



## Legislation Text

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**File #:** 18-2016, **Version:** 1

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Resolution to Petition the Washtenaw County Water Resources Commissioner to Create a new Drainage District and Undertake a Project to Design and Construct Stormwater Management Control Measures for the Pepper Pike section of Millers Creek (Total Project Cost: \$1,500,000.00) Attached for your approval is a resolution to petition the Washtenaw County Water Resources Commissioner (WCWRC) to create a new drainage district and undertake a project to design and construct stormwater management control measures for Pepper Pike Streambank Stabilization Project.

In 2012, the City conducted the Millers Creek Sediment Study in response to flooding on Geddes Road associated with sedimentation of Millers Creek in the City-owned Ruthven Nature Area. Millers Creek is a tributary of the Huron River located in northeast Ann Arbor. Millers Creek drains portions of property owned by the University of Michigan (31%) and property under the jurisdiction of the City of Ann Arbor (56%) and Ann Arbor Township (13%). The purpose of the study was to identify potential management recommendations for addressing the sedimentation occurring in Millers Creek at Ruthven Nature Area and associated flooding on Geddes Road. Recommendations from the study included sediment maintenance activities, sediment removal activities and sediment load reduction activities. This study included public engagement, with three public meetings for the neighbors.

Nearly 30% of the land in the Millers Creek watershed draining to the Huron River and its tributaries is impervious. As a result, stormwater frequently enters the river too quickly, causing erosion and sedimentation during certain rain events. The study identified a section of Millers Creek on City-owned property with the highest rate of sediment loss (identified in the study as Reach D). These rain events also carry pollutants from the impervious areas to the creek, lowering water quality. The proposed improvements will improve water quality and reduce downstream flooding.

Since the project focus was on water-quality improvement, it would be eligible for low-interest State Revolving Fund (SRF) loan funding, and this project has been included on the Michigan Department of Environmental (MDEQ) Project Priority List (PPL) for SRF loan funding.

To address the sediment loss in Reach D, City staff propose an improvement project that will address erosion and water quality by completing streambank stabilization and habitat improvement on the identified section (Reach D) of Millers Creek, wholly within the City of Ann Arbor drainage area.

Before any project can commence, a Drain District must be created with the Washtenaw County Water Resources Commissioner's Office. A Drain District establishes a funding mechanism for improvements to the drain and qualifies this project for SRF funding. A formal petition from the City is required to move this project to construction. As an established drain, the costs of the project would be assessed to the governmental entities within the proposed drainage district area. The total cost of this project is estimated at \$1,500,000.00. The City's apportionment of this project within the drainage district is 100% of the district. Therefore, the City's share will be \$1,500,000.00.

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 design and construction. Rather, the reimbursement will be paid over the financing period, with installments not to exceed \$92,000.00 per year. The first payment will be included in the proposed Storm Water Operations and Maintenance budget for FY20 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.

Budget Impact:

The proposed work was identified in the City's Capital Improvements Plan as UT-ST-16-03. Funding will be available in the annual Storm Water Fund Operations and Maintenance Budget; if so approved by City Council.

Sustainability Framework:

The proposed work completed under this petition furthers the Sustainable Systems, Clean Air and Water, and Healthy Ecosystems goals of the City's Sustainability Framework.

Prepared by: Jennifer Lawson, Water Quality Manager

Reviewed by: Craig Hupy, Public Services Area Administrator

Approved by: Howard S. Lazarus, City Administrator

Whereas, The Millers Creek Sediment Study identified Reach D (also referred to as Pepper Pike) as the most severely eroding;

Whereas, The City of Ann Arbor hereby petitions the Washtenaw County Water Resources Commissioner for the location, establishment and construction of an intra-county drain as listed in Attachment 1, which will be known as the Miller Creek Ann Arbor Drain;

Whereas, The City of Ann Arbor acknowledges that it will be liable for an assessment at large for a percentage of the total amount levied for the drain;

Whereas, The proposed Millers Creek Drainage District is within the area covered by the phosphorus and E. coli TMDLs;

Whereas, The City Council intends to file with the Washtenaw County Water Resources Commissioner for a petition to clean out, relocate, widen, deepen, straighten, extend, tile, interconnect, or otherwise improve the proposed Millers Creek Drainage District 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, That the City of Ann Arbor hereby petitions the Washtenaw County Water Resources Commissioner for the location, establishment and construction of an intra-county drain, as listed in Attachment 1, to be known as the Millers Creek Ann Arbor Drain;

RESOLVED, That the City Council hereby determines to proceed with the proposed drain project for

the proposed drain, as more fully described in the petition attached hereto as Attachment 1;

RESOLVED, That 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, That the City Council hereby consents to the location of the proposed clean out, relocation, widening, deepening, straightening, extending, tiling, interconnecting or otherwise improving the proposed 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 \$1,500,000.00, plus interest) will be paid in twenty annual installments not to exceed \$92,000.00 per year with the first payment from the Storm Water Fund Operations and Maintenance budget for FY20 and subsequent payments from the Storm Water Fund (Fund 0069) pending annual budget approvals by Council.