



Legislation Details (With Text)

**File #:** 20-1471      **Version:** 1      **Name:** 3/1/2021 - WCWRC Agreement (425) for Churchill Pond  
**Type:** Resolution      **Status:** Passed  
**File created:** 3/1/2021      **In control:** City Council  
**On agenda:** 3/1/2021      **Final action:** 3/1/2021  
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**Title:** Resolution to Approve an Agreement between the City of Ann Arbor and the Malletts Creek Drain Drainage District through the Washtenaw County Water Resources Commissioner’s Office for the Malletts Creek/Churchill Downs Park Detention Pond Project (\$3,050,000.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 425 Agreement\_Churchill.pdf

Date	Ver.	Action By	Action	Result
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Resolution to Approve an Agreement between the City of Ann Arbor and the Malletts Creek Drain Drainage District through the Washtenaw County Water Resources Commissioner’s Office for the Malletts Creek/Churchill Downs Park Detention Pond Project (\$3,050,000.00)  
Please find attached for your consideration an agreement that articulates a cost agreement for the construction of a detention basin in the Churchill Downs park located in the Malletts Creek Drainage District.

The Malletts Creek Drain is a county drain established pursuant to Act 40 of the Public Acts of 1956 as amended, which is under the jurisdiction of the Washtenaw County Water Resources Commissioner’s Office (WCWRC).

In 2012, after a severe rain event that impacted the Lansdowne/Churchill Downs Neighborhood with flooding and overland flow, the City embarked on a study to evaluate opportunities for stormwater management improvements in the Upper Mallets drainage area to help mitigate impacts from rain events. Several recommendations from the study were incorporated into the City’s Capital Improvement Plan, including project UT-ST-16-08 (Churchill Park/Eisenhower ROW Basin). The City commenced with the planning and design for this project in 2016. However, due to property ownership issues and regulatory restrictions, the project, as planned, was not able to be proceed and be constructed as originally designed.

On November 8, 2018, City Council passed resolution R-18-440 to Re-Petition the Washtenaw County Water Resources Commissioner (WCWRC) for Design and Construction of Stormwater Management Control Measures for the Churchill Park Pond (\$3,200,000.00). The intention for funding of this project was to be through the State Revolving Fund (SRF), as a low-interest loan paid over 20 years, but in September of 2020, the Michigan Department of Environment, Great Lakes and Energy (EGLE) deemed this project ineligible for the SRF Program.

The City and WCWRC have agreed to move this project forward with a different mechanism for funding by an agreement pursuant to Section 425 of the Drain Code (See, attached 425 agreement).

A new detention pond with a total storage volume of 10.8 acre-ft will be constructed in the Churchill Downs Park to address downstream flooding and stormwater management. Washtenaw County Resources will be responsible for performing or contracting for and administration of the project consistent with best management practices including soil erosion and sedimentation control. The estimated cost of the project is \$3,050,000.00. The City's share of the project per the agreement is 100% of the total project costs, or approximately \$3,050,000.00.

Budget/Fiscal Impact: Based on the project's initial estimates, the City's share of the project is estimated to be \$3,050,000.00 and is available in the approved Stormwater Fund Capital Budget.

Prepared by: Jennifer Lawson, Water Quality Manager

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Tom Crawford, City Administrator

Whereas, The Malletts Creek Drain is a county drain established pursuant to Act 40 of the Public Acts of 1956 as amended;

Whereas, Under the Drain Code, governmental bodies that are in the district are assessed costs for maintenance;

Whereas, Downstream flooding has demonstrated the need for stormwater detention in this drainage area;

Whereas, The City petitioned the Drainage District and the Washtenaw County Water Resources Commissioner (WCWRC) for Design and Construction of Stormwater Management Control Measures for the Churchill Park Pond;

Whereas, Under the Drain Code the cost of the Churchill Park detention pond would be otherwise assessable to the City, the City is willing to agree to pay all costs incurred by the Malletts Creek Drain Drainage District for the work to design and construct the detention pond which cost is estimated to be \$3,050,000.00; and

Whereas, Sufficient funds are available in the approved Stormwater Fund Capital Budget;

RESOLVED, That City Council approve the Agreement between the City of Ann Arbor, and the Malletts Creek Drain Drainage District through the Washtenaw County Water Resources Commissioner's Office for the Malletts Creek/Churchill Downs Park Detention Pond Project;

RESOLVED, That a 10% contingency (\$305,000) be authorized should the actual project costs exceed the project estimates;

RESOLVED, That the Mayor and City Clerk be authorized and directed to execute said agreement after approval as to form by the City Attorney, and approval as to substance by the City Administrator; and

RESOLVED, That City Council authorize the City Administrator to take the appropriate administrative actions to implement this resolution.