



## Legislation Details (With Text)

<b>File #:</b>	10-1165	<b>Version:</b>	1	<b>Name:</b>	12/6/10 - Burns Park Alley Petition to WCWRC
<b>Type:</b>	Resolution	<b>Status:</b>	Passed		
<b>File created:</b>	12/6/2010	<b>In control:</b>	City Council		
<b>On agenda:</b>	12/6/2010	<b>Final action:</b>	12/6/2010		
<b>Enactment date:</b>	12/6/2010	<b>Enactment #:</b>	R-10-429		

**Title:** Resolution to Petition the Washtenaw County Water Resources Commissioner for the Burns Park Porous Alley in the Malletts Creek Drainage District (\$200,000.00 Total; \$149,280.00 City Share) (Roll Call Vote Required)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Malletts Burns Park Porous Alley\_Petition.pdf, 2. map\_burns.pdf

Date	Ver.	Action By	Action	Result
12/6/2010	1	City Council	Approved	Pass

Resolution to Petition the Washtenaw County Water Resources Commissioner for the Burns Park Porous Alley in the Malletts Creek Drainage District (\$200,000.00 Total; \$149,280.00 City Share) **(Roll Call Vote Required)**

Attached for your approval is a resolution to petition the Washtenaw County Water Resources Commissioner (WCWRC) to undertake a project to construct a porous pavement alley in the Burns Park area. The alley is located off of Wells Street between Lincoln Avenue and Martin Place, terminating at Scott Court. These improvements will provide water quality benefits and reduce ponding in the alley by infiltrating stormwater through the pavement in a similar manner to the recently completed Sylvan Avenue Porous Pavement project.

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. The Burns Park Porous Alley project will decrease loading of these contaminants into the creekshed.

Because 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. Therefore, of the total \$200,000.00 total project cost, only \$100,000.00 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 complete the stormwater improvements 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 \$200,000.00. The City's apportionment of this drainage district is approximately 74.64% of the district. Therefore, the City's

share will not exceed \$149,280.00, and the opportunity for loan forgiveness could reduce this share by an additional 50%.

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 \$11,823.00 per year. The first payment is included in the approved Storm Water Fund budget for FY 2011 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.

Prepared by: Cresson S. Sloten, P.E., Acting Systems Planning Unit Manager

Reviewed by: Sue F. McCormick, Public Services Administrator

Approved by: Roger W. Fraser, City Administrator

Whereas, The Burns Park Alley off of Wells Street between Lincoln Ave and Martin Place and terminating at Scott Court is part of the Malletts Creek Drainage District;

Whereas, City staff have identified the need for improvements to the Malletts Creek drainage district;

Whereas, The improvements will provide water quantity and quality improvements to 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 a portion of the county drain located north of Wells Street, between Lincoln Ave and Martin Place and terminating at Scott Court, 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 \$149,280.00 will be paid in twenty annual installments not to exceed \$11,822.00/annually from the Stormwater Fund (Fund 0069) Operating Budget, beginning in FY2011, pending annual budget approvals by City Council.