

# **REQUEST FOR PROPOSAL**

**RFP# 945**

## **Stormwater Rate and Level of Service Analysis**

**City of Ann Arbor  
Systems Planning Unit**



**Due Date: November 4, 2015, by 2:00 p.m.**

**Issued By:**

**City of Ann Arbor  
Procurement Unit  
301 E. Huron Street  
Ann Arbor, MI 48104**

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## **SECTION I- GENERAL INFORMATION**

### **A. OBJECTIVE**

The City is seeking to select a qualified team with expertise in stormwater utility engineering and financial services to provide the City with an Integrated Stormwater Level of Service and Rate Assessment linking capital improvement needs, financing and policy. The purpose of the study is to engage the community in a discussion regarding the City's stormwater capital and financial needs. The result of this discussion will provide guidance for the consultant to complete a comprehensive plan including information sufficient to support recommendations to the City Council regarding the City's stormwater utility and rate increases.

### **B. QUESTIONS ABOUT AND CLARIFICATIONS OF THE REQUEST FOR PROPOSAL**

All questions regarding this Request for Proposal (RFP) shall be submitted via e-mail. Questions will be accepted and answered accordance with the terms and conditions of this RFP.

All questions shall be submitted on or before, October 22, 2015, at 5:00 p.m., and should be addressed as follows:

Scope of Work/Proposal Content questions shall be e-mailed to Jennifer Lawson, Water Quality Manager at [jlawson@a2gov.org](mailto:jlawson@a2gov.org)

RFP Process and HR Compliance questions shall be e-mailed to Colin Spencer - [cspencer@a2gov.org](mailto:cspencer@a2gov.org)

Should any prospective consultant be in doubt as to the true meaning of any portion of this RFP, or should the consultant find any ambiguity, inconsistency, or omission therein, the consultant shall make a written request for an official interpretation or correction by the due date above.

All interpretations, corrections, or additions to this RFP will be made only as an official addendum that will be posted to [a2gov.org](http://a2gov.org) and [MITN.info](http://MITN.info) and it shall be the consultant's responsibility to ensure they have received all addenda before submitting a proposal. Any addendum issued by the City shall become part of the RFP, and must be incorporated in the proposal where applicable.

### **C. PRE-PROPOSAL MEETING**

There will be no pre-proposal meeting.

## **D. PROPOSAL FORMAT**

To be considered, each firm must submit a response to this RFP using the format provided in Section III. No other distribution of proposals is to be made by the consultant. An official authorized to bind the consultant to its provisions must sign the proposal in ink. Each proposal must remain valid for at least ninety days from the due date of this RFP.

Proposals should be prepared simply and economically providing a straightforward, concise description of the consultant's ability to meet the requirements of the RFP. No erasures are permitted. Mistakes may be crossed out and corrected and must be initialed in ink by the person signing the proposal.

## **E. SELECTION CRITERIA**

Responses to this RFP will be evaluated using a point system as shown in Section III. A selection committee comprised of staff from the City will complete the evaluation.

The fee proposals will not be reviewed at the initial evaluation. After initial evaluation, the City will determine top consultants, and open only those fee proposals. The City will then determine which, if any, firms will be interviewed. During the interviews, the selected firms will be given the opportunity to discuss their proposal, qualifications, past experience, and their fee proposal in more detail. The City further reserves the right to interview the key personnel assigned by the selected consultant to this project.

All proposals submitted may be subject to clarifications and further negotiation. All agreements resulting from negotiations that differ from what is represented within the RFP or in the consultant's response shall be documented and included as part of the final contract.

## **F. SEALED PROPOSAL SUBMISSION**

All proposals are due and must be delivered to the City Procurement Unit on, or before, **Wednesday, November 4, 2015, at 2:00 p.m.** (local time). Proposals submitted late or via oral, telephonic, telegraphic, electronic mail or facsimile **will not** be considered or accepted.

**Each respondent must submit in a sealed envelope**

- **one (1) original proposal,**
- **two (2) additional proposal copies**

- Each respondent must submit in a separate sealed envelope marked Fee Proposal**
- **one (1) original of the fee proposal**

**The fee proposal and all costs must be separate from the rest of the proposal.**

Proposals submitted must be clearly marked: "RFP No.945 – Stormwater Rate and Level of Service Analysis" and list the consultant's name and address.

Proposals must be addressed and delivered to:  
City of Ann Arbor  
c/o Customer Service  
301 East Huron Street  
P.O. Box 8647  
Ann Arbor, MI 48107

All proposals received on or before the due date will be publicly opened and recorded on the due date. No immediate decisions will be rendered.

Hand delivered proposals must be date/time stamped by the Customer Service Department at the address above in order to be considered. Delivery hours are 9:00 a.m. to 3:00 p.m. Monday through Friday, excluding Holidays.

The City will not be liable to any consultant for any unforeseen circumstances, delivery, or postal delays. Postmarking on the due date will not substitute for receipt of the proposal. Consultants are responsible for submission of their proposal. Additional time will not be granted to a single consultant. However, additional time may be granted to all consultants at the discretion of the City.

**A proposal will be disqualified if:**

1. The fee proposal is not contained within a separate sealed envelope.
2. The fee proposal is submitted as part of the digital copy. Provide fee proposal in hard copy only.

**G. DISCLOSURES**

Under the Freedom of Information Act (Public Act 442), the City is obligated to permit review of its files, if requested by others. All information in a consultant's proposal is subject to disclosure under this provision. This act also provides for a complete disclosure of contracts and attachments thereto.

**H. TYPE OF CONTRACT**

A sample of the General Terms and Conditions is included as Appendix A. Those who wish to submit a proposal to the City are required to review the

General Terms and Conditions carefully. **The City will not entertain changes to its General Terms and Conditions.**

The City reserves the right to award the total proposal, to reject any or all proposals in whole or in part, and to waive any informality or technical defects if, in the City's sole judgment, the best interests of the City will be so served.

This RFP and the selected consultant's response thereto, shall constitute the basis of the scope of services in the contract by reference.

## **I. HUMAN RIGHTS REQUIREMENTS**

All contractors proposing to do business with the City shall satisfy the contract compliance administrative policy adopted by the City Administrator in accordance with the Section 9:158 of the Ann Arbor City Code. Breach of the obligation not to discriminate as outlined in Attachment E shall be a material breach of the contract. Contractors are required to post a copy of Ann Arbor's Non-Discrimination Ordinance attached at all work locations where its employees provide services under a contract with the City.

## **J. WAGE REQUIREMENTS**

The Attachments provided herein outline the requirements for payment of prevailing wages or of a "living wage" to employees providing service to the City under this contract. The successful consultant must comply with all applicable requirements and provide documentary proof of compliance when requested.

## **K. CONFLICT OF INTEREST DISCLOSURE**

The City of Ann Arbor Purchasing Policy requires that the consultant complete a Conflict of Interest Disclosure form. A contract may not be awarded to the selected consultant unless and until the Procurement Unit and the City Administrator have reviewed the Disclosure form and determined that no conflict exists under applicable federal, state, or local law or administrative regulation. Not every relationship or situation disclosed on the Disclosure Form may be a disqualifying conflict. Depending on applicable law and regulations, some contracts may be awarded on the recommendation of the City Administrator after full disclosure, where such action is allowed by law, if demonstrated competitive pricing exists and/or it is determined the award is in the best interest of the City. A copy of the Conflict of Interest Disclosure Form is attached.

## **L. COST LIABILITY**

The City of Ann Arbor assumes no responsibility or liability for costs incurred by the consultant prior to the execution of a Professional Services Agreement. The liability of the City is limited to the terms and conditions outlined in the Agreement. By submitting a proposal, consultant agrees to bear all costs incurred or related to the preparation, submission, and selection process for the proposal.

## **M. PROPOSAL PROTEST**

All proposal protests must be in writing and filed with the Purchasing Manager within five (5) business days of the award action. The consultant must clearly state the reasons for the protest. If a consultant contacts a City Service Area/Unit and indicates a desire to protest an award, the Service Area/Unit shall refer the consultant to the Purchasing Manager. The Purchasing Manager will provide the consultant with the appropriate instructions for filing the protest. The protest shall be reviewed by the City Administrator or designee, whose decision shall be final.

## **N. SCHEDULE**

The proposals submitted should define an appropriate schedule in accordance with the requirements of the Proposed Work Plan in Section III.

The following is the schedule for this RFP process.

<b>Activity/Event</b>	<b>Anticipated Date</b>
Written Question Deadline	October 22, 2015, 5:00 p.m.
Proposal Due Date	November 4, 2015, 2:00 p.m.
Interviews (if needed)	TBD
Selection	TBD
City Council Contract Authorization	December 21, 2015
Agreement Execution	January 4, 2016

The above schedule is for information purposes only and is subject to change at the City's discretion.

## **O. IRS FORM W-9**

The selected consultant will be required to provide the City of Ann Arbor an IRS form W-9.

## **P. RESERVATION OF RIGHTS**

1. The City reserves the right in its sole and absolute discretion to accept or reject any or all proposals, or alternative proposals, in whole or in part, with or without cause.
2. The City reserves the right to waive, or not waive, informalities or irregularities in terms or conditions of any proposal if determined by the City to be in its best interest.
3. The City reserves the right to request additional information from any or all consultants.
4. The City reserves the right to reject any proposal that it determines to be unresponsive and deficient in any of the information requested within RFP.
5. The City reserves the right to determine whether the scope of the project will be entirely as described in the RFP, a portion of the scope, or a revised scope be implemented.
6. The City reserves the right to select one or more consultants to perform services.
7. The City reserves the right to retain all proposals submitted and to use any ideas in a proposal regardless of whether that proposal is selected. Submission of a proposal indicates acceptance by the firm of the conditions contained in this RFP, unless clearly and specifically noted in the proposal submitted.
8. The City reserves the right to disqualify proposals that fail to respond to any requirements outlined in the RFP, or failure to enclose copies of the required documents outlined within RFP.

## **SECTION II - SCOPE OF WORK**

The general scope of services will, at a minimum, include the following:

1. Meet with the city team that may include City Public Services staff, Sustainability staff, and Finance staff to review proposed scope of services and available data.
2. A detailed review of existing stormwater rates and assessment of the current stormwater structure's performance as a baseline for comparing recommended changes.
3. Determine current Level of Service for the City's Stormwater System, in comparison to the established 2007 Level of Service.
4. Determine cost to achieve the 2007 defined Levels of Service, in relation to the City's current status.
5. Analysis of historical capital and operational expenditures with the purpose of properly classifying and segregating the costs associated with various operations.
6. Analysis and classification of rate recommendations as they relate to the City's current debt service obligations.
7. Review and analysis of the maintenance and operation expense requirements projected by the City and allocation to proper cost components.
8. Review and analysis of the 7-year Stormwater capital needs identified by the City for appropriateness and completeness.
9. Review of the 2015 Stormwater Model Calibration Report and Recommendations.
10. Review, analysis and recommendations concerning current City policies as they relate to stormwater utilities.
11. Determine and develop Levels of Services related to Street Tree Management.
12. Comprehensive Community and Public Engagement utilizing the defined Levels of Service from the 2007 Study.
13. Based on community engagement, recommend rate increases required to support desired Level of Service of the stormwater system. The recommended rate increase shall include provisions for the age and condition of the infrastructure, funding requirements for all current long-term liabilities and possible future debt obligations; and projected demands.
14. All future projections and recommendations should reflect a 20-year schedule.

## **SECTION III - MINIMUM INFORMATION REQUIRED**

### **PROPOSAL FORMAT**

Consultants should organize Proposals into the following Sections:

- A. Professional Qualifications
- B. Proposed Work Plan
- C. Fee Proposal (include in a separate sealed envelope clearly marked "Fee Proposal")
- D. Authorized Negotiator
- E. Attachments

The following describes the elements that should be included in each of the proposal sections and the weighted point system that will be used for evaluation of the proposals.

#### A. Professional Qualifications/Quality of Work – 70 points

- 1. State the full name and address of your organization and, if applicable, the branch office or other subsidiary element that will perform, or assist in performing, the work hereunder. Indicate whether it operates as an individual, partnership, or corporation. If as a corporation, include whether it is licensed to operate in the State of Michigan.
- 2. Include the name of executive and professional personnel by skill and qualification that will be employed in the work. Show where these personnel will be physically located during the time they are engaged in the work. Indicate which of these individuals you consider key to the successful completion of the project. Identify only individuals who will do the work on this project by name and title. Resumes and qualifications are required for all proposed project personnel, including all subcontractors. Qualifications and capabilities of any subcontractors must also be included.
- 3. State history of the firm, in terms of length of existence, types of services provided, etc. Identify the technical details that make the firm uniquely qualified for this work.
- 4. Project team personnel experience in utility rate studies and/or public engagement. Identify and provide background information on the key personnel who take the most active role(s) in the administration and management of the project. Provide resumes and biographical information on key professionals that will be directly involved in the project. Include the number of years at your firm, total years of experience, and professional licenses and designations (if applicable).

5. Past project descriptions of utility rate studies, especially those including stormwater level of service experience.
6. State experience understanding the current state of Michigan stormwater regulations and issues that may affect this project.

B. Proposed Work Plan – 20 points

A detailed work plan is to be presented which lists all tasks determined to be necessary to accomplish the work detailed in the scope of services. The work plan shall define resources needed for each task. In addition, the work plan shall include a timeline schedule depicting the sequence and duration of tasks showing how the work will be organized and executed. The consultant may propose tasks and deliverable outside of those listed above if they believe they are necessary to support the city's objectives.

In the scoring for this section, consultants shall be evaluated on the clarity, thoroughness, and content of their responses to the above items.

C. Fee Proposal - 10 points

1. Fee quotations shall be submitted in a separate, sealed, envelope as part of the proposal. Fee quotations are to include the names, title, hourly rates, overhead factors, and any other details, including hours of effort for each team member by task, and sub-task, by which the overall and project element costs have been derived. The fee quotation is to relate in detail to each item of the proposed work plan. Consultants shall be capable of justifying the details of the fee proposal relative to personnel costs, overhead, how the overhead rate is derived, material and time.
2. The fee proposed must include the total estimated cost for the project when it is 100% complete. This total may be adjusted after negotiations with the City and prior to signing a formal contract, if justified. A sample of the required agreement form is included as Attachment A in Section IV of this RFP.

D. Authorized Negotiator

Include the name, phone number, and e-mail address of persons(s) in your organization authorized to negotiate the agreement with the City.

## E. Attachments

Legal Status of Consultant, Living Wage Compliance Form, and the Contract Compliance Form must be completed and returned with the proposal. These elements should be included as attachments to the proposal submission.

## **PROPOSAL EVALUATION**

1. The selection committee will evaluate each proposal by the above-described criteria and point system (A through B, based on 90 points) to select a short-list of firms for further consideration. The City reserves the right to reject any proposal that it determines to be unresponsive and deficient in any of the information requested for evaluation. A proposal with all the requested information does not guarantee the proposing firm to be a candidate for an interview. The committee may contact references to verify material submitted by the consultants.
2. The committee then will schedule the interviews with the selected firms if necessary. The selected firms will be given the opportunity to discuss in more detail their qualifications, past experience, proposed work plan and fee proposal.
3. The interview must include the project team members expected to complete a majority of work on the project, but no more than six members total. The interview shall consist of a presentation of up to thirty minutes by the consultant, including the person who will be the project manager on this contract, followed by approximately thirty minutes of questions and answers. Audiovisual aids may be used during the oral interviews. The committee may record the oral interviews.
4. The firms interviewed will then be re-evaluated by the above criteria (A through C), and adjustments to scoring will be made as appropriate. After evaluation of the proposals, further negotiation with the selected firm may be pursued leading to the award of a contract by City Council, if suitable proposals are received.

The City also reserves the right to waive the interview process and evaluate the consultants based on their proposals and fee schedules alone.

The City will determine whether the final scope of the project to be negotiated will be entirely as described in this RFP, a portion of the scope, or a revised scope.

Work to be done under this contract is generally described through the detailed specifications and must be completed fully in accordance with the contract documents.

