiver was approved on September 6, 2023 and allowed the City to purchase the land within one year of the approval date which was completed. When the IDNR disburses the funds to the City, the intent is to deposit the \$175,000 into the Park Development Fund.

The attached agreement acknowledges the award of \$175,000. There are several special project terms the City must comply with to receive the funding. These stipulations are listed below:

- Grantee must comply with the following special terms:
 - A final signed LWCF Boundary Map will be submitted prior to final draw and project closeout. *(This map identifies the area that the LWCF funds are being used for. This area would need to be used for outdoor recreation in perpetuity and could not be sold or used for any other purpose unless a conversion process is completed.)*
 - Must provide a yellow book appraisal and appraisal review prior to initial payment. *(Staff is working with the appraiser to get this accomplished.)*
- The grantee shall comply with 2 CFR Part 200, 2 CFR Part 1402. *(These two sections of Federal Code pertain to how items are purchased and mostly used for development projects. Since the City purchased this land, there are few obligations which have been met.)*
- The grantee shall comply with the Build America, Buy America Law (BABA), Section 70914 of the Bipartisan Infrastructure Law, P.L. 117-58, unless a waiver is applied for an approved by the Department of Interior and the Made in America Office. See Buy America section attached to the agreement. *(Since the grant money is being used to purchase land, this section does not apply.)*

Prior to submitting the application, the Office of the State Archeologist was contacted to perform a

desktop review of the entire property. After review, it was recommended that a Phase 1 archaeological investigation should be conducted as there has been no previous archaeological investigations performed on this property. The Phase 1 investigation will need to be done prior to any ground being disturbed or structures being removed.

ALTERNATIVES:

1. Approve the Land and Water Conservation Fund grant agreement with the Iowa Department of Natural resources in the amount of \$175,000 to help offset the funds used to purchase land at 5658 Ontario Street for a new park.
2. Do not enter into a grant agreement at this time.

CITY MANAGER'S RECOMMENDED ACTION:

Acquiring the Sands-McDorman Property for a future community park will provide a great addition to the City's park system. As the City continues to expand, especially to the west, it is important to Ames residents to have parks and greenspaces near where they live. Ideally, this future park will have spaces for active, as well as passive recreation for all to enjoy.

Originally, staff had proposed paying all of the \$1,146,484 purchase price for the land from the Park Development Fund. The REAP grant reduced the City's cost by \$200,000 and the LWCF grant funding will reduce the City's local cost by an additional \$175,000. Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative No. 1, as described above.

ATTACHMENT(S):

[19-01388_Ames_StateAgreement.pdf](#)