



Legislation Text

File #: 18-1684, **Version:** 1

Resolution 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)

Attached for your approval is a resolution to petition the Washtenaw County Water Resources Commissioner (WCWRC) to undertake a project to design and construct stormwater management control measures for the Churchill Park Pond adjacent to the Churchill Downs Subdivision.

On August 9, 2012, City Council passed Resolution R-12-373 that directed staff to "Negotiate Agreement with the Washtenaw County Water Resources Commissioner to Evaluate and Identify Opportunities for Stormwater Improvements in the Churchill Downs & Lansdowne Areas of the Malletts Creek Drainage District."

On October 15, 2012, City Council passed resolution R-12-483 to enter into an agreement with the Washtenaw County Water Resources Commissioner (WCWRC) to undertake a project to evaluate and identify opportunities for conveyance and stormwater improvements in a portion of the Malletts Creek Drainage District, specifically the Churchill Downs and Lansdowne sub-creekshed drainage areas bounded by Ann Arbor-Saline Road, I-94 and Scio Church Road.

In 2014, a final report and recommendations were presented by the WCWRC to the City. After gathering public input and feedback on the stormwater management alternatives, recommendations were made that were both functional and acceptable to stakeholders who shared a common goal of improved stormwater management in the area using the March 15, 2012 storm event as the basis of conceptual design. Each recommended solution manages stormwater for a portion of the watershed and reduces a percentage of the overall flooding previously experienced on March 15, 2012. The recommended projects included:

- *Project A - Eisenhower Park*
Construct two detention basins in Eisenhower Park with a combined storage volume of 10.8 acre-ft.
- *Project B - Pioneer High School*
Construct a detention basin along the north side of Scio Church Road just east of South Seventh Street
- *Project C - Lawton Park*
Construct an underground detention basin along the eastern edge of Lawton Park along with a new storm sewer under Scio Church Road and Mershon Drive.

The total project cost for all recommended projects and associated storm sewer improvements was approximately \$8.425 million. Implementation of the recommended solutions will reduce the severity and probability of future surface flooding in the Upper Malletts Creek watershed. However, complete elimination of any flooding from a rain event is not likely.

In 2017, a petition was made to the WCWRC to undertake the design and construction of Project A from the WCWRC report recommendations. The proposed project will construct two detention basins in Eisenhower Park and relocate the associated stormwater pipes. The two basins together are 2.5 acres in size, and have a combined storage volume of 10.8 acre-ft.

After over a year of project public engagement and design, the proposed project has been modified to address the desires of the community, while still achieving the stormwater control goals of the original project. The project area has expanded to also include acquisition of a portion of a parcel of land outside of the City limits, upstream of the Lawton neighborhood. As such, the proposed budget for the project has increased by an estimated \$1,000,000.00. Staff deemed that this increase warranted a re-petition to the WCWRC, with Council's approval.

Nearly 36% of the land in the Malletts Creek creekshed that drains to the Huron River and its tributaries is impervious, and as a result, stormwater frequently enters the river too quickly, causing localized and regional flooding during certain rain events. These rain events also carry pollutants from impervious areas to the creek, lowering water quality. The proposed improvements to the stormwater system 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 biota (total suspended solids), E. coli and phosphorus. The proposed improvements will improve water quality and reduce localized flooding in the project areas. Since the project focus includes 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.

The Malletts Creek Drainage District is an established Chapter 20 County Drain. Therefore, the work to implement control measures falls under the jurisdiction of the WCWRC. A formal petition from the City is required to move this project to construction.

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 \$3,200,000.00. The City's apportionment of this project within the drainage district is 100% of the district. Therefore, the City's share will be \$3,200,000.00.

As the WCWRC 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 WCWRC will be paid over the financing period, with installments not to exceed \$195,000.00 per year. The first payment is included in the proposed Storm Water Operations and Maintenance budget for FY19 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: Funding is available in the FY19 Storm Water Operations and Maintenance budget, and will be available in future budgets if so approved by 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, City Council passed Resolution R-12-373 that directed staff to "Negotiate Agreement with the Washtenaw County Water Resources Commissioner to Evaluate and Identify Opportunities for Stormwater Improvements in the Churchill Downs & Lansdowne Areas of the Malletts Creek Drainage District;"

Whereas, City Council passed resolution R-12-483 to enter into an agreement with the Washtenaw County Water Resources Commissioner (WCWRC) to undertake a project to evaluate and identify opportunities for conveyance and stormwater improvements in a portion of the Malletts Creek Drainage District, specifically the Churchill Downs and Lansdowne sub-creekshed drainage areas bounded by Ann Arbor-Saline Road, I-94 and Scio Church Road;

Whereas, WCWRC presented a final report and recommendations for the Upper Malletts Study area that recommended three projects to address stormwater improvements;

Whereas, Implementation of Project A will reduce the severity and probability of future surface flooding in the Upper Malletts Creek watershed;

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

Whereas, The Malletts 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 Malletts 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;

Whereas, A suggested form of such petition is now presented to the City Council; and

Whereas, Funding is available in the approved FY 19 operations and maintenance budget, and will be available in subsequent budgets if so approved by City Council;

RESOLVED, The City Council hereby determines to proceed with the proposed drain project for the Malletts Creek 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 the

Malletts Creek Drainage District 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 \$3,200,000.00, plus interest) will be paid in twenty annual installments not to exceed \$195,000.00/annum with the first payment from the Storm Water Fund Operations and Maintenance budget for FY19 and subsequent payments from the Storm Water Fund (Fund 0069) pending annual budget approvals by Council.