Any proposal that does not conform fully to these instructions may be rejected.

## **PREPARATION OF PROPOSALS**

Proposals should be prepared providing a straightforward, concise description of the consultant's ability to meet the requirements of the RFP. Proposals shall be typewritten. No erasures are permitted. Mistakes may be crossed out and corrected and must be initialed and dated in ink by the person signing the proposal.

***Proposals should have no plastic bindings. Staples or binder clips are acceptable. Proposals should be printed double sided on recycled paper. Proposals should be no more than 10 sheets (20 pages) excluding resumes and past project descriptions.***

Each person signing the proposal certifies that he or she is the person in the consultant's firm/organization responsible for the decision as to the fees being offered in the Proposal and has not and will not participate in any action contrary to the terms of this provision.

## **ADDENDA**

If it becomes necessary to revise any part of the RFP, notice of the addendum will be posted to Michigan Inter-governmental Trade Network (MITN) [www.mitn.info](http://www.mitn.info) and/or the City of Ann Arbor web site [www.A2gov.org](http://www.A2gov.org) for all parties to download.

Each consultant must acknowledge in its proposal all addenda it has received. The failure of a consultant to receive or acknowledge receipt of any addenda shall not relieve the consultant of the responsibility for complying with the terms thereof. The City will not be bound by oral responses to inquiries or written responses other than official written addenda.

## **SECTION IV - ATTACHMENTS**

Attachment A: - Legal Status of Respondent

Attachment B – Non-Discrimination Ordinance Declaration of Compliance Form

Attachment C – Living Wage Declaration of Compliance Form

Attachment D – Vendor Conflict of Interest Disclosure Form

Attachment E – Non-Discrimination Ordinance Poster

Attachment F – Living Wage Ordinance Poster

**ATTACHMENT A**  
**LEGAL STATUS OF RESPONDENT**

(The Respondent shall fill out the provision and strike out the remaining ones.)

## The Respondent is:

- A corporation organized and doing business under the laws of the state of \_\_\_\_\_, for whom \_\_\_\_\_ bearing the office title of \_\_\_\_\_, whose signature is affixed to this proposal, is authorized to execute contracts on behalf of respondent.\*

\*If not incorporated in Michigan, please attach the corporation's Certificate of Authority

- A limited liability company doing business under the laws of the state of \_\_\_\_\_, whom \_\_\_\_\_ bearing the title of \_\_\_\_\_ whose signature is affixed to this proposal, is authorized to execute contract on behalf of the LLC.
  - A partnership organized under the laws of the state of \_\_\_\_\_ and filed with the county of \_\_\_\_\_, whose members are (attach list including street and mailing address for each.)
  - An individual, whose signature with address, is affixed to this RFP.

Respondent has examined the basic requirements of this RFP and its scope of services, including all Addendum (if applicable) and hereby agrees to offer the services as specified in the RFP.

\_\_\_\_\_  
Signature \_\_\_\_\_ Date: \_\_\_\_\_

(Print) Name \_\_\_\_\_ Title \_\_\_\_\_

Firm: \_\_\_\_\_

**Address:** \_\_\_\_\_

Contact Phone \_\_\_\_\_ Fax \_\_\_\_\_

Email \_\_\_\_\_

## Email

**ATTACHMENT B**  
**CITY OF ANN ARBOR DECLARATION OF COMPLIANCE**

# **Non-Discrimination Ordinance**

The “non discrimination by city contractors” provision of the City of Ann Arbor Non-Discrimination Ordinance (Ann Arbor City Code Chapter 112, Section 9:158) requires all contractors proposing to do business with the City to treat employees in a manner which provides equal employment opportunity and does not discriminate against any of their employees, any City employee working with them, or any applicant for employment on the basis of actual or perceived age, arrest record, color, disability, educational association, familial status, family responsibilities, gender expression, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, source of income, veteran status, victim of domestic violence or stalking, or weight. It also requires that the contractors include a similar provision in all subcontracts that they execute for City work or programs.

In addition the City Non-Discrimination Ordinance requires that all contractors proposing to do business with the City of Ann Arbor must satisfy the contract compliance administrative policy adopted by the City Administrator. A copy of that policy may be obtained from the Purchasing Manager

The Contractor agrees:

- (a) To comply with the terms of the City of Ann Arbor's Non-Discrimination Ordinance and contract compliance administrative policy.
  - (b) To post the City of Ann Arbor's Non-Discrimination Ordinance Notice in every work place or other location in which employees or other persons are contracted to provide services under a contract with the City.
  - (c) To provide documentation within the specified time frame in connection with any workforce verification, compliance review or complaint investigation.
  - (d) To permit access to employees and work sites to City representatives for the purposes of monitoring compliance, or investigating complaints of non-compliance.

The undersigned states that he/she has the requisite authority to act on behalf of his/her employer in these matters and has offered to provide the services in accordance with the terms of the Ann Arbor Non-Discrimination Ordinance. The undersigned certifies that he/she has read and is familiar with the terms of the Non-Discrimination Ordinance, obligates the Contractor to those terms and acknowledges that if his/her employer is found to be in violation of Ordinance it may be subject to civil penalties and termination of the awarded contract.

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Company Name

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**Print Name and Title**

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Address, City, State, Zip

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Phone/Email address

**Questions about the Notice or the City Administrative Policy, Please contact:**  
Procurement Office of the City of Ann Arbor  
(734) 794-6500

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## **ATTACHMENT C** **CITY OF ANN ARBOR** **LIVING WAGE ORDINANCE DECLARATION OF COMPLIANCE**

The Ann Arbor Living Wage Ordinance (Section 1:811-1:821 of Chapter 23 of Title I of the Code) requires that an employer who is (a) a contractor providing services to or for the City for a value greater than \$10,000 for any twelve-month contract term, or (b) a recipient of federal, state, or local grant funding administered by the City for a value greater than \$10,000, or (c) a recipient of financial assistance awarded by the City for a value greater than \$10,000, shall pay its employees a prescribed minimum level of compensation (i.e., Living Wage) for the time those employees perform work on the contract or in connection with the grant or financial assistance. The Living Wage must be paid to these employees for the length of the contract/program.

*Companies employing fewer than 5 persons and non-profits employing fewer than 10 persons are exempt from compliance with the Living Wage Ordinance. If this exemption applies to your company/non-profit agency please check here [ ] No. of employees \_\_\_\_\_*

The Contractor or Grantee agrees:

- (a) To pay each of its employees whose wage level is not required to comply with federal, state or local prevailing wage law, for work covered or funded by a contract with or grant from the City, no less than the Living Wage. The current Living Wage is defined as \$12.81/hour for those employers that provide employee health care (as defined in the Ordinance at Section 1:815 Sec. 1 (a)), or no less than \$14.30/hour for those employers that do not provide health care. The Contractor or Grantor understands that the Living Wage is adjusted and established annually on April 30 in accordance with the Ordinance and covered employers shall be required to pay the adjusted amount thereafter to be in compliance (Section 1:815(3)).

*Check the applicable box below which applies to your workforce*

- [ ] Employees who are assigned to any covered City contract/grant will be paid at or above the applicable living wage without health benefits
- [ ] Employees who are assigned to any covered City contract/grant will be paid at or above the applicable living wage with health benefits
- (b) To post a notice approved by the City regarding the applicability of the Living Wage Ordinance in every work place or other location in which employees or other persons contracting for employment are working.
- (c) To provide to the City payroll records or other documentation within ten (10) business days from the receipt of a request by the City.
- (d) To permit access to work sites to City representatives for the purposes of monitoring compliance, and investigating complaints or non-compliance.
- (e) To take no action that would reduce the compensation, wages, fringe benefits, or leave available to any employee covered by the Living Wage Ordinance or any person contracted for employment and covered by the Living Wage Ordinance in order to pay the living wage required by the Living Wage Ordinance.

The undersigned states that he/she has the requisite authority to act on behalf of his/her employer in these matters and has offered to provide the services or agrees to accept financial assistance in accordance with the terms of the Living Wage Ordinance. The undersigned certifies that he/she has read and is familiar with the terms of the Living Wage Ordinance, obligates the Employer/Grantee to those terms and acknowledges that if his/her employer is found to be in violation of Ordinance it may be subject to civil penalties and termination of the awarded contract or grant of financial assistance.

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Company Name

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Signature of Authorized Representative

Date

---

Print Name and Title

---

Address, City, State, Zip

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Phone/Email address

Questions about this form? Contact Procurement Office City of Ann Arbor Phone: 734/794-6500

Revised 3/31/15 Rev 1

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## ATTACHMENT D

### VENDOR CONFLICT OF INTEREST DISCLOSURE FORM

All vendors interested in conducting business with the City of Ann Arbor must complete and return the Vendor Conflict of Interest Disclosure Form in order to be eligible to be awarded a contract. Please note that all vendors are subject to comply with the City of Ann Arbor's conflict interest policies as stated within the certification section below.

If a vendor has a relationship with a City of Ann Arbor official or employee, an immediate family member of a City of Ann Arbor official or employee, the vendor shall disclose the information required below.

**Certification:** I hereby certify that to my knowledge, there is no conflict of interest involving the vendor named below:

1. No City official or employee or City employee's immediate family member has an ownership interest in vendor's company or is deriving personal financial gain from this contract.
2. No retired or separated City official or employee who has been retired or separated from the City for less than one (1) year has an ownership interest in vendor's Company.
3. No City employee is contemporaneously employed or prospectively to be employed with the vendor.
4. Vendor hereby declares it has not and will not provide gifts or hospitality of any dollar value or any other gratuities to any City employee or elected official to obtain or maintain a contract.
5. Please note any exceptions below:

Vendor Name	Vendor Phone Number
Conflict of Interest Disclosure *	
Name of City of Ann Arbor employees, elected officials, or immediate family members with whom there maybe a potential conflict of interest.	<input type="checkbox"/> Relationship to employee <input type="checkbox"/> Interest in vendor's company <input type="checkbox"/> Other

\*Disclosing a potential conflict of interest does not disqualify vendors. In the event vendors do not disclose potential conflicts of interest and they are detected by the City, vendor will be exempt from doing business with the City.

I certify that the information provided is true and correct by my signature below:

---

Signature of Vendor Authorized Representative

---

Date

---

Printed Name of Vendor Authorized Representative

**PROCUREMENT USE ONLY**

Yes, named employee was involved in Bid / Proposal process.

No, named employee was not involved in procurement process or decision.

## ATTACHMENT E

### CITY OF ANN ARBOR NON-DISCRIMINATION ORDINANCE

Relevant provisions of Chapter 112, Nondiscrimination, of the Ann Arbor City Code are included below. You can review the entire ordinance at [www.a2gov.org/departments/city-clerk](http://www.a2gov.org/departments/city-clerk)

**Intent:** It is the intent of the city that no individual be denied equal protection of the laws; nor shall any individual be denied the enjoyment of his or her civil or political rights or be discriminated against because of actual or perceived age, arrest record, color, disability, educational association, familial status, family responsibilities, gender expression, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, veteran status, victim of domestic violence or stalking, or weight.

**Discriminatory Employment Practices:** It is illegal to discriminate in the hire, employment, promotion, or termination of employees, or in membership conditions or requirements of a membership program.

**Discrimination:** It is illegal to discriminate in the provision of services or requirement of participation by individuals based upon actual or perceived age, color, disability, familial status, gender expression, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, veteran status, or weight. Such a provision may not be applied to such individuals in a discriminatory manner.

**Nondiscriminatory Employment Practices:** It is illegal to discriminate in the provision of services or requirement of participation by individuals based upon actual or perceived age, color, disability, familial status, gender expression, gender identity, genetic information, height, HIV status, marital status, national origin, political beliefs, race, religion, sex, sexual orientation, veteran status, or weight. Such a provision may not be applied to such individuals in a discriminatory manner.

**Complaint Procedure:** If any individual believes he/she has been discriminated against, he/she has 180 calendar days from the date of the individual's knowledge of the allegedly discriminatory action or 180 calendar days from the date when the individual should have known of the alleged discriminatory action to file a complaint with the city's Human Rights Commission. If an individual fails to file a complaint alleging a violation of this chapter within the specified time frame, the complaint will not be considered by the Human Rights Commission. The complaint should be made in writing to the Human Rights Commission. The complaint may be filed in person with the City Clerk, by e-mail at [aahumanrightscommission@gmail.com](mailto:aahumanrightscommission@gmail.com), or by mail (Ann Arbor Human Rights Commission, PO Box 8647, Ann Arbor, MI 48107). The complaint must contain information about the alleged discrimination, such as name, address, phone number of the complainant and location, date and description of the alleged violation of this chapter.

**Private Actions For Damages or Injunctive Relief:** To the extent allowed by law, an individual who is the victim of discriminatory action in violation of this chapter may bring a civil action for appropriate injunctive relief or damages or both against the person(s) who acted in violation of this chapter.

## **ATTACHMENT F**

### **CITY OF ANN ARBOR LIVING WAGE ORDINANCE**

**RATE EFFECTIVE APRIL 30, 2015 - ENDING APRIL 29, 2016**

**\$12.81** per hour

If the employer provides health care benefits\*

**\$14.30** per hour

If the employer does **NOT** provide health care benefits\*

Employers providing services to or for the City of Ann Arbor or recipients of grants or financial assistance from the City of Ann Arbor for a value of more than \$10,000 in a twelve-month period of time must pay those employees performing work on a City of Ann Arbor contract or grant, the above living wage.

## **ENFORCEMENT**

The City of Ann Arbor may recover back wages either administratively or through court action for the employees that have been underpaid in violation of the law. Persons denied payment of the living wage have the right to bring a civil action for damages in addition to any action taken by the City.

Violation of this Ordinance is punishable by fines of not more than \$500/violation plus costs, with each day being considered a separate violation. Additionally, the City of Ann Arbor has the right to modify, terminate, cancel or suspend a contract in the event of a violation of the Ordinance.

\* Health Care benefits include those paid for by the employer or making an employer contribution toward the purchase of health care. The employee contribution must not exceed \$.50 an hour for an average work week; and the employer cost or contribution must equal no less than \$1/hr for the average work week.

**The Law Requires Employers to Display This Poster Where Employees Can Readily See It.**

**For Additional Information or to File a Complaint Contact  
Mark Berryman at 734/794-6500 or [mberryman@a2gov.org](mailto:mberryman@a2gov.org)**

## **APPENDIX A: SAMPLE PROFESSIONAL SERVICES AGREEMENT**

*If a contract is awarded, the selected Firm(s) will be required to adhere to a set of general contract provisions which will become a part of any formal agreement. These provisions are general principles which apply to all contractors/service providers to the City of Ann Arbor. The required provisions are:*

### **SAMPLE PROFESSIONAL SERVICES AGREEMENT BETWEEN**

**AND THE CITY OF ANN ARBOR  
FOR \_\_\_\_\_**

The City of Ann Arbor, a Michigan municipal corporation, having its offices at 301 E. Huron St. Ann Arbor, Michigan 48103 ("City"), and \_\_\_\_\_

("Contractor") a(n) \_\_\_\_\_ (State where organized) \_\_\_\_\_ (Partnership, Sole Proprietorship, or Corporation)  
with its address at \_\_\_\_\_  
agree as follows on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

The Contractor agrees to provide services to the City under the following terms and conditions:

#### **I. DEFINITIONS**

Administering Service Area/Unit means \_\_\_\_\_.

Contract Administrator means \_\_\_\_\_, acting personally or through any assistants authorized by the Administrator/Manager of the Administering Service Area/Unit.

Deliverables means all Plans, Specifications, Reports, Recommendations, and other materials developed for and delivered to City by Contractor under this Agreement

Project means \_\_\_\_\_.  
Project name \_\_\_\_\_.

#### **II. DURATION**

This Agreement shall become effective on \_\_\_\_\_, 20\_\_\_\_, and shall remain in effect until satisfactory completion of the Services specified below unless terminated as provided for in Article XI.

