



Legislation Text

File #: 08-1002, **Version:** 1

Resolution to Petition the Washtenaw County Drain Commissioner to Design and Construct Stormwater Controls in the Allen Creek Drainage District at the Ann Arbor Farmers Market to Reduce Downstream Flooding and Improve Water Quality and to Appropriate Funds for these Stormwater Management Improvements (\$599,600.00 Project Amount; \$572,018.00 City Share) (8 Votes Required) (Roll Call Vote Required)

Attached for your approval is a resolution to petition the Washtenaw County Drain Commissioner (WCDC) to undertake a project to design and construct stormwater controls in the Allen Creek Drainage District at the Ann Arbor Farmers Market.

The Allens Creek Initiative identified construction of stormwater control measures at the Ann Arbor Farmers Market as a high priority to control water quantity, improve water quality and increase stormwater awareness within the creekshed during storm events. The Allens Creek Initiative was launched in 2007 and is a collaborative effort with the Washtenaw County Drain Commissioner, the City of Ann Arbor, Ann Arbor Public Schools and the Allens Creek Advisory Committee. Its goal was to identify, prioritize and select stormwater management projects that would reduce flooding and improve water quality in Allens Creek.

Much of Allen Creek is contained in underground piping that carries stormwater runoff from the urban core of Ann Arbor. Nearly 44% of the land draining to the creek is impervious, and as a result, stormwater frequently enters the creek too quickly, causing localized flooding during rain events. These rain events also carry pollutants from impervious areas to the creek, lowering water quality. Allen Creek falls within the Total Maximum Daily Load (TMDL) area of the Huron River. The goal of the TMDL is to remove 50% of the phosphorus and E. coli from storm water.

The Farmers Market currently has no stormwater quantity control measures, so this project will provide needed detention and improve downstream water quality and quantity. As significant, the project will provide an educational waterscape and signage that will help to raise awareness about stormwater. Stormwater controls for this project include installation of an underground detention chamber, swirl concentrator, a green roof, and a hands-on educational water feature and interpretive signage. The resolution authorizes repayment of the low interest loans for this project from the Storm Water Fund (Fund 0069).

This project will coincide with the Farmers Market Improvements that are currently underway and managed by the Parks and Recreation Services Unit. The Parks and Recreation Services Unit will be responsible for the initial financing of the stormwater control features but will be fully reimbursed through the Storm Water Fund monthly until the close of the construction contract. To facilitate this initial financing, an increase in appropriation is needed in the amount of \$599,600.00, adjusting the total Farmers Market capital project budget from \$1,457,300.00 to \$2,056,900.00. Funds are available in the Parks Rehabilitation and Development Millage Fund balance.

A formal petition from the City is required to move this project to construction. Allen Creek is an

established Chapter 20 County Drain. Therefore, the work to construct the detention system and other control measures falls under the jurisdiction of the Washtenaw County Drain 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 \$599,600.00 all of which has been approved for a low interest (2.5%) State Revolving Fund (SRF) loan to the County. The City's apportionment of this drainage district is approximately 95.4% of the district. Therefore, the City's share will be \$572,018.00.

As the Drain 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 Drain Commissioner will be paid over the financing period, with installments not to exceed \$45,000.00 per year. The first payment is included in the approved Storm Water Fund budget for FY 09.

Prepared by: Molly Wade, Water Quality Manager

Reviewed by: Sue F. McCormick, Public Services Administrator

Approved by: Roger W. Fraser, City Administrator

At a regularly scheduled meeting of the City Council of the City of Ann Arbor, County of Washtenaw, Michigan, held at the City Hall in the City on November 17, 2008, there were

PRESENT: Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke, 11;

ABSENT: 0.

The following resolution as offered by Councilmember Greden and seconded by Councilmember Smith.

Whereas, There is a Total Maximum Daily Load (TMDL) for phosphorus and E. coli reduction within the Huron River;

Whereas, Allen Creek is within the area covered by the phosphorus and E. coli TMDLs;

Whereas, The Allen Creek Initiative has identified the construction of stormwater controls at the Ann Arbor Farmers Market as a high priority project to improve downstream quality and quantity;

Whereas, The City Council intends to file with the Drain Commissioner for Washtenaw County a petition to clean out, relocate, widen, deepen, straighten, extend, tile, interconnect, or otherwise improve the Farmers Market portion of the county drain known as Allen 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 Drain 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

Allen 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 Drain 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 Allen 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;

RESOLVED, That \$599,600.00 be appropriated for the Farmers Market Capital Project budget from the Parks Rehabilitation and Development Millage Fund balance to cover the initial financing costs for the stormwater improvements;

RESOLVED, That the reimbursements for the Farmers Market stormwater improvements be deposited in the Parks Rehabilitation and Development Millage Fund from the Storm Water Fund; and

RESOLVED, That the assessment (approximately \$572,018.00, plus interest) will be paid in twenty annual installments not to exceed \$45,000.00/annually from the Operations and Maintenance Budget of the Stormwater Fund (Fund 0069), beginning in FY 09.

A vote upon the foregoing resolution was taken and was as follows:

Roll call vote:

Ayes: Mayor Hieftje, Councilmember Rapundalo, Councilmember Greden, Councilmember Higgins, Councilmember Teall, Councilmember Anglin, Councilmember Briere, Councilmember Smith, Councilmember Derezinski, Councilmember Taylor, and Councilmember Hohnke, 11;

Nays: 0;

Absent: 0;

Abstain: 0.