



## Legislation Text

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**File #:** 10-1166, **Version:** 1

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Resolution to Petition the Washtenaw County Water Resources Commissioner for Malletts Creek Stream Bank Stabilization in the Malletts Creek Drainage District (\$5,140,000.00 Total Project Amount; \$2,010,000.00 Project Amount (2011); \$1,500,264.00 City Share (2011)) **(Roll Call Vote Required)**

Attached for your approval is a resolution to petition the Washtenaw County Water Resources Commissioner (WCWRC) to undertake a multi-phase project to make stream bank stabilization improvements at the following six locations along the Malletts Creek, and to authorize funding for the first three projects in FY11:

- West Eisenhower Parkway and West Oakbrook Drive (future)
- Research Park Drive (future)
- Chalmers Drive between Washtenaw and Huron Parkway (2011)
- South Huron Parkway between Boulder Drive and Stonehaven Street (2011)
- Packard Road near Chesterfield Street (future)
- Boardwalk Street and State Street (future)

The Malletts Creek Drainage District, which includes the City, is subject to a Total Maximum Daily Load (TMDL) restriction by the State of Michigan for suspended solids, E.coli and phosphorus. This work will provide water quality improvements in the basin, by halting the erosion of the banks and reducing the resulting suspended solids, E. coli and phosphorus loading into the creek..

Since the project focus is on water quality improvement, it is eligible for low-interest State Revolving Fund (SRF) loan funding, and this project has been included on the Project Priority List (PPL) for SRF loan funding. This project, along with four others submitted by the WCWRC within the City, has been classified as a "green project," which may result in up to 50% loan forgiveness for the 2011 costs. Therefore, of the total \$2,010,000.00 total project cost for 2011, only \$1,005,000.00 may need to be repaid to the State.

A formal petition from the City is required to move this project to construction. Malletts Creek is an established Chapter 20 County Drain. Therefore, the work to improve the basin and other stormwater control measures falls under the jurisdiction of the Washtenaw County Water Resources Commissioner. As an established drain, the costs of the project are assessed to the governmental entities within the drainage district area. The total cost of this project is estimated at \$5,140,000 with the total cost of the work for 2011 estimated to be \$2,010,000.00. The City's apportionment of this drainage district is approximately 74.64% of the district. Therefore, the City's share of the 2011 work will not exceed \$1,500,264.00, with an opportunity for 50% loan forgiveness. The City share of the \$3,130,000.00 to complete the remaining locations is \$2,336,232.00.

As the Water Resources Commissioner will be assessing the City over a maximum of 20 years for this project, the City will not have to expend the full cost of this project at the time of construction.

Rather, the reimbursement of the Water Resources Commissioner will be paid over the financing period, with installments not to exceed \$133,167.00 per year. The first payment for the 2011 work is included in the approved Storm Water Fund budget for FY11 and subsequent payments will be included in the annual stormwater budget submittals. The resolution authorizes the annual payment to the County for this project from the Storm Water Fund (Fund 0069) pending annual budget approvals by Council.

Programming for the expenditures for the future work will be included in the FY2012-2017 Capital Improvements Plan with authorization sought as part of the applicable Capital Budget submission.

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Reviewed by: Sue F. McCormick, Public Services Administrator

Approved by: Roger W. Fraser, City Administrator

Whereas, The Malletts Creek Stream Bank Stabilization is part of the Malletts Creek Drainage District;

Whereas, City staff have identified the need for streambank stabilization improvements to the Malletts Creek at the following six locations

- West Eisenhower Parkway and West Oakbrook Drive (future)
- Research Park Drive (future)
- Chalmers Drive between Washtenaw and Huron Parkway (2011)
- South Huron Parkway between Boulder Drive and Stonehaven Street (2011)
- Packard Road near Chesterfield Street (future)
- Boardwalk Street and State Street (future)

Whereas, The improvements will provide water quality improvements and improve the integrity of the stormwater system;

Whereas, The City Council intends to file with the Water Resources Commissioner for Washtenaw County a petition to clean out, relocate, widen, deepen, straighten, extend, tile, interconnect, or otherwise improve portions of the county drain known as the Malletts Creek Drain pursuant to Section 482 of Chapter 20 of the Drain Code of 1956 (MCL 280.482);

Whereas, It is the desire of the City Council to have the Mayor and Clerk sign and file the necessary petition with the Washtenaw County Water Resources Commissioner; and

Whereas, A suggested form of such petition is now presented to the City Council;

RESOLVED, The City Council hereby determines to proceed with the proposed drain project for the Malletts Creek Drain Drainage District as more fully described in the petition attached hereto as Attachment 1;

RESOLVED, The Mayor and Clerk be hereby authorized and directed to execute such petition for and on behalf of the City and to file the same with the Water Resources Commissioner of the County of Washtenaw;

RESOLVED, The City Council hereby consents to the location of the proposed clean out, relocation, widening, deepening, straightening, extending, tiling, interconnecting or otherwise improving a portion of the Malletts Creek Drain within the limits of the City and the assessment of a portion of the cost of such improvements, so located, against the City; and

RESOLVED, That the assessment (approximately \$1,500,264.00) for the locations at West Eisenhower Parkway and West Oakbrook Drive, Research Park Drive and Chalmers Drive will be paid in twenty annual installments not to exceed \$133,167.00/annually from the Stormwater Fund (Fund 0069) Operating Budget, beginning in FY11, pending annual budget approvals by City Council with programming for the expenditures for the future work is to be included in the FY2012-2017 Capital Improvements Plan with authorization requested from Council as part of the applicable Capital Budget submission.