#### **III. SERVICES**

A. The Contractor agrees to provide \_\_\_\_\_ type of service  
("Services") in connection with the Project as described in Exhibit A. The City retains the right to make changes to the quantities of service within the general scope of the Agreement at any

time by a written order. If the changes add to or deduct from the extent of the services, the contract sum shall be adjusted accordingly. All such changes shall be executed under the conditions of the original Agreement.

- B. Quality of Services under this Agreement shall be of the level of quality performed by persons regularly rendering this type of service. Determination of acceptable quality shall be made solely by the Contract Administrator.
- C. The Contractor shall perform its Services for the Project in compliance with all statutory, regulatory and contractual requirements now or hereafter in effect as may be applicable to the rights and obligations set forth in the Agreement.
- D. The Contractor may rely upon the accuracy of reports and surveys provided to it by the City (if any) except when defects should have been apparent to a reasonably competent professional or when it has actual notice of any defects in the reports and surveys.

#### **IV. INDEPENDENT CONTRACTOR**

The Parties agree that at all times and for all purposes under the terms of this Agreement each Party's relationship to any other Party shall be that of an independent contractor. Each Party will be solely responsible for the acts of its own employees, agents, and servants. No liability, right, or benefit arising out of any employer/employee relationship, either express or implied, shall arise or accrue to any Party as a result of this Agreement.

#### **V. COMPENSATION OF CONTRACTOR**

- A. The Contractor shall be paid in the manner set forth in Exhibit B. Payment shall be made monthly, unless another payment term is specified in Exhibit B, following receipt of invoices submitted by the Contractor, and approved by the Contract Administrator.
- B. The Contractor will be compensated for Services performed in addition to the Services described in Section III, only when the scope of and compensation for those additional Services have received prior written approval of the Contract Administrator.
- C. The Contractor shall keep complete records of work performed (e.g. tasks performed/hours allocated) so that the City may verify invoices submitted by the Contractor. Such records shall be made available to the City upon request and submitted in summary form with each invoice.

#### **VI. INSURANCE/INDEMNIFICATION**

- A. The Contractor shall procure and maintain during the life of this contract such insurance policies, including those set forth in Exhibit C, as will protect itself and the City from all claims for bodily injuries, death or property damage which may

arise under this contract; whether the act(s) or omission(s) giving rise to the claim were made by the Contractor, any subcontractor or anyone employed by them directly or indirectly. In the case of all contracts involving on-site work, the Contractor shall provide to the City, before the commencement of any work under this contract, documentation satisfactory to the City demonstrating it has obtained the policies and endorsements required by Exhibit C.

- B. Any insurance provider of Contractor shall be admitted and authorized to do business in the State of Michigan and shall carry and maintain a minimum rating assigned by A.M. Best & Company's Key Rating Guide of "A-" Overall and a minimum Financial Size Category of "V". Insurance policies and certificates issued by non-admitted insurance companies are not acceptable unless approved in writing by the City.
- C. To the fullest extent permitted by law, Contractor shall indemnify, defend and hold the City, its officers, employees and agents harmless from all suits, claims, judgments and expenses, including attorney's fees, resulting or alleged to result, from any acts or omissions by Contractor or its employees and agents occurring in the performance of or breach in this Agreement, except to the extent that any suit, claim, judgment or expense are finally judicially determined to have resulted from the City's negligence or willful misconduct or its failure to comply with any of its material obligations set forth in this Agreement.

## VII. COMPLIANCE REQUIREMENTS

- A. Nondiscrimination. The Contractor agrees to comply, and to require its subcontractor(s) to comply, with the nondiscrimination provisions of MCL 37.2209. The Contractor further agrees to comply with the provisions of Section 9:158 of Chapter 112 of the Ann Arbor City Code and to assure that applicants are employed and that employees are treated during employment in a manner which provides equal employment opportunity.
- B. Living Wage. If the Contractor is a "covered employer" as defined in Chapter 23 of the Ann Arbor City Code, the Contractor agrees to comply with the living wage provisions of Chapter 23 of the Ann Arbor City Code. The Contractor agrees to pay those employees providing Services to the City under this Agreement a "living wage," as defined in Section 1:815 of the Ann Arbor City Code, as adjusted in accordance with Section 1:815(3); to post a notice approved by the City of the applicability of Chapter 23 in every location in which regular or contract employees providing services under this Agreement are working; to maintain records of compliance; if requested by the City, to provide documentation to verify compliance; to take no action that would reduce the compensation, wages, fringe benefits, or leave available to any employee or person contracted for employment in order to pay the living wage required by Section 1:815; and otherwise to comply with the requirements of Chapter 23.

## **VIII. WARRANTIES BY THE CONTRACTOR**

- A. The Contractor warrants that the quality of its Services under this Agreement shall conform to the level of quality performed by persons regularly rendering this type of service.
- B. The Contractor warrants that it has all the skills, experience, and professional licenses necessary to perform the Services specified in this Agreement.
- C. The Contractor warrants that it has available, or will engage, at its own expense, sufficient trained employees to provide the Services specified in this Agreement.
- D. The Contractor warrants that it is not, and shall not become overdue or in default to the City for any contract, debt, or any other obligation to the City including real and personal property taxes.
- E. The Contractor warrants that its proposal for services was made in good faith, it arrived at the costs of its proposal independently, without consultation, communication or agreement, for the purpose of restricting completion as to any matter relating to such fees with any competitor for these Services; and no attempt has been made or shall be made by the Contractor to induce any other firm to submit or not to submit a proposal for the purpose of restricting competition.

## **IX. OBLIGATIONS OF THE CITY**

- A. The City agrees to give the Contractor access to the Project area and other City-owned properties as required to perform the necessary Services under this Agreement.
- B. The City shall notify the Contractor of any defects in the Services of which the Contract Administrator has actual notice.

## **X. ASSIGNMENT**

- A. The Contractor shall not subcontract or assign any portion of any right or obligation under this Agreement without prior written consent from the City. Notwithstanding any consent by the City to any assignment, Contractor shall at all times remain bound to all warranties, certifications, indemnifications, promises and performances, however described, as are required of it under the Agreement unless specifically released from the requirement, in writing, by the City.
- B. The Contractor shall retain the right to pledge payment(s) due and payable under this Agreement to third parties.

## **XI. TERMINATION OF AGREEMENT**

- A. If either party is in breach of this Agreement for a period of fifteen (15) days following receipt of notice from the non-breaching party with respect to a breach, the non-breaching party may pursue any remedies available to it against the

breaching party under applicable law, including but not limited to, the right to terminate this Agreement without further notice. The waiver of any breach by any party to this Agreement shall not waive any subsequent breach by any party.

- B. The City may terminate this Agreement, on at least thirty (30) days advance notice, for any reason, including convenience, without incurring any penalty, expense or liability to Contractor, except the obligation to pay for Services actually performed under the Agreement before the termination date.
- C. Contractor acknowledges that, if this Agreement extends for several fiscal years, continuation of this Agreement is subject to appropriation of funds for this Project. If funds to enable the City to effect continued payment under this Agreement are not appropriated or otherwise made available, the City shall have the right to terminate this Agreement without penalty at the end of the last period for which funds have been appropriated or otherwise made available by giving written notice of termination to Contractor. The Contract Administrator shall give Contractor written notice of such non-appropriation within thirty (30) days after it receives notice of such non-appropriation.
- D. The provisions of Articles VI and VIII shall survive the expiration or earlier termination of this Agreement for any reason. The expiration or termination of this Agreement, for any reason, shall not release either party from any obligation or liability to the other party, including any payment obligation that has already accrued and Contractor's obligation to deliver all Deliverables due as of the date of termination of the Agreement.

## **XII. REMEDIES**

- A. This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory and/or other legal right, privilege, power, obligation, duty or immunity of the Parties.
- B. All rights and remedies provided in this Agreement are cumulative and not exclusive, and the exercise by either party of any right or remedy does not preclude the exercise of any other rights or remedies that may now or subsequently be available at law, in equity, by statute, in any agreement between the parties or otherwise.
- C. Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently effect its right to require strict performance of this Agreement.

### **XIII. NOTICE**

All notices and submissions required under this Agreement shall be delivered to the respective party in the manner described herein to the address stated in this Agreement or such other address as either party may designate by prior written notice to the other. Notices given under this Agreement shall be in writing and shall be personally delivered, sent by next day express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent next day express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.

If Notice is sent to the CONTRACTOR, it shall be addressed and sent to:

If Notice is sent to the CITY, it shall be addressed and sent to:

City of Ann Arbor

(insert name of Administering Service Area Administrator)

301 E. Huron St.  
Ann Arbor, Michigan 48103

### **XIV. CHOICE OF LAW AND FORUM**

This Agreement will be governed and controlled in all respects by the laws of the State of Michigan, including interpretation, enforceability, validity and construction, excepting the principles of conflicts of law. The parties submit to the jurisdiction and venue of the Circuit Court for Washtenaw County, State of Michigan, or, if original jurisdiction can be established, the United States District Court for the Eastern District of Michigan, Southern Division, with respect to any action arising, directly or indirectly, out of this Agreement or the performance or breach of this Agreement. The parties stipulate that the venues referenced in this Agreement are convenient and waive any claim of non-convenience.

### **XV. OWNERSHIP OF DOCUMENTS**

Upon completion or termination of this Agreement, all documents (i.e., Deliverables) prepared by or obtained by the Contractor as provided under the terms of this Agreement shall be delivered to and become the property of the City. Original basic survey notes, sketches, charts, drawings, partially completed drawings, computations, quantities and other data shall remain in

the possession of the Contractor as instruments of service unless specifically incorporated in a deliverable, but shall be made available, upon request, to the City without restriction or limitation on their use. The City acknowledges that the documents are prepared only for the Project. Prior to completion of the contracted Services the City shall have a recognized proprietary interest in the work product of the Contractor.

Unless otherwise stated in this Agreement, any intellectual property owned by Contractor prior to the effective date of this Agreement (i.e., Preexisting Information) shall remain the exclusive property of Contractor even if such Preexisting Information is embedded or otherwise incorporated in materials or products first produced as a result of this Agreement or used to develop Deliverables. The City's right under this provision shall not apply to any Preexisting Information or any component thereof regardless of form or media.

## **XV. CONFLICTS OF INTEREST OR REPRESENTATION**

Contractor certifies it has no financial interest in the Services to be provided under this Agreement other than the compensation specified herein. Contractor further certifies that it presently has no personal or financial interest, and shall not acquire any such interest, direct or indirect, which would conflict in any manner with its performance of the Services under this Agreement.

Contractor agrees to advise the City if Contractor has been or is retained to handle any matter in which its representation is adverse to the City. The City's prospective consent to the Contractor's representation of a client in matters adverse to the City, as identified above, will not apply in any instance where, as the result of Contractor's representation, the Contractor has obtained sensitive, proprietary or otherwise confidential information of a non-public nature that, if known to another client of the Contractor, could be used in any such other matter by the other client to the material disadvantage of the City. Each matter will be reviewed on a case by case basis.

## **XVII. SEVERABILITY OF PROVISIONS**

Whenever possible, each provision of this Agreement will be interpreted in a manner as to be effective and valid under applicable law. However, if any provision of this Agreement or the application of any provision to any party or circumstance will be prohibited by or invalid under applicable law, that provision will be ineffective to the extent of the prohibition or invalidity without invalidating the remainder of the provisions of this Agreement or the application of the provision to other parties and circumstances.

## **XVIII. EXTENT OF AGREEMENT**

This Agreement, together with any affixed exhibits, schedules or other documentation, constitutes the entire understanding between the City and the Contractor with respect to the subject matter of the Agreement and it supersedes, unless otherwise incorporated by reference herein, all prior representations, negotiations, agreements or understandings whether written or

oral. Neither party has relied on any prior representations, of any kind or nature, in entering into this Agreement. No terms or conditions of either party's invoice, purchase order or other administrative document shall modify the terms and conditions of this Agreement, regardless of the other party's failure to object to such form. This Agreement shall be binding on and shall inure to the benefit of the parties to this Agreement and their permitted successors and permitted assigns and nothing in this Agreement, express or implied, is intended to or shall confer on any other person or entity any legal or equitable right, benefit, or remedy of any nature whatsoever under or by reason of this Agreement. This Agreement may only be altered, amended or modified by written amendment signed by the Contractor and the City. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement.

**FOR CONTRACTOR**

By \_\_\_\_\_  
Its \_\_\_\_\_  
Type Name

**FOR THE CITY OF ANN ARBOR**

By \_\_\_\_\_  
Christopher Taylor, Mayor  
By \_\_\_\_\_  
Jacqueline Beaudry, City Clerk

**Approved as to substance**

\_\_\_\_\_  
Steven D. Powers, City Administrator

\_\_\_\_\_  
Type Name  
Service Area Administrator

**Approved as to form and content**

\_\_\_\_\_  
Stephen K. Postema, City Attorney

**EXHIBIT A**  
**SCOPE OF SERVICES**

(Insert/Attach Scope of Work & Deliverables Schedule)

**EXHIBIT B**  
**COMPENSATION**

**General**

Contractor shall be paid for those Services performed pursuant to this Agreement inclusive of all reimbursable expenses (if applicable), in accordance with the terms and conditions herein. The Compensation Schedule below/attached states nature and amount of compensation the Contractor may charge the City:

(insert/Attach Negotiated Fee Arrangement)

## **EXHIBIT C** **INSURANCE REQUIREMENTS**

Effective the date of this Agreement, and continuing without interruption during the term of this Agreement, Contractor shall provide certificates of insurance to the City on behalf of itself, and when requested any subcontractor(s). The certificates of insurance shall meet the following minimum requirements.

A. The Contractor shall have insurance that meets the following minimum requirements:

1. Professional Liability Insurance or Errors and Omissions Insurance protecting the Contractor and its employees in an amount not less than \$1,000,000.
2. Worker's Compensation Insurance in accordance with all applicable state and federal statutes. Further, Employers Liability Coverage shall be obtained in the following minimum amounts:

Bodily Injury by Accident - \$500,000 each accident  
Bodily Injury by Disease - \$500,000 each employee  
Bodily Injury by Disease - \$500,000 each policy limit

3. Commercial General Liability Insurance equivalent to, as a minimum, Insurance Services Office form CG 00 01 07 98 or current equivalent. The City of Ann Arbor shall be an additional insured. There shall be no added exclusions or limiting endorsements which diminish the City's protections as an additional insured under the policy. Further, the following minimum limits of liability are required:

\$1,000,000	Each occurrence as respect Bodily Injury Liability or Property Damage Liability, or both combined
\$2,000,000	Per Job General Aggregate
\$1,000,000	Personal and Advertising Injury
4. Motor Vehicle Liability Insurance, including Michigan No-Fault Coverages, equivalent to, as a minimum, Insurance Services Office form CA 00 01 07 97 or current equivalent. Coverage shall include all owned vehicles, all non-owned vehicles and all hired vehicles. Further, the limits of liability shall be \$1,000,000 for each occurrence as respects Bodily Injury Liability or Property Damage Liability, or both combined.
5. Umbrella/Excess Liability Insurance shall be provided to apply in excess of the Commercial General Liability, Employers Liability and the Motor Vehicle coverage enumerated above, for each occurrence and for aggregate in the amount of \$1,000,000.

- B. Insurance required under A.3 above shall be considered primary as respects any other valid or collectible insurance that the City may possess, including any self-insured retentions the City may have; and any other insurance the City does possess shall be considered excess insurance only and shall not be required to contribute with this insurance. Further, the Contractor agrees to waive any right of recovery by its insurer against the City.
- C. Insurance companies and policy forms are subject to approval of the City Attorney, which approval shall not be unreasonably withheld. Documentation must provide and demonstrate an unconditional 30 day written notice of cancellation in favor of the City of Ann Arbor. Further, the documentation must explicitly state the following: (a) the policy number; name of insurance company; name and address of the agent or authorized representative; name and address of insured; project name; policy expiration date; and specific coverage amounts; (b) any deductibles or self-insured retentions which shall be approved by the City, in its sole discretion; (c) that the policy conforms to the requirements specified. Contractor shall furnish the City with satisfactory certificates of insurance and endorsements prior to commencement of any work. Upon request, the Contractor shall provide within 30 days a copy of the policy(ies) to the City. If any of the above coverages expire by their terms during the term of this contract, the Contractor shall deliver proof of renewal and/or new policies to the Administering Service Area/Unit at least ten days prior to the expiration date.

