



## Legislation Text

---

**File #:** 10-1168, **Version:** 1

---

Resolution to Petition the Washtenaw County Water Resources Commissioner for Cistern Installations/Downspout Disconnects/Tree Planting Project in the Swift Run Drain, Traver Creek, Malletts Creek and Allen Creek Drainage Districts (\$915,000.00 Project Amount; \$879,315.00 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 install up to five cisterns and disconnect downspouts from storm sewers and/or impervious surfaces on City or County properties within the City and perform tree plantings in public right-of-ways throughout four drainage districts: Swift Run, Traver Creek, Malletts Creek and Allen Creek. These improvements will reduce the amount of stormwater entering the City's stormwater piping network and reduce contaminant loading to the downstream creeks and the Huron River. 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 proposed improvements will improve water quality and reducing localized flooding in the project areas.

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. Therefore, of the total \$915,000.00 total project cost, only \$457,500.00 may need to be repaid to the State.

Formal petitions from the City are required to move this project to construction. Swift Run Drain, Traver Creek, Malletts Creek and Allen Creek are established Chapter 20 County Drains. Therefore, the work to complete the stormwater improvements falls under the jurisdiction of the Washtenaw County Water Resources Commissioner. As established drains, 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 \$915,000.00. The City's apportionment of these drainage districts are as follows:

- Swift Run Drain: 59.61%
- Traver Creek: 86.11%
- Malletts Creek: 74.64%
- Allen Creek: 96.1%

Therefore, the City's share will vary depending on the location of the individual cistern and tree plantings, but the total project cost will not exceed \$879,315.00, 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 \$69,637.00 per year. The first payment is included in the approved Storm Water Fund Operations and Maintenance 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.

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 proposed Cistern Installations/Downspout Disconnects/Tree Planting Project is part of the Swift Run Drain, Traver Creek, Malletts Creek and Allen Creek Drainage Districts;

Whereas, City staff have identified the need for these improvements;

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 petitions to clean out, relocate, widen, deepen, straighten, extend, tile, interconnect, or otherwise improve a portion of the county drains known as the Swift Run, Traver Creek, Malletts Creek and Allen Creek Drains 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 petitions 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 Swift Run, Traver Creek, Malletts Creek and Allen Creek Drains Drainage Districts as more fully described in the petitions attached hereto as Attachment 1;

RESOLVED, The Mayor and Clerk be hereby authorized and directed to execute such petitions 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 Swift Run, Traver Creek, Malletts Creek and Allen Creek Drains 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 \$879,315.00) will be paid in twenty annual installments not to exceed \$69,637.00/annually from the Stormwater Fund (Fund 0069) Operating Budget, beginning in FY11, pending annual budget approvals by City Council.