## **APPENDIX B: 2007 STUDY**

# City of Ann Arbor Stormwater Utility Update



September 2008

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# **Section 1**

## **Project Objectives and Approach**

### **1.1 Purpose**

The City of Ann Arbor has used a stormwater utility to fund maintenance and enhancements of existing stormwater facilities since the early 1980s. This utility employed a rather simple billing formula that groups residential users into a single fixed rate category and evaluates the commercial and industrial customers based on their impervious and pervious area. This structure served its purpose, but it was determined that the utility needed to be updated to better meet these three criteria:

- The fees must serve a regulatory purpose (rather than a revenue-raising purpose)
- The fees must be proportionate to the necessary cost of service
- Property owners must be able to refuse or limit their use of the service.

### **1.2 Approach**

To meet these three criteria, it was first necessary to perform a comprehensive cost of service evaluation to identify the necessary capital, operational and administrative needs of the City's stormwater program; define specific services that the City will provide to meet these needs; and establish appropriate criteria and policies that describe feasible alternative levels of service. The outcome of this cost of service evaluation was a five-year financial plan for alternative service levels that were considered by elected officials and the stormwater task force to define affordability

criteria. **Section 2** contains a discussion of the City's stormwater revenue requirements for these different level of service options.

After establishing the level of service options, the cost of service evaluation established a rational linkage between the cost of various stormwater services and the customer base making use of these services. A previous review of Ann Arbor's stormwater utility indicated that a multi-tiered

residential rate structure should be used to better match the production of stormwater for properties to the fees that are charged for these services. This project reviewed the use of this proposed structure and other viable rate structure alternatives, as well as the methodology used to assess charges to commercial and industrial customers within the stormwater utility. **Section 3** describes the development of the revised stormwater rate structure for Ann Arbor.

A key element of the project was the development of a methodology for fairly and accurately categorizing the different residential parcels within the city into the final rate structure tiers based on their contribution of stormwater to the conveyance

system. The approach made use of advanced remote sensing technology to assist with establishing the imperviousness on a parcel basis and provides a mechanism for periodically updating and validating the collected information for all parcels within the city. **Section 4** describes the development of impervious area data and the structure of the billing database and data management system needed to support the recommended rate structure.

**Section 5** of this report describes a range of revenue scenarios for achieving the level of service goals of the City established in Section 2. Based on this evaluation, the project recommended rates for the various customer categories and quantified the impact of these rates on a range of typical and unique property owners. Key features of this utility are provision for credits for property owners that take steps, or have intrinsic reasons, why their parcel contributes differently based on "green" technology that has been employed, measures that retain stormwater on the property, or stormwater management infrastructure or services that otherwise must be provided by the City. This section also addresses how the stormwater generated within publicly owned road rights-of-way and similar areas within the City are calculated, and establishes credits for those areas where stormwater infrastructure is located or that otherwise facilitate stormwater management activities.

Finally, **Appendix A** includes the ordinances, policies, regulations, and procedures necessary to support the City's stormwater utility and its services. Included in this appendix are the specific legal description of the rate methodology, the rates and charges established for FY 2007/08, procedures for applying for credits and adjustments, and specific billing procedures and practices. In addition, an adjustment process was established so that customers can have a review of their specific situation and adjustments could be made if necessary. In addition, the utility provided an enforcement process to address those customers that apply for these variances, and do not follow through on the implementing or maintaining these measures.

### 1.3 Public Engagement

The public engagement element of the project was the most critical component for implementation of the stormwater utility. This element included the development of a stakeholder's task force. The objective was to initiate and carry out a consensus-building process for support of the stormwater user charge concept. First, CDM prepared a Public Engagement plan to facilitate implementation of



*Public engagement activities involved a consensus-building process for support of the stormwater user charge concept.*

<b>Stakeholder Organization</b>	<b>Participant</b>
MDEQ	Rachel Matthews
WCDC	Janis Bobrin
U of M	Rich Robben Kevin Donovan
A2 Public Schools	Randy Trent Tim Gruszczynski
Pfizer	Steve Kapeller, P.E. Michael Lemon (backup)
Downtown Development Authority	Susan Pollay
Chamber of Commerce	Brandt Colitis Doug McClure
Apartment Associations	Tom Ewing Jay Holland
Interfaith Council	Chuck Warpehoski
Huron River Watershed Council	Ric Lawson Laura Rubin
Environmental Commission	Rita Curuso Malama Chock
Citizens	Mike Appel John Kaczor Todd Pascoe

the stormwater financing system and satisfy public education and involvement requirements of MDEQ's stormwater permitting program. **Appendix B** includes a copy of the Public Engagement Plan.

The plan included guidance for forming and facilitating the Stormwater Citizen Advisory Task Force (SCATF); including committee membership, operating rules, key issues, meeting agenda and meeting materials. **Table 1-1** lists the members of the SCATF. The goals of the seven SCATF meetings was to educate members about the City's stormwater needs, seek input on the "affordable" level of service to meet those needs, support a financing mechanism that fairly distributes the cost of the program through the community, and allow SCATF members to brief the Mayor and City Council on their work and recommendations. The Public Engagement plan also identified the targets, objectives, and content of proposed meetings, and outreach materials, and included available examples of news articles, notices, brochures, public service announcements and

video productions that have been used by other cities and counties during implementation of stormwater utilities.

## 1.4 Critical Study Objectives

CDM conducted a one-day project kickoff workshop to define goals and objectives for the cost of service study and explore the issues generated by the participants, which included staff from Systems Planning, Customer Service, Information Technology, and Legal, as well as representatives from the University of Michigan, Washtenaw County Drain Commissioner, Michigan Department of Environmental Quality, and the Huron River Watershed Council. This workshop was directed toward:

- Establishing the goals and objectives for the cost of service study.
- Identifying existing data resources to support the study.
- Discussing the level of service necessary to address the stormwater management needs of Ann Arbor.

- Delineating existing stormwater management program services and associated costs.
- Identifying existing City capabilities and key staff.
- Establishing the role of remote sensing and geographic information system (GIS) within the stormwater program.
- Establishing the role of City staff and others in the public education/information program.

Project objectives developed during the Project Kickoff Workshop were reviewed and revised during the first meeting of the Stormwater Citizen's Advisory Task Force. Based on these discussions, the following critical objectives were established for this study:

- Establish legal requirements for a fair, equitable rate structure
- Establish an acceptable level of service for stormwater management activities
- Establish responsibilities of City, property owners with regard to stormwater management
- Promote voluntary activities to control stormwater
- Control administrative burden
- Create a verifiable rate and credit structure
- Address Chapter 4 drainage district properties
- Provide "recognition" for "Green" practices

# Section 2

## Revenue Requirements and Level of Service Options

### 2.1 Introduction

A fair, equitable stormwater fee system must be based on the affordable revenue requirements for meeting public stormwater management objectives. This section assesses the needs of the City's stormwater program and, based on these needs, develops level of service objectives around which alternative rate structures and service fee levels can be developed.

### 2.2 Existing Stormwater Program Evaluation

An effective stormwater management program must address a wide range of issues. This section presents a "needs assessment" for the City's stormwater program, examining the readiness of the City to address the critical objectives identified for this project in Section 1.4, addressing the following major functional stormwater service areas:

- **Administrative Services:** Examine the roles of the various City areas and units in current stormwater management. Provide the City with recommendations on how to best provide for the oversight and coordination of the stormwater

management activities conducted by the various City areas / units, in order to satisfy critical community concerns and Michigan Department of Environmental Quality (MDEQ) Phase II Stormwater Permit requirements.

- **Public Engagement:** Evaluate existing public education and engagement activities and recommend areas for enhancement.

*Elements of an Effective Stormwater Management Program*

- **Regulation and Enforcement:** Evaluate and enforce existing ordinances and regulations that control construction site runoff, post-construction runoff, floodplain management, and illicit discharges to the City's stormwater drainage system. Identify deficiencies in existing ordinance(s), programs and practices and provide recommendations on how to best address areas that require improvement, with specific examples where possible.
- **Operations and Maintenance:** Examine existing stormwater system maintenance practices and make recommendations for enhancements needed to meet program objectives.

- **System Planning.** Assess the stormwater management needs in the City, including existing stormwater problems and potential capital improvements requiring stormwater funding over a five- to ten-year period.
- **Capital Improvements.** Design and build new and substantial enhancements to the storm water infrastructure.
- **Organization and Finance:** Define operating budget requirements and capital project needs based upon reported stormwater problems within the City and an assessment of personnel and equipment needs.

### **2.2.1 Existing Drainage System**

Ann Arbor's stormwater drainage system captures, conveys, and stores flow generated by runoff. The drainage system consists of several components, including open channels, creeks, swales, ditches, pipes, detention ponds, manholes, catch basins, inlets, treatment devices, and curb drains. Drainage systems require proper maintenance to function properly and to prevent stormwater-related problems both upstream and/or downstream.

Ann Arbor is comprised of parts of eight watersheds: Allen, Fleming, Honey, Huron, Mallets, Millers, Swift Run and Traver Creeks. The stormwater conveyance systems in each system are generally contiguous segments of underground facilities and open channels. The watersheds are shown in **Figure 2-1**.

To better prioritize stormwater management needs, Ann Arbor's stormwater drainage system was divided into two systems: primary and secondary systems. Ann Arbor's primary drainage system is classified as the components of the system that drain areas approximately one square mile or larger (e.g. Allen Creek, Mallets Creek, Miller Creek). Ann Arbor's secondary drainage system includes all remaining drainage system components, and is intended to address areas where benefits are limited in scope to a local street, block, or neighborhood.

Various types of stormwater facilities serve each watershed. The City is one of several owners of these facilities. **Figures 2-2, 2-3, 2-4**, and **Table 2-1** define the approximate location, quantity, and ownership of storm drainage infrastructure within the City.

The quantities noted in Table 2-1 were based primarily on the information contained in the City's geographic information system (GIS), where the data has been georeferenced and accurate estimates of lengths can be made. There are areas where the GIS data is not comprehensive, and for those areas the GIS data was used as guidance and assumptions were made about the quantity of infrastructure. The following statements characterize the City's drainage system:

- Approximately 9 percent of the drainage system lies within the primary system, with the remaining 91 percent in the secondary system.

Figure 2-1: Major Watersheds in Ann Arbor

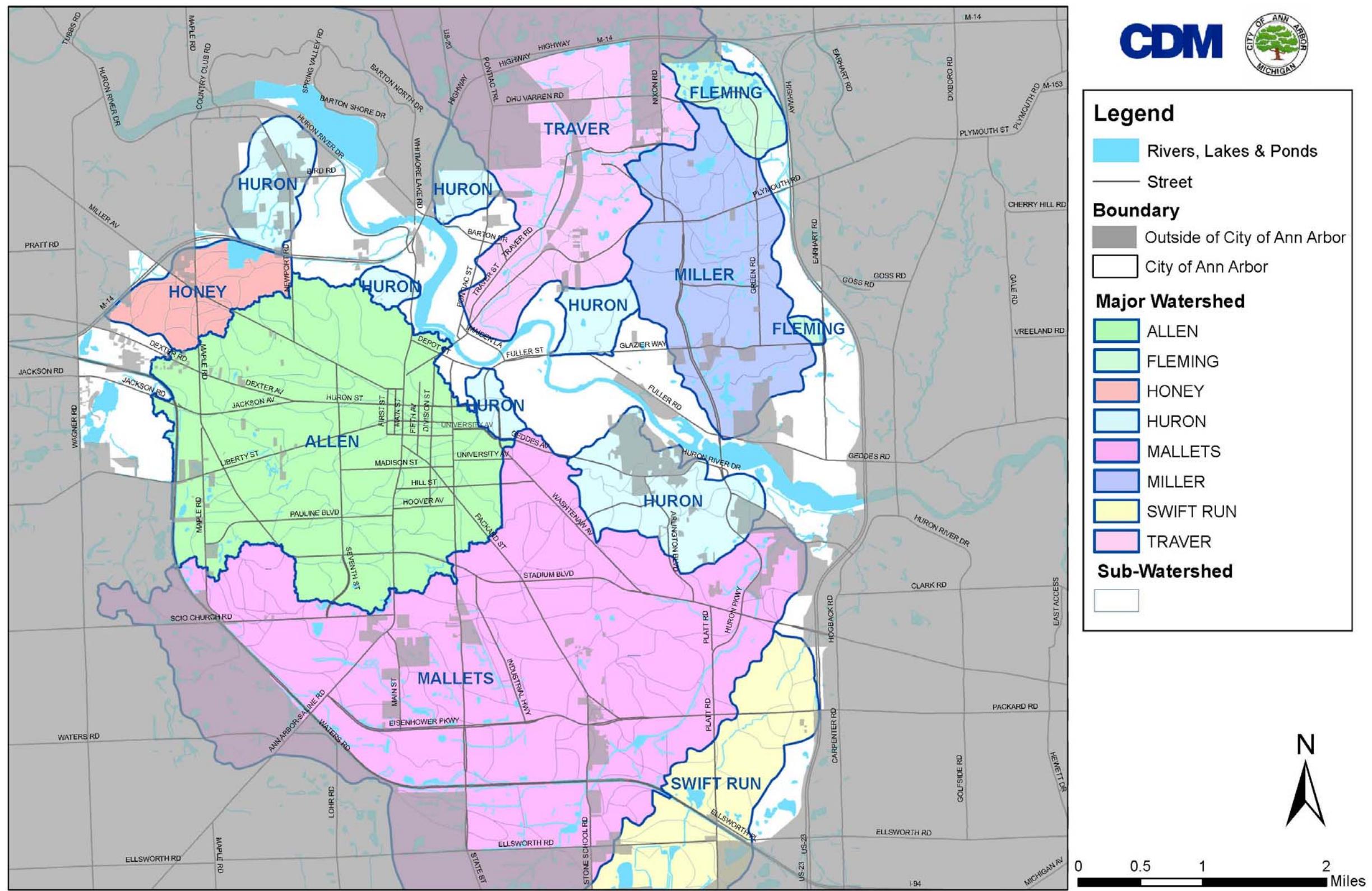


Figure 2-2: Storm Drainage Infrastructure in Ann Arbor

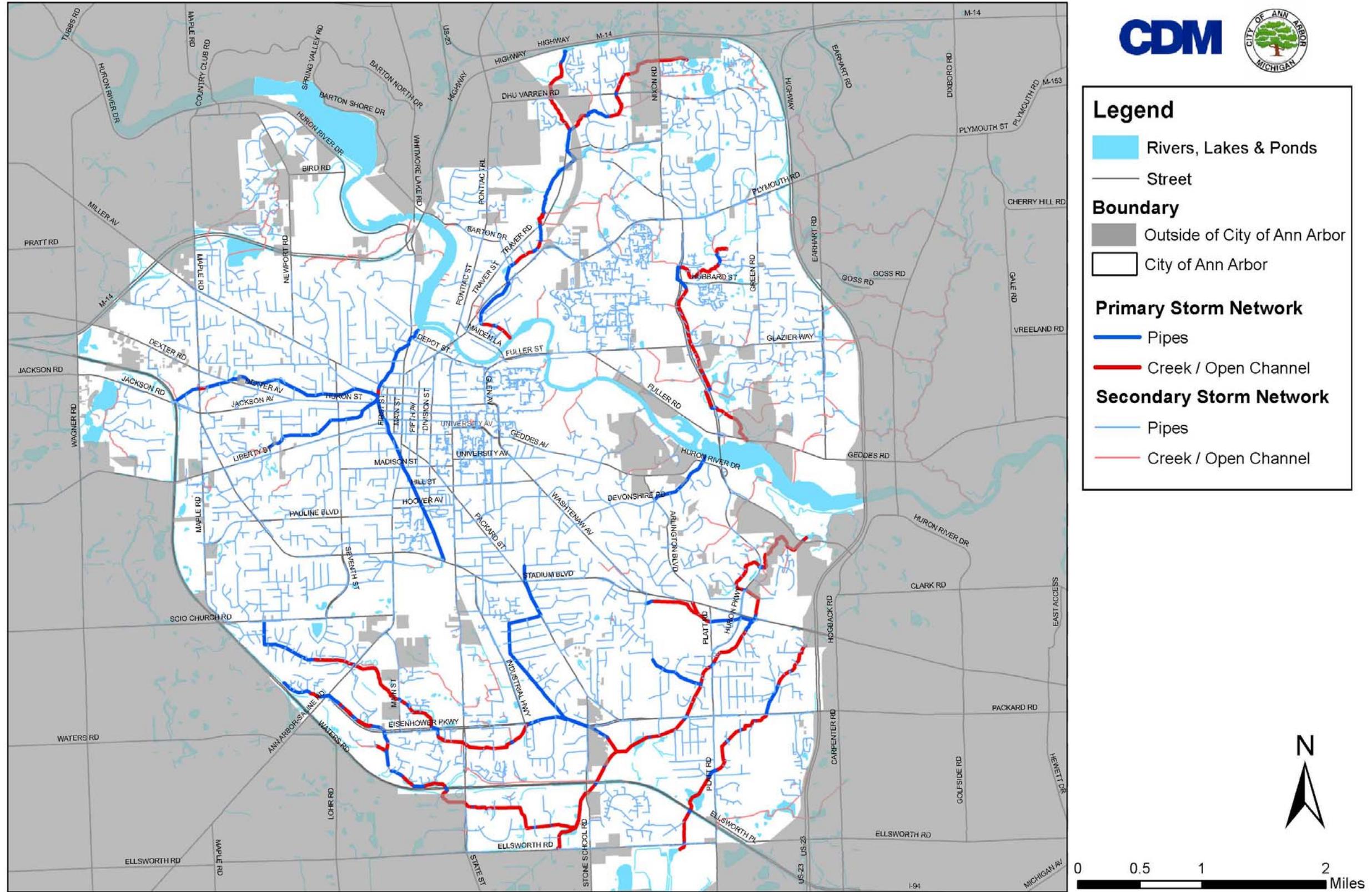


Figure 2-3: Stormwater Detention Facilities in Ann Arbor

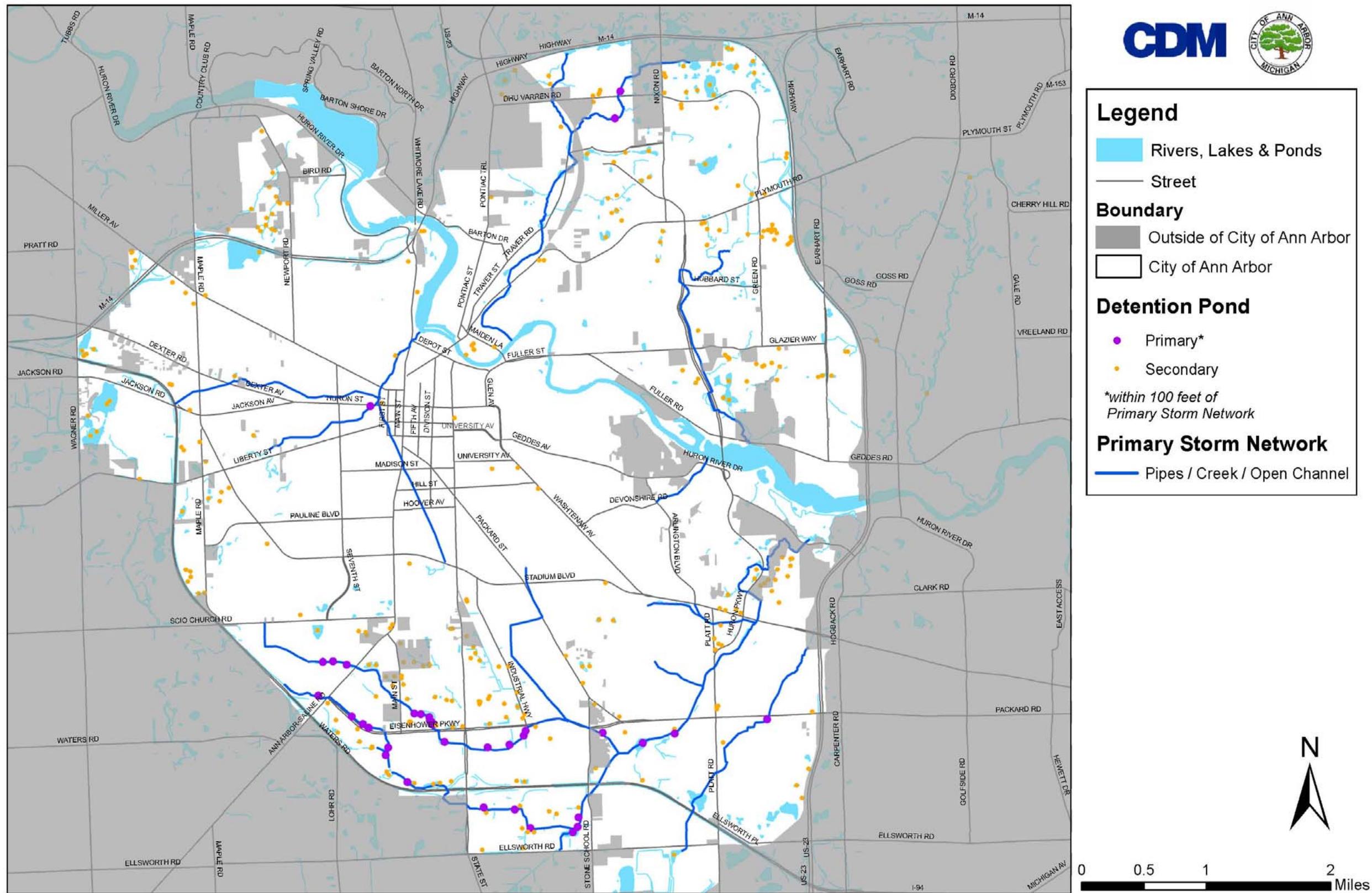
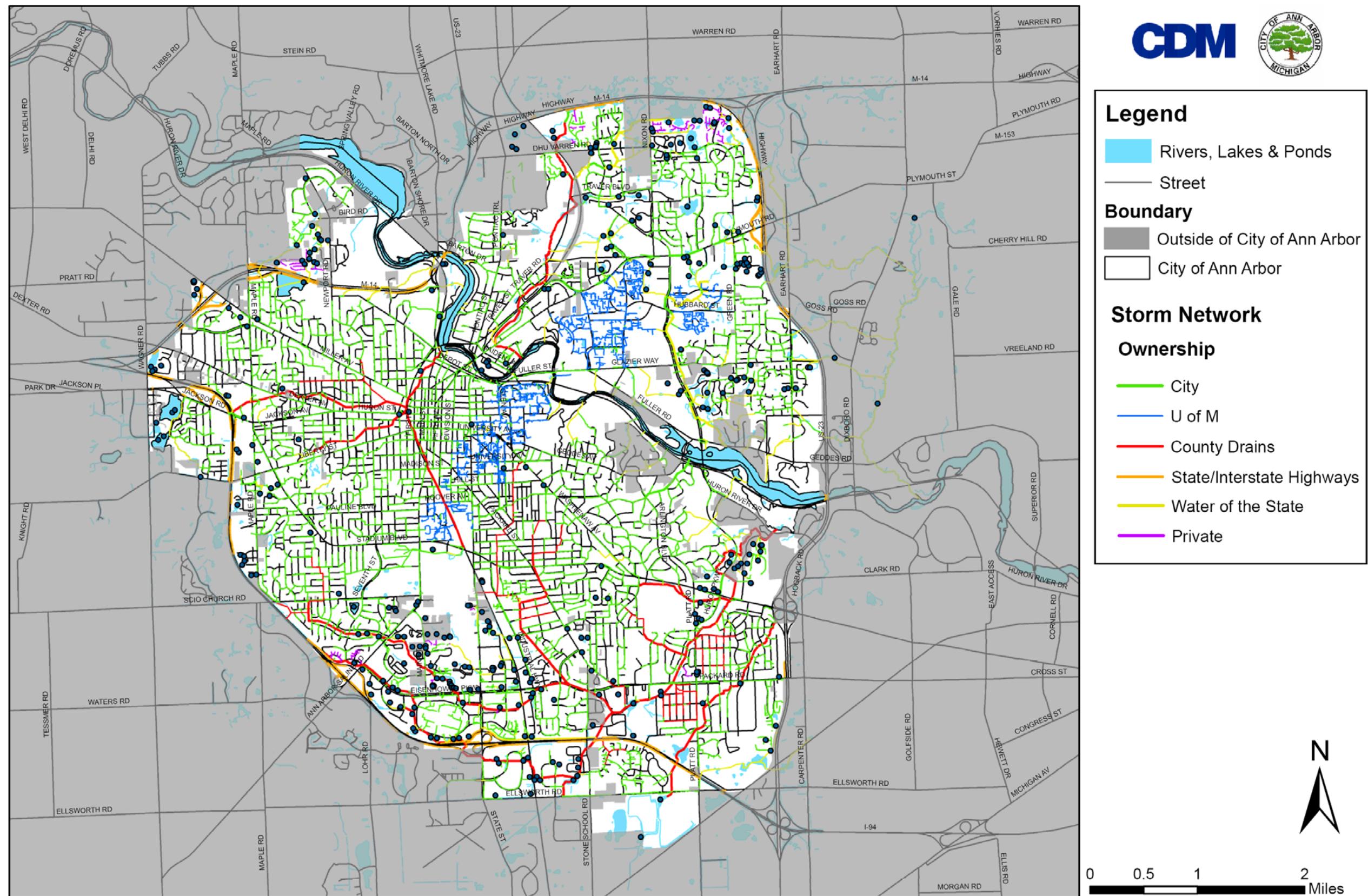


Figure 2-4: Ownership of Facilities in Ann Arbor



**Table 2-1**  
**City of Ann Arbor**  
**Stormwater Utility Project**  
**Estimated Inventory of Existing Stormwater Facilities**

Type of System	System Element	Units	City	County Drains (1)	State/ Interstate Highways (2)	Water of the State (3)	U of M (4)	Private	Total
Primary	Creeks / Open Channels	miles	0	11.6		3.1	0	0	15
	Stream Crossings	units	0	49.0		9.0	2	2	62
	Pipes	miles	1.3	12.1		0	0	0	13
	Outfalls <sup>(5)</sup>	units	9	53		0	6	1	69
	Manholes <sup>(6)</sup>	units	53	295		0			348
	Surface Detention Locations (ponds, wetlands) <sup>(7)</sup>	units	2	28		5	0	1	36
Secondary	Creek / Open Channels	miles	0	0	23	28	0	0	51
	Stream Crossings	units	4	0		79	3	7	93
	Swales / Ditches <sup>(8)</sup>	miles	4.3	0	6	0	0.1	0.1	10
	Pipes	miles	211.8	10.5			42.5	5.1	270
	Outfalls <sup>(5)</sup>	units	213	0			31	33	277
	Manholes <sup>(6)</sup>	units	7000	286			2216	301	9802
	Catch Basins / Inlets	units	11000	683			1644	721	14047
	Treatment Devices	units	5						5
	Surface Detention Locations (ponds, wetlands) <sup>(7)</sup>	units	0	42			22	242	306
	Underground Detention Locations	units					1		1
Curb & Gutter Roadway Conveyance		miles	3	24	0	0	0	0	27
Roadway Curb and Gutters		miles	783						783
Curb Drain for Sump Discharges (226 runs)		miles	9						9
Sump Pumps <sup>(9)</sup>		units						653	653

<sup>(1)</sup> Surface detention locations located on / within 100 feet of County Drains

<sup>(2)</sup> Hydrologic features within 100 feet of section of I-94, M-14 inside City's Boundary. Assume 20% being Swale / Ditches, 80% being Creek / Open Channels.

<sup>(3)</sup> Open Channel which are not County Drains

<sup>(4)</sup> Surface detention locations based on a U of M RFP

<sup>(5)</sup> Based on Storm Coverage developed on Citywide Model and GIS project

<sup>(6)</sup> Field-Located

<sup>(7)</sup> Within 100 feet of Primary Storm Network

<sup>(8)</sup> Assume 2% of City / Private Road does not have Storm Pipes

<sup>(9)</sup> Based on Footing Drain Disconnection Project as of May 2006

- By length, approximately 46 percent of the primary and 90 percent of the secondary drainage systems consist of underground pipes. Most of these pipes lie within roadway right-of-way (City, County, and MDOT roadways) and provides drainage for both the road and adjoining properties.
- Approximately 2 percent of the City's streets have no underground facilities to convey and capture stormwater flow. Stormwater flows above ground in these streets to the lowest ground elevation for these portions of the City and can result in flooding, erosion, damage of infrastructure, etc.
- Open and culverted streams form the majority of the primary system drainage. More than 75 percent of these primary drains are under the jurisdiction of the Washtenaw County Drain Commissioner (WCDC), who performs maintenance on Chapter 4 and 20 drainage districts within the City. Improvements may also be made if a petition is filed. Some streams collect drainage from many properties, but do not lie in a public right-of-way or easement.

- The University of Michigan (U of M) owns and operates 22 detention facilities, as well as much of their own stormwater infrastructure within the City.
- The City estimates that over 350 sites include detention basins on private property and operation and maintenance of these basins is the responsibility of the respective property owners. Many of these sites have multiple detention basins.

## **2.2.2 Existing Stormwater Management Responsibilities**

The City of Ann Arbor's existing stormwater management program can be organized into seven functional service categories:

- Administrative Services
- Public Engagement
- Regulation and Enforcement
- Operation and Maintenance
- System Planning
- Capital Improvements
- Organization and Finance

**Appendix C** summarizes existing functional stormwater management services, the service provider, and estimated Fiscal Year (FY) 2005/06 costs. This section describes each of these seven functional service categories, defines each current, and presents opportunities for enhancements needed to successfully fulfill program objectives.

### **2.2.2.1 Administrative Services**

#### *Existing Services*

Administrative services include a percentage of the Public Services budget for overall program management, reporting to the Mayor and City Council, and coordination with the WCDC and major stakeholders (e.g., U of M). Administrative services also include a portion of the Public Services Customer Service budget to issue bills, collect funds, and field ratepayer inquiries and service requests. Additionally administrative services functional category captures the municipal service charge, covering an equitable share of City administrative services (legal, human resources, overall City administration, etc.).

#### *Current Budget*

The administrative services related to stormwater management are provided by the Administration and Systems Planning Units of the Public Services Area. These units perform most of the administrative, public engagement, regulatory and enforcement, and organizational and financial services described in this memorandum.

Expenditures are not currently itemized according to these four functional service

areas. **Table 2-2** presents the estimated annual cost of administrative services for stormwater related issues. These costs were estimated through discussions with staff.

### ***Opportunities for Enhancement***

The City currently provides adequate administration of its stormwater management program for the existing level of service provided. The following enhancement opportunities should be examined:

- Clearly define activities to be included in the administrative services budget.
- Improve accounting of stormwater administrative services in order to appropriately fund these services from stormwater fee revenues.
- Examine roles and improve coordination between City Areas, maximizing City resources (e.g., with Parks and Recreation Unit on drainage improvements and with the Forestry program in the Field Operations Unit.)
- Minimize additional administration under expanded level of service options.

**Table 2-2**  
**Administrative Services**  
**Annual Summary of Existing Stormwater Related Costs**

<b>Administrative Service Provided</b>	<b>Estimated Expenditures in FY 2005/06</b>	<b>Unit Providing Service</b>
Administration		
Program Administration	\$197,000	Administration (Labor, Benefits, Direct Costs, and Municipal Service Charge)
MS4 Permit Administration	\$ 12,000	System Planning
Customer Service Request Management	\$209,000	Transfer from Customer Service
Interjurisdictional Coordination	\$ 32,000	Administration (services provided by WCDC), System Planning
<b>Total Expenditures</b>	<b>\$450,000</b>	

### **2.2.2.2 Public Engagement**

#### ***Existing Services***

Stormwater related public engagement and educational programs are primarily conducted by the Administration, Systems Planning, and Water Treatment Units of the Public Services Area. Their efforts are supplemented by the Park and Recreation Unit of the Community Services Area, the City Communications Office, the Huron River Watershed Council (HRWC), and the WCDC. Methods the City currently uses to communicate with the public about stormwater issues include:

- Direct mail through the HRWC tip cards, calendars, and point-of-sale coupons
- “Water Matters” mailing with the water utility bills
- “Waste Watchers” (City Solid Waste Unit education program) information

- Advertising
- Labeling on the stormwater drains

Other public education and involvement activities in which the City is involved, or that the City uses to involve the public in stormwater management include:

- A pre-design meeting is held at the start of each road project
- Participation in Millers and Allen Creeks watershed groups, and Mallet's Creek Advisory Committee
- Participate in Middle Huron Initiative
- Extensive public involvement through projects done by WCDC, including the RiverSafe Homes and Community Partners for Clean Streams programs
- Participation in WCDC Citizen Advisory Committee
- Coordination of public education materials through the WCDC (City has a jurisdictional stormwater permit)
- Development of some informational materials for schools related to source water, which are transferable to stormwater
- Natural Areas Preservation staff involvement
- Efforts by the Canoe Livery
- "State of the Environment" report
- Systems Planning provides staff support to the Environmental Commission (a citizen group that advises council)
- Parks Advisory Commission in regards to greenbelt
- U of M has its own educational brochures, videos, vendor education materials, etc.
- Water resources education programs conducted by the Leslie Science Center
- Source water protection and public education programs sponsored by the Water Treatment Unit.

#### ***Current Budget***

A number of stormwater public engagement activities are not separately accounted for by the City. Currently, the City budgets \$100,000 annually to contract for MS4 permit-related public education activities. The City also pays \$11,400 in annual dues directly to the HRWC, with System Planning staff investing a minimum of 22 hours

per month (\$24,000 annually) in support of watershed, environmental and “resource user” groups. Programs performed by Public Services Administration (\$5,000), the Water Treatment Unit (\$75,000), and the Community Services Area (\$20,000) have not historically been charged to the stormwater fund.

#### ***Opportunities for Enhancement***

The City’s public engagement activities are relatively mature and only a modest \$50,000 increase in the level of effort is envisioned unless mandated under a new National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer Systems (MS4) permit. The following enhancement opportunities should be examined:

- The City anticipates that the time required to provide public education and to coordinate with watershed groups should increase about 50% (\$12,000) in the future, supported by a proper allocation and accounting for staff time.
- New public outreach activities are anticipated to support compliance with emerging total maximum daily loads (TMDLs).
- The City should consider charging a portion of public engagement services provided by City Areas other than Public Services to the stormwater fund.
- The City should explore ways to enhance the current relationship with other organizations involved with stormwater services (e.g., U of M, WCDC, HRWC, Systems Planning, Parks Advisory, Leslie Science Center, and others).
- Public engagement activities are anticipated to create a “stewardship” ethic and to support the “green” credit system for voluntary actions by property owners to implement stormwater management activities (e.g., implementing on-site stormwater retention practices, participating in a recognition program like “Community Partners for Clean Streams” and RiverSafe Homes.)

#### **2.2.2.3 Regulation and Enforcement**

##### ***Existing Services***

The City of Ann Arbor and other agencies have extensive local regulations and enforcement activities related to stormwater, which include:

- Best Management Practices for Storm Water: A Developers’ Guide for Ann Arbor
- Rules, ordinances and policies through which the City of Ann Arbor regulates its stormwater system:
  - Chapter 33 of the City Code - Stormwater System
  - Chapter 57 of the City Code - Natural Features Protection

- Chapter 59 of the City Code - Off Street Parking
- Chapter 60 of the City Code - Wetlands Preservation
- Chapter 62 of the City Code - Landscape and Screening
- Chapter 63 of the City Code - Stormwater Management and Soil Erosion and Sedimentation Control
- Standard Specifications of the Public Services Area - Storm Sewer Design, approved December, 1992
- Mallett's Creek City Council Resolution
- Selected chapters of the Michigan Drain Code
- Rules, ordinances and policies of other organizations that regulate or impact the stormwater system:
  - Rules of the Washtenaw County Drain Commissioner (note that these Rules are currently being rewritten).
  - Michigan Building and Residential Codes
  - MDEQ Permit required activities
- NPDES Permits for the following facilities:
  - Industrial Storm Water General Permit for Airport, expires April 1, 2009
  - Industrial Storm Water General Permit for Ann Arbor Maintenance Garage, 721 N. Main, expires April 1, 2009 City of Arbor MS4 Storm Water Permit, expired October 1, 2006. Expect to close Permit upon removal of salt operations in 2008.
  - City of Ann Arbor MS4 Permit for the WWTP, expires October 1, 2008 (includes Industrial Stormwater Permit requirements)
- City of Ann Arbor Stormwater Management Program, dated October 1, 2002 (as required by MS4 Permit), including:
  - Public Education Plan

- Illicit Discharge Elimination Program
- Post Construction Storm Water Management Plan for New Development and Redevelopment
- Construction Stormwater Runoff Control
- Stormwater Pollution Prevention/Good Housekeeping
- Best Management Practices and Measurable Goals

Several City units have responsibility for regulation and enforcement:

- **System Planning Unit:** floodplain management and monitoring compliance with the City's MS4 stormwater permit.
- **Field Operations Unit:** Miss Dig-required utility locates. Miss Dig has one full time staff person with approximately 20% of their time devoted to locating storm sewers, catch basins, inlets and leads. Also illicit discharge elimination program (IDEP), TV inspection and followup (illicit discharge detection), and spill response.
- **WCDC:** IDEP program contracted through WCDC.
- **Community Services Area, Planning and Development Unit:** Compliance inspection, site plan reviews for erosion and sediment control and post-construction stormwater controls, coordinating plan reviews with WCDC, and spill response.
- **Safety Services Area:** Spill response.

#### ***Current Budget***

In FY 2005/06, the City estimated that the Systems Planning Unit provided approximately \$75,000 of services for site plan reviews. In addition, the Community Services Area in coordination with the WCDC provided \$143,000 in site plan reviews and erosion and sedimentation control inspections. The City estimated that \$24,000 (20% of the Miss Dig services budget of \$120,000) is related to locating storm system components. Fees paid by developers only recovered about \$56,000 of the costs charged to the stormwater utility in FY 2005/06.

Estimated FY 2005/06 expenditures for illicit discharge detection and elimination were approximately \$109,000. This was an increase over previous years expenditures, as activities had been limited to Closed Circuit Television (CCTV) inspections in response to contracted dry weather field screening at outfalls. Additional expenses can be expected as grants diminish and/or more comprehensive investigations are needed. Stormwater-related regulatory services performed by the Safety Services

Area (spill response services), the Field Operations Unit (natural area preservation regulation).

#### ***Opportunities for Enhancement***

The City has enacted and currently enforces numerous regulations associated with stormwater quantity and quality management. The following enhancement opportunities should be examined:

- New regulatory programs may be needed in association with emerging TMDLs.
- Increased installation of structural and “green” stormwater best management practices (BMPs) as part of development projects and/or by existing property owners may need the support of regulatory reviews and site inspections with regard to proper design and appropriate maintenance.
- Grant funding for illicit discharge detection and elimination enforcement can not be assured, and additional staff and funding may be needed for this program.
- Pre-construction permit reviews for new public stormwater facilities are recommended to improve compliance and minimize development review delays.
- Enhance existing regulations with regard to illegal dumping, landscaping, and floodplain management.
- Develop and implement formal written policies and procedures for spill response, publicly-owned land in the floodplain, and enforcement actions.

#### **2.2.2.4 Operation and Maintenance**

##### ***Existing Services***

A robust maintenance program is essential for the protection of water quality and proper function of the stormwater system. For example sedimentation, a recurring natural event, requires consistent maintenance for a properly functioning stormwater conveyance system. Typically, stormwater contains fine grained material mobilized during stormwater overland flow that will settle at locations where the stormwater flow velocity decreases. Over time, the sediments begin to accumulate at these decreased velocity locations, reducing the conveyance and storage capacity of the system, causing flooding. A proper maintenance program removes the accumulated sediment from within the stormwater conveyance system (catch basins, pipes, drainage ditches, detention ponds, open channels, etc.) to maintain the systems full flow capacity, decreasing the risk of flooding upstream.

The Field Operations Unit (FOU) is responsible for the infrastructure operation and maintenance program within the City of Ann Arbor, including streets, stormwater, water distribution, and wastewater conveyance. CDM assessed the City’s existing operation and maintenance program through interviews with City staff and review of financial statements and budgets. Currently the FSU completes work orders

scheduled for that day. The major roles for the FSU Unit in stormwater management include:

- **Administration** covers overall supervision of the FSU, including tracking customer service requests, issuing work orders, and providing staff supervision.
- **Street sweeping** is performed three times per year (once in the spring, and twice in the fall after the leaves are down) with one of the two fall sweepings paid specifically by stormwater. Stormwater also pays whenever the vacuum trucks go out, which is done throughout the year.
- **Leaf removal.** Street sweeping is the only storm water related cost of leaf removal. All other leaf removal costs are covered by the Solid Waste Unit.
- **Storm sewer inspection and cleaning.** CCTV inspections of storm sewers are conducted at a rate of 5,000 feet/month. Storm sewers are cleaned by either jetting (using high pressure water) or rodding (using mechanical means to remove material), with jetting as the primary cleaning method. Rodding is performed periodically where CCTV inspections indicate tree root or other intrusions that are not able to be removed by jetting. The current cleaning program has all the storm sewers jetted once every six years. The quantity of debris removed is tracked and provided to System Planning for reporting to MDEQ.
- **Catch basin inspection, cleaning, and repair.** Maintenance is generally limited to selected catch basins at low points and those for which a clogged inlet work order has been generated. Quantity of material removed is logged and provided to System Planning for reporting to MDEQ.
- **Open channel maintenance** is performed on major creeks, including County drains. FOU staff walk these open channels once per year to clear the channels of downed trees and debris. Repair needs are identified. Some problems identified are referred to the Washtenaw County Drain Commissioner (WCDC), who also does some of their own maintenance. There may be more opportunities for collaboration with the WCDC.
- **Mosquito control** is provided to address the potential for West Nile Virus. In 2005, \$100,000 was spent (\$60,000 for materials and equipment and \$40,000 for temporary employees) in mosquito control efforts.
- **Maintain stormwater treatment devices.** There are eight swirl type treatment devices in the City (3 near Stadium, 2 on Liberty, 2 near Packard and 1 on Bens Street). These treatment systems require need cleaning to remove accumulated material annually.
- **Stormwater Management at Maintenance Yards.** The City has three maintenance yards, with most stormwater-related work performed in the yard located at 2000 S. Industrial. Two maintenance yard sumps are periodically cleaned by the City,

with the third being maintained by a private contractor as it contains oil and grease. These three yards are currently being decommissioned, with all operations moved to the new Wheeler Service Center at 4251 Stone School Road.

- WCDC performs and/or oversees maintenance on Chapter 4 and 20 drainage districts within the City.
- *County Road drainage* is maintained by the Washtenaw County Road Commission, with City support.

**Table 2-3** summarizes our understanding of the existing operation and maintenance level of effort on Ann Arbor's stormwater system. Inspecting and cleaning services within a maintenance program are "preventative maintenance" which is performed to improve the overall function of the stormwater conveyance system. Benefits obtained through preventative maintenance include optimizing the hydraulic conveyance and capacity of each of the individual components and identifying and resolving minor problems before they escalate into major problems. Referring to Table 2-3, preventative maintenance or repair services are currently performed on the existing stormwater facilities but there are opportunities for improvement.

**Table 2-3**  
**City of Ann Arbor**  
**Stormwater Utility Project**  
**Existing Operation and Maintenance Program**

System	Component	Current Work Performed
Primary	Creeks / Open Channels	All major creeks are walked annually for inspection, clearing debris, and identifying repair needs.
	Associated Culverts	Inspected as part of creek walks.
	Pipes	TV inspect 5,000 ft of primary and secondary storm sewer per month. All storm sewers are jetted every 6 years. Storm sewer lining is contracted out.
	Outfalls	Some outfalls assumed to be inspected as part of creek walks.
	Manholes	Repair/replace manholes - sometimes as part of road projects. Condition is also assessed via TV'ing of sewers.
	Surface Detention Locations (ponds, wetlands)	Limited inspections being done.
Secondary	Creeks / Open Channels	Limited inspections being done.
	Associated Culverts	Limited inspections being done.
	Swales / Ditches	Limited inspections being done.
	Associated Culverts	Limited inspections being done.
	Pipes	TV inspect 5,000 ft of primary and secondary storm sewer per month. All storm sewers are jetted every 6 years. Storm sewer lining is contracted out.
	Outfalls	Some outfalls assumed to be inspected as part of creek walks.
	Manholes	Repair/replace manholes - sometimes as part of road projects. Condition is also assessed via TV'ing of sewers.
	Catch Basins / Inlets	Apply control for West Nile; frequently clean known low points to remove debris and prevent clogging; also cleaned in response to customer complaints.
	Treatment Devices	Remove accumulated materials once every 5 years.
	Surface Detention Locations (ponds, wetlands)	Limited inspections being done.
	Underground Detention Locations	N/A
	Curb & Gutter Roadway Conveyance	All streets are swept 2-3 times per year - one is charged to SW utility.
	Curb Drain for Sump Discharges	Limited inspections being done.
	Sump Pumps with lines to Curb Drain	N/A
	Sumps for Facility Yard Drainage	Cleaned once every 2-3 years.

### ***Current Budget***

Estimated expenditures for stormwater management activities conducted by the Field Operations Unit in FY 2005/06 are \$696,000 (excluding capital outlays, depreciation, and interest, which are addressed under capital improvements). Also, approximately \$109,000 expended on illicit discharge elimination is considered as a regulatory enforcement functional activity. Costs are tracked and allocated to the stormwater budget in the following manner, based on information provided by Field Operations and Public Services Administration staff:

- ***Equipment Costs*** – The FOU maintains a list of which equipment was purchased from each fund, including the stormwater fund (0069). Estimated stormwater-related 2005/06 expenditures was approximately \$47,000 for maintenance of “revolving equipment” and \$60,000 for trucks and other “rolling stock”, for a total cost of \$107,000.
- ***General Expenses*** – FOU costs not specifically allocated to another category are applied to a general category. This general category is allocated based on 40% for water supply, 40% for sanitary sewer, and 20% for storm sewer.
- ***Street Sweeping*** – No street sweeping expenditures were charged to stormwater budget during FY 2005/06. Beginning in FY 2006/07, \$125,000 has been budgeted for stormwater-related street sweeping. This was anticipated to cover the costs of, one of three annual street sweeping events (one of the two Fall sweepings).
- ***Administration*** – Approximately \$63,000 to administer stormwater elements of the Field Operations Unit. Expenditures varied substantially from FY 2003/04 to FY 2005/06.
- ***Center*** – Expenditures of \$25,000 during FY 2005/06 cover storm water related worked done in 2000 S. Industrial yard.
- ***Merchandising & Jobbing*** – The \$12,000 estimated expenditures for stormwater merchandising and jobbing is largely covered by the individual property owners receiving the service.
- ***Rodding*** – Approximately \$8,000 was expended for stormwater-related services during FY 2005/06.
- ***TV*** – Approximately \$58,000 was expended during FY 2005/06 for TV inspections of storm sewers, performed at rate of 5,000 feet/month.
- ***Catch Basins*** – Approximately \$146,000 was expended during FY 2005/06 for catch basin (CB) cleaning and debris removal.
- ***Ditch*** – The stormwater expenditures of approximately \$62,000 during FY 2005/06 cover the open channel maintenance described earlier in this memorandum. This expense is expected to increase to nearly \$600,000 as the city

is taking over maintenance of more County Roads which do not have enclosed drainage systems.

- ***Jetting*** – The stormwater expenditures of approximately \$132,000 during FY 2005/06 are for ongoing preventative maintenance which covers all storm sewers within a 6 year cycle.
- ***Spill Response*** - Currently budgeted with Safety Services. None is budgeted in Public Services.

***Opportunities for Enhancement***

The City practices operation and maintenance procedures that address significant stormwater quantity and quality issues. The following enhancement opportunities should be examined:

- It is expected that the number of stormwater treatment devices will increase as the City plans their addition when doing major road rebuilding projects, and that the maintenance frequency of these devices should increase with time.
- Preventative operation and maintenance is desired for the secondary system to determine if the benefits of extending this program to the secondary level will have a cost effective benefit for the system as a whole.
- Installation of detention basins at existing city facilities when new facilities are constructed. In addition, maintenance strategies for private detention facilities should be evaluated.
- Implement on a pilot scale the plan for increasing street sweeping in order to help control phosphorus and silt loading to watercourses. Expand from pilot scale as results warrant.
- The City's three existing maintenance facilities will be closed by 2008 and the new facility in Pittsfield Township will have a decant center for handling non-stormwater runoff. The capital cost of the decant center is \$600,000, with the center expected to receive 10 to 11 truckloads per week. If the estimated disposal cost of the collected solids is \$20 / cy, then the expected annual operating cost would be approximately \$2,000 per week, or \$100,000 annually. Stormwater services are projected to provide about 45 percent of the center activity, thus a budget of \$45,000 should be established for decant activities.
- Design and implement leaf removal to minimize phosphorus and debris loading in stormwater systems, and to reduce catch basin plugging and accompanying localized flooding.

### 2.2.2.5 System Planning

#### *Existing Services*

Several agencies have conducted planning studies regarding Ann Arbor's stormwater system, including the Systems Planning Unit of the City's Public Services Area, the WCDC, MDEQ, and the HRWC. The following planning studies have affected and/or are expected to influence stormwater management in the City:

- The City's 1997 Stormwater Master Plan evaluated the hydraulic capacity of the City's drainage systems with a 36-inch diameter or larger, identified problem areas, and recommended capital improvements and/or regulatory approaches to resolve these problems. This Plan concluded that significant flooding problems occur within the Allen and Mallets Creek watersheds during the 10-year design storm, with much less severe flooding projected in the other six City watersheds.

<b>Flood Mitigation Objectives</b>
1. Utilize up to date mapping and technology
2. Increase community knowledge about floodplains
3. Integrate floodplain management into City planning and zoning
4. Limit flood impacts through regulations and development standards
5. Identify properties for corrective actions
6. Protect City infrastructure within floodplains
7. Practice good response / preparedness

- |  |
|--|
| <b>Flood Mitigation Objectives</b>                                   |
| 1. Utilize up to date mapping and technology                         |
| 2. Increase community knowledge about floodplains                    |
| 3. Integrate floodplain management into City planning and zoning     |
| 4. Limit flood impacts through regulations and development standards |
| 5. Identify properties for corrective actions                        |
| 6. Protect City infrastructure within floodplains                    |
| 7. Practice good response / preparedness                             |

With the evolution of Federal stormwater regulations, control of water quality is as important, if not more important, than water quantity control. Water quality is most cost effectively controlled at or near the source of the runoff water. Thus the strategy of downstream or regional water quantity control (i.e., build larger pipes) does not integrate with current water quality control strategy.

- The City has an ongoing project to update the City's GIS database of stormwater infrastructure and develop a hydrologic/hydraulic model of the storm drainage system.
- The City's 2008 – 2013 Capital Improvements Plan recommends \$11.8 million in projects and studies over the next 5 years, with the proposed GIS implementation and planning studies discussed later in this section. Proposed design and construction projects will be described in the Capital Project Section of this memorandum.
- The City's 2003 Natural Features Master Plan contains numerous stormwater related recommendations, including reductions in impervious surfaces and enhanced stormwater retention technologies. Natural feature protection regulations pertinent to the plan were discussed under the Regulatory and Enforcement section of this technical memorandum.
- The City prepared a draft Flood Mitigation Plan in March 2006 that establishes flood mitigation objectives (see box at left). This plan identifies previous watershed plan elements that are consistent with these objectives, recommends additional watershed planning according to these objectives, and identifies enhanced regulatory approaches in the Allen Creek watershed.

- Middle Huron Watershed Management Plan (the A2/Ypsi plan) includes Allen and Mallets Creeks and Ford Lake and is due for update by the WCDC, with no definite date for completion established. This plan focuses on actions to control phosphorus in the middle Huron River and to control algal blooms.
- Millers Creek Watershed Management Plan and Mallets Creek Restoration Plan have been completed by the WCDC and selected recommendations are included in the Ann Arbor CIP.
- U of M has prepared a Storm Water Plan for their facilities, however this plan has not been provided for review to date.
- The City updated their NPDES Stormwater Management Program description in 2002 in association with revised NPDES Permit Number MI0022217 issued November 2004. The program defines specific permit compliance activities, a schedule, and a set of measurable goals to achieve permit compliance. NPDES Program elements, which include public education, illicit discharge elimination, construction stormwater runoff control, and stormwater pollution prevention/good housekeeping measures, align with the functional service categories described in this technical memorandum, and are described in each category.
- MDEQ has prepared four TMDL studies of water bodies in or near Ann Arbor:
  - TMDL for Escherichia Coli in Geddes Pond, August 2001
  - TMDL for Phosphorus in Ford and Belleville Lakes (September, 2004)
  - TMDL for Biota for Mallets Creek (August 2004)
  - TMDL for Biota for Swift Run Creek (November, 2004)

MDEQ seeks to reduce phosphorus loading by 50% and TSS to 80 ppm in the Mallets Creek watershed. Recommended actions in the other three TMDLs are much less specific. MDEQ's Draft 2006 Sections 303(d) and 305(b) Integrated Report contains a schedule for planned TMDLs in other watersheds.

- The City currently operates three rain gages throughout the City as well as one stream gage on Malletts Creek.
- Planning for future TMDL's.

#### ***Current Budget***

The estimated expenditures of the Systems Planning Unit for stormwater services during FY 2005/06 were approximately \$224,000, but these expenses are expected to increase to approximately \$526,000 in FY 2006/07. Approximately \$69,000 of these funds were expended on the systems planning functions described in this section,

with remaining funds expended on certain public engagement and regulatory and enforcement services described in previous sections.

### ***Opportunities for Enhancement***

The various system planning initiatives described in this section are expected to continue. The following enhancement opportunities should be examined:

- Ann Arbor is evaluating an asset management system to help better program system maintenance, renewal, and improvement initiatives.
- The City seeks to upgrade and expand its rain and stream gage network with new equipment, including upgrades to cellular modems. The plan currently includes an additional rain gage at City Hall, which will bring the total number of city-wide rain gauges to four.
- Standard procedures and protocols are needed, prioritizing between floodplain mitigation and stormwater management practices with competing goals.
- GIS inventory of stormwater system – calibrated model of entire system.
- Develop and implement a plan assessing existing areas of environmental contamination, their impacts on existing stormwater quality, and the impact their remediation or lack thereof would have on stormwater improvements.
- Integrate floodplain with City greenspace planning (e.g., greenways in floodplains) and establish priorities for property acquisition.

#### **2.2.2.6 Capital Improvements**

##### *Existing Services*

Recommended capital improvement projects (CIP) for the City were identified in the 1997 City of Ann Arbor Stormwater Master Plan. **Table 2-4** presents the City's current list of approximately \$11.8 million in stormwater capital improvements, including the costs of "partial projects" where the project benefits activities other than stormwater. This list contains the project name, description, type of work, and present value costs. About \$4.2 million of the \$11.8 million dollars is identified for rehabilitation of the existing system infrastructure, with the Miller and Malletts Creek restoration projects being \$1.5 million of the \$4.8 million dollars. There are also several planning studies identified which will develop a scope of work for future improvements that are not yet budgeted.

Many of the CIP recommended in the 1997 Master Plan have not been initiated due to lack of funding for stormwater-related projects and/or the City's concerns about the cost-effectiveness to implement these recommendations. Portions of the CIP budget are for studies to obtain more accurate GIS information about the size and location of the drainage infrastructure, to build a hydrologic/hydraulic model of the system, and to support additional studies/re-studies of some of the more severe drainage problems in the City.

**Table 2-4**  
**Stormwater Projects 2008-2013 CIP**  
**City of Ann Arbor**

Project Name	Type of Drainage System	Fiscal year	Cost
<b>Rehabilitation of System Components</b>			
Ferry St / Westover Ave / Jackson Rd Drainage through alternative "green" methods	Secondary	2007/08	\$475,000
Harvard Drain in Nichols Arboretum	Secondary	2007/08	\$150,000
Huron Parkway Median Bio-Swales	Secondary	2007/10	\$645,000
Wayne St. Drainage Improvements	Secondary	2007/08	\$115,000
Foxcroft (Hunting Valley No. 2) Storm Outlet / Pond Re-establishment	Secondary	2008/09	\$135,000
Awixa Outlet Stormwater Repair	Secondary	2009/10	\$375,000
Malletts Creek In-System Storage Structures	Primary	2007/11	\$1,273,000
Miller Creek Bank Stabilization - Hubbard to Glazier	Primary	2007/08	\$250,000
<b>SUBTOTAL</b>			<b>\$4,168,000</b>
<b>Replacement of System Components</b>			
West Stadium Storm Sewer Replacement -- Pauline to South Main	Primary	2007/08	\$1,200,000
Marlborough Storm Sewer Replacement	Secondary	2007/08	\$150,000
North Main St. / Railroad Storm Sewer Outlet Replacement	Secondary	2007/08	\$165,000
Oakwood / Edgewood Stormwater Repair / Replacement	Secondary	2008/09	\$200,000
State St. and Newport Rd. Culvert Crossings	Primary	2007/08	\$250,000
Residential Streets Stormwater Pipe Repairs (Phase II)	Secondary	2009/10	\$650,000
<b>SUBTOTAL</b>			<b>\$2,615,000</b>
<b>New Facility Construction</b>			
Demonstration Rain Gardens	Secondary	2008/12	\$50,000
South State Street Storm Sewer Outlet (N of I-94)	Secondary	2009/10	\$200,000
<b>SUBTOTAL</b>			<b>\$250,000</b>
<b>Data and Model Development</b>			
Storm Asset ID, GIS Conversion & Model	Primary	2007/11	\$3,264,000
<b>SUBTOTAL</b>			<b>\$3,264,000</b>
<b>Planning Studies</b>			
Allen Creek Improvements Re-study	Primary	2010/11	\$200,000
Millers Creek Drainage District Creation	Primary	2012/13	\$1,000,000
Evergreen Subdivision Stormwater (Phase II)	Secondary	2011/12	\$100,000
Eberwhite Woods Drain Study	Secondary	2011/12	\$200,000
<b>SUBTOTAL</b>			<b>\$1,500,000</b>
<b>TOTAL</b>			<b>\$11,797,000</b>

The City also maintains a list of planned improvements identified through a variety of processes: staff knowledge, results of routine inspections, customer complaints, and regulatory compliance. Budgeting for these projects occurs in several different service areas of the City, although most are in the Systems Planning Unit budget. Other stormwater-related projects may be budgeted in other service areas if they are part of another project. For example, the Water Treatment Plant "Recycle Streams and Storm Water Improvements" project is budgeted under the Water Treatment Services Unit.

In addition to projects included in the CIP budget, the City must undertake unplanned capital outlays to address reconstruction of open channels, storm sewers, and manholes that develop structural problems beyond routine repairs provided by the Field Operations unit.

#### ***Current Budget***

The City's FY 2005/06 budget for stormwater-related improvements is tabulated in the following line items of the City's budget:

- ***Capital Outlay*** - Approximately \$850,000 was expended by Field Operations Unit in FY 2005/06 for storm sewer replacement projects. Small projects are managed by FOU and large projects are managed by the Project Management Unit (PMU), but both are included in the FOU budget. Several large projects are planned for FY 2006/07 but may get pushed into the next fiscal year. Storm sewer lining is contracted out, but is not included here. This budget includes repairs and new inlet leads under road re-surfacing projects.
- ***Capital Outlay/Manhole*** - Approximately \$254,000 was expended by the Field Operations Unit for manhole reconstruction during FY 2005/06. This also includes manhole reconstruction for road replacement projects.
- ***County P&I*** - Principal and Interest for County drain projects was approximately \$184,000 in FY 2005/06, charged to the Public Service Administration budget.
- ***Bonded P&I*** - Principal and Interest for the Depot St. outlet project was approximately \$155,000 in FY 2005/06, charged to the Public Service Administration budget.
- ***Fund Depreciation*** - Depreciation of stormwater fund assets amounted to approximately \$52,000 in FY 2005/06, charged to the Public Service Administration budget.
- ***Replacement Mainline Storm Sewers*** - Approximately \$1.1 million replacement mainline storm sewers with specific road projects occurred during FY 2005/06. This included \$433,000 for the Easy Street Alternative Design project. Capital expenditures are budgeted as \$505,000 annually but may be higher and lower depending in part on road funding sources.

### ***Opportunities for Enhancement***

The City does not have adequate funding to support all of its known and unknown capital improvements, including flooding problems identified in the 1997 Master Plan where an adequate solution does not yet exist and emerging stormwater permit conditions and TMDLs that might require the City to implement capital projects to achieve mandated load reductions. In addition, the City should evaluate initiating a program to establish a stream corridor protection zone on each stream.

#### **2.2.2.7 Organization and Finance**

##### ***Existing Services***

Stormwater services included in this functional service area include operating the stormwater billing system, financial planning, maintaining financial records, and preparing/tracking budgets. These services are provided by both Public Services Administration staff and the System Planning Unit.

The City of Ann Arbor has used a stormwater utility to fund construction of stormwater projects and maintenance of stormwater facilities since the early 1980s. This current utility employs a rather simple billing formula that groups residential users into a fixed rate category and evaluates the commercial and industrial customers based on their impervious area. While the basic existing rate structure meets the intent of charges proportional to use, one of the purposes of this cost of service and rate study is to determine if there is a more equitable method of establishing charges and providing a methodology for credits.

##### ***Current Budget***

The City does not explicitly track stormwater organizational and financial services. The following expenditures have been estimated through discussions with City staff:

- ***Financial Planning, Rate Projections, and Rate Structure:*** The City estimates 0.4 FTEs are dedicated to this activity for this study, at an estimated cost of approximately \$34,000.
- ***Maintenance of Non-Residential Billing Records:*** Before the new rate methodology, the City estimates 0.5 FTEs are dedicated to this activity, at an estimated cost of approximately \$37,000.

##### ***Opportunities for Enhancement***

This project is re-evaluating the City's stormwater rate structure, with a goal of developing an equitable, sustainable system that meets legal requirements. In addition, a more detailed accounting and cost tracking system may be needed to see that cost fundable from the stormwater rate are properly tracked.

### **2.2.3 Summary of Existing Stormwater Program Costs**

The annual existing stormwater management program funding, as summarized in **Table 2-5**, is approximately \$3.7 million, with additional expenditures of slightly more than \$200,000. Improving the level of service for the existing stormwater management program would add certain benefits, but additional costs are associated.

**Table 2-5**  
**Estimated Expenditures for Existing Stormwater Management Program**

<b>Expenses by Functional Service Area</b>	<b>FY 2005/2006 Charges to Stormwater Budget</b>	<b>Stormwater Services by Other Units</b>	<b>Total FY 2006/2007 Stormwater Expenditures</b>
<b>Funding Provided by Service Fees</b>			
o Administrative Services	\$450,000	\$0	\$450,000
o Public Engagement	\$135,000	\$100,000	\$235,000
o Regulations and Enforcement	\$327,000	\$30,000	\$357,000
o Operation and Maintenance	\$696,000	\$90,000	\$786,000
o System Planning	\$69,000	\$0	\$69,000
o Capital Improvements	\$1,980,000	\$0	\$1,980,000
o Organization and Finance	\$71,000	\$0	\$71,000
<b>Total</b>	<b>\$3,728,000</b>	<b>\$220,000</b>	<b>\$3,948,000</b>

## **2.3 Level of Service Options**

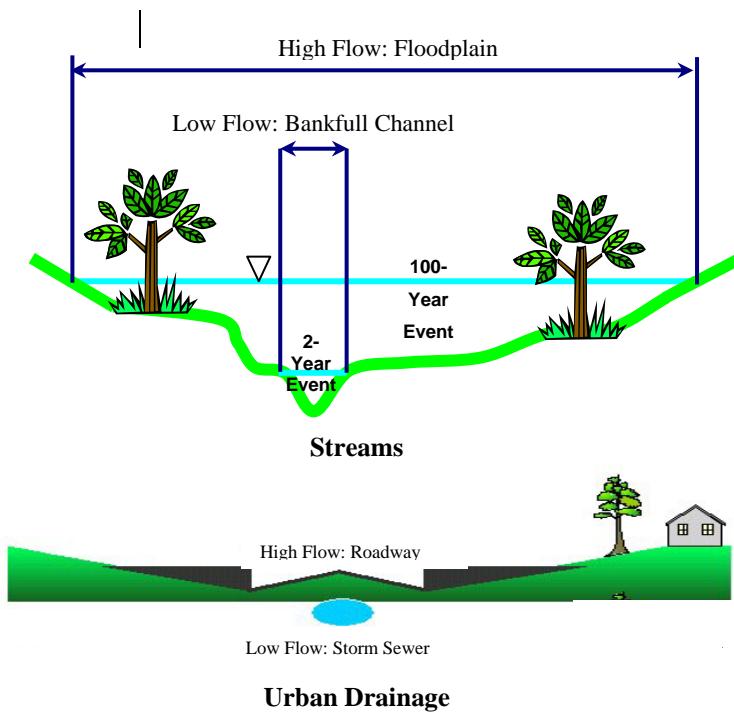
This section summarizes the development of level of service options for Ann Arbor's stormwater management program. A recommended level of service option was developed with the assistance of the City's Stormwater Citizen's Advisory Task Force (SCATF).

### **2.3.1 Level of Service Considerations**

The level of service of Ann Arbor's stormwater management program describes the types of services provided by the City, the frequency at which these services are delivered, and the criteria used to determine when, where, and how to deliver each service. Policy goals, performance objectives, design criteria, and other techniques are used to define what the City plans to accomplish through its level of service. This section presents several key considerations used in defining a cost-effective level of service for the City's stormwater management program.

#### **2.3.1.1 Frequency and Severity of Flooding**

Flooding is a natural phenomenon accommodated within natural drainage systems. During rainfall events of small to moderate size, storm water runoff is contained within the banks, or the *bankfull channel*, of streams. Typically, the bankfull conditions are exceeded about once every 2 years. During larger, less frequent storms, runoff overflows the channel banks into the surrounding *floodplain*. Flooding causes problems when:



*Both natural streams and urban drainage systems need a low-flow and high-flow component to accommodate flooding.*

- Impervious surfaces are placed within the watershed draining into the stream, increasing runoff, stream flow, out-of-bank flooding, and floodplain size.
- Buildings, roads, infrastructure, or other human activities encroach into the floodplain.

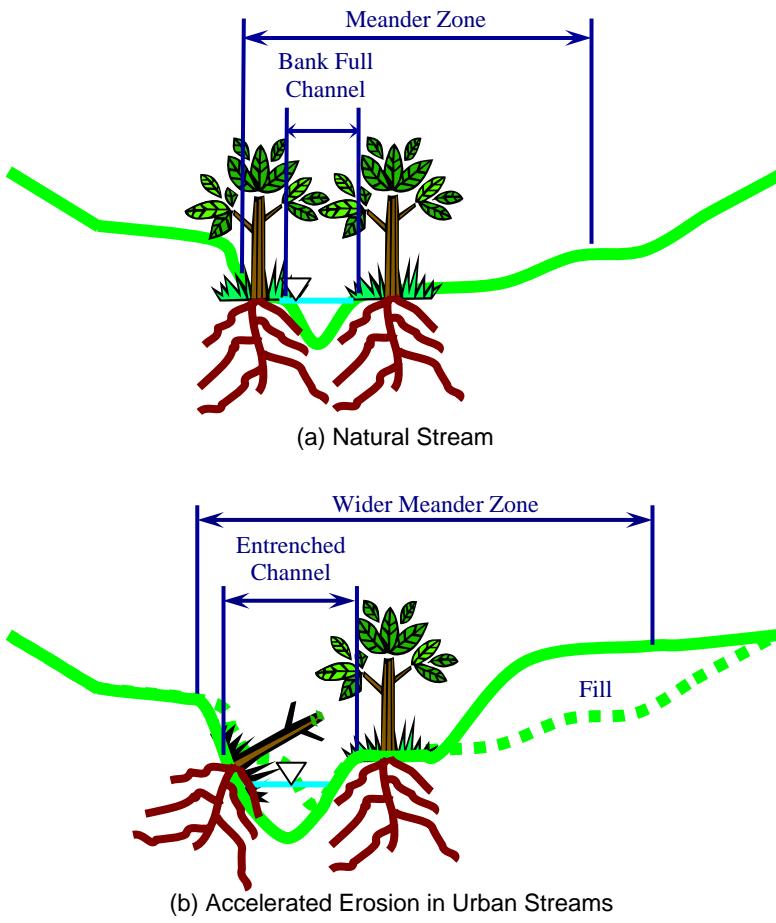
As areas develop, portions of the natural drainage system are often replaced with underground storm sewers sized to collect and convey runoff from small to moderate storms. Modern, properly designed developments use streets or swales to convey runoff from larger, less frequent storms to the open channel drainage system. Building or extended street flooding may occur if an appropriate surface drainage system is not provided.

Effective drainage system design depends upon how frequently the capacity of the “low-flow” system should be exceeded, and how severe the impact of flooding would be within the “high-flow” system. Frequency is usually expressed as a recurrence interval. An example of a recurrence interval is the 100-year design storm event, defined as a storm with a one percent probability of occurrence in any given year. Severity is quantified through hydraulic modeling to determine specific characteristics such as flood depth, length of roadway flooding, number of roadways that become impassable (e.g., greater than 8 in. in depth), number of structures where flooding reaches the foundation, and depth of flooding at structures.

### 2.3.1.2 Extent and Severity of Stream Erosion

All streams erode. Stream erosion is part of a natural geomorphic process that balances tractive forces and sediment transport within the stream system. The figure below illustrates two significant geomorphic features that characterize many streams:

- A *bank full channel* that flows full at a recurrence interval of 1.5 to 2 years



Comparison of Natural and Urban Stream Erosion

- A **meander zone** where the main channel naturally migrates, usually in a sinusoidal pattern, to maintain a stable stream length and slope

Stream erosion may accelerate within urban areas as flows increase or streams are straightened or constrained. Figure (b) illustrates how streams respond to these changes:

- The channel becomes **entrenched** due to the force of the increased flows, causing the stream to erode first down (downcutting) and then out as the streambank destabilizes.
- The channel attempts to establish a **wider meander zone**, becoming longer and milder to reduce the increased velocity and return to a more stable condition. Often, development encroaches into the meander zone, reducing the ability of the stream to naturally adjust to its new flow regime.

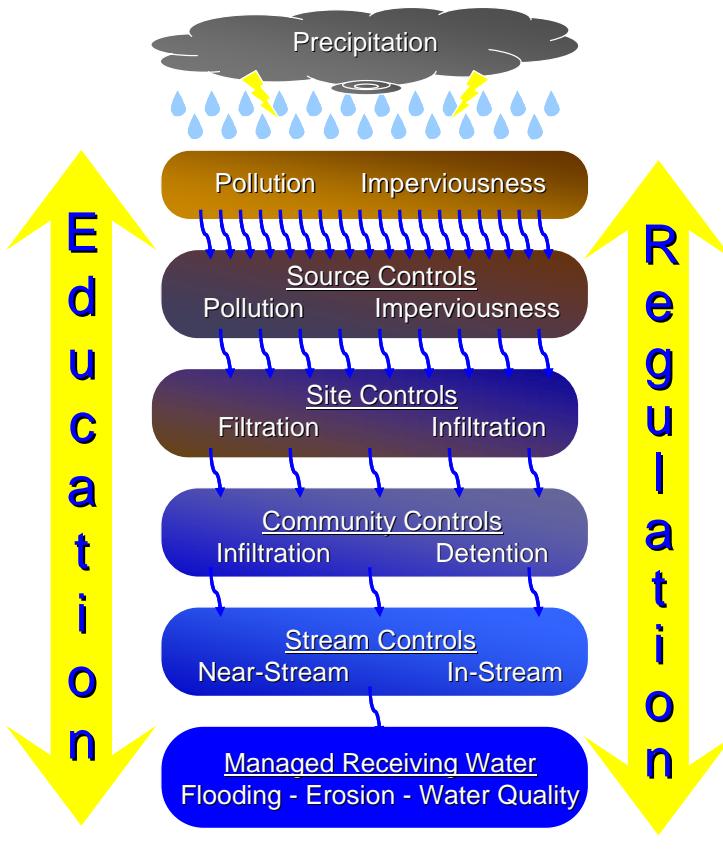
Under these conditions, significant

structural bank stabilization may be needed to prevent damage to property, structures, and natural habitat.

### 2.3.1.3 Stormwater Pollution Control

Stormwater is considered to be the leading cause of stream impairment in many urban streams, rivers, and other waterbodies. This impairment is often the result of two factors:

- Constituents from many of the materials and activities within urban watersheds enter stormwater and are rapidly conveyed to receiving waters before natural assimilative mechanisms can decompose them.



- The rapid conveyance of stormwater, particularly during small, frequent storm events, elevates flows and velocities within streams and rivers, damaging habitat and further reducing natural assimilative mechanisms.

Constituents are present, and velocities are elevated during large and small storm events. An appropriate level of service for stormwater pollution control involves a multi-level strategy recognizing that small storm events (those events generating less than one inch of precipitation) occur frequently and contribute more than 90 percent of the runoff during a typical year. Consequently, appropriate management of small storm events results in control of most stormwater impacts. Appropriate management techniques include source control (i.e., reducing pollutant sources exposed to precipitation and impervious areas that increase stormwater runoff), extended detention and conveyance (i.e., capturing and slowly releasing small storm runoff over 24 to 48 hours to allow

pollutants to settle/biodegrade and to slow runoff velocities), and habitat preservation / renewal (i.e., enhancing the biological function of streams and their riparian zones to assimilate pollutants that reach them).

### 2.3.2 Level of Service Objectives

Defining the stormwater revenue requirements involves defining and analyzing various level of service options based on several factors:

- Technical feasibility and reliability based on current technology.
- Acceptability to the public and compliance with regulatory agency guidelines.
- A reasonable degree of public protection for the public funds expended.
- Consistency with known environmental goals.
- Financial feasibility.

The Stormwater Citizens Advisory Task Force (SCATF) was asked to recommend level of service objectives for City stormwater management programs. A

questionnaire was used to assist with establishing consensus around preferred objectives. The completed questionnaire representing committee consensus is found in **Appendix D**. Level of service objectives were established for the following nine types of issues:

- Flooding of dwelling, business, industrial, and institutional structures
- Flooding of private property
- Flooding of roadways
- Preservation of floodplains and stream buffer and wetland areas
- Stream bank erosion control and stream restoration
- Repair / renewal of deteriorated infrastructure (maintenance)
- Removal of sediment, debris and excessive vegetation
- Mosquito control
- Control of pollution in stormwater discharges

Addressing flooding of structures, repair of deteriorated infrastructure, and control of pollution in stormwater discharges were considered to be the most important issues for the SCATF members. In developing level of service objectives related to these issues, SCATF members suggested applying the following guiding principles to the City's stormwater management program:

- ***Protect public health, safety, and welfare.*** The extent, frequency, and duration of flooding are all important factors. Extensive, frequent flooding typically becomes an issue when it prevents long term access or causes property damage. Erosion caused by the flooding is an important factor, as this causes long term damage to property that must be addressed.
- ***Protect ecological health.*** The quality of the streams and water bodies in Ann Arbor was a significant issue to many community representatives. This includes a design to include a healthy and diverse habitat to the extent there are not physical constraints in the existing system. In addition, there is the design to improve and create this habitat where feasible as it would improve the overall quality of the downstream water systems, including the Huron River.
- ***Conduct comprehensive planning to determine priorities.*** Comprehensive planning is needed to set priorities, assign resources, and recognize where upstream new development is changing the floodplain. City responsibilities for addressing structural flooding must be made on a case-by-case basis through

sound planning based upon the causes and severity of flooding and the flood control requirements.

- ***Offer incentives to guide desired behaviors.*** Credits and incentives should be used to guide and reward behaviors that minimize negative effects on the stormwater system and water quality (e.g., encourage storage on private property).
- ***Encourage shared responsibility.*** Every class of stormwater user should be treated equitably in terms of the protection and services that are provided, and the required property owner responsibilities for stormwater management. Owners in the floodplain share in the responsibility to prevent flooding issues.
- ***Educate stormwater system users.*** There needs to be broad education on how stormwater management is accomplished.
- ***Provide an understandable, equitable rate structure.*** The rate structure must be simple rather than complex, and while it may include credits for “green” behaviors, the intent is not to create a complex enforcement mechanism. In terms of the rate classes, these should be clearly tied to the use of the stormwater system, and any reductions should be caused by efforts taken by the property owners to mitigate those impacts.

### **2.3.3 Emerging Needs and Opportunities**

This section describes emerging trends in stormwater management that are expected to influence the City’s level of service.

#### **2.3.3.1 Ann Arbor Stormwater Management Needs Assessment**

Section 2.2 provides an evaluation of the City’s existing stormwater program, identifying several areas where enhancements are needed and/or where programs related to stormwater that are conducted by other Areas and Units should receive stronger support from stormwater:

- ***Administrative Services:*** Provide additional coordination, support, and shared responsibilities to the Washtenaw County Drainage Commissioner.
- ***Public Engagement:*** Increase education to enhance public understanding and participation in City stormwater management program, provide additional support to watershed groups, and improve coordination and funding of educational efforts related to stormwater by other Areas / Units.
- ***Regulation and Enforcement:*** Implement and enforce Flood Mitigation Plan, assure funding of illicit discharge detection and elimination program, and enhance / support natural resource planning / implementation.
- ***Operations and Maintenance:*** Evaluate street sweeping programs in light of TMDL recommendations, enhance mosquito control program.

- **System Planning:** Develop stormwater GIS and system model, apply to prepare enhanced watershed plans and identify additional capital improvement and system renewal needs.
- **Capital Improvements:** Implement City FY 2008 to 2013 CIP
- **Operation and Finance:** More closely align budget tracking with functional service areas to prepare for annual reporting.

### **2.3.3.2 Watershed Evaluations and Opportunities**

The City, the Washtenaw County Drain Commissioner, and Michigan DEQ have all evaluated various stormwater management issues affecting the watersheds within Ann Arbor. These evaluations include the City's 1997 Stormwater Master Plan and 2006 Flood Mitigation Plan, the Malletts Creek Restoration and Millers Creek Watershed Plans, and various MDEQ TMDL studies. These studies indicated that the various streams and their watersheds within Ann Arbor have differing drainage systems, drainage needs, and options for improvement. In order to adequately control flooding, erosion and water quality problems, some of the watersheds will require a high amount of difficult and expensive improvements. Therefore, the nature of these improvements will be critical:

- Can the level of performance objectives be best achieved by capital improvement programs or by private property initiatives or a combination of both?
- What barriers exist to implementing desired capital improvements that may make their cost prohibitive in some cases?
- What is an affordable funding level for capital improvements?
- What is the individual commitment and level of compliance necessary to assure the effectiveness of stormwater management measures provided by private property owners (e.g., rain barrels, rain gardens)?
- Are there opportunities to control storm water runoff through hydrologic controls, such as improving the tree canopy and/or using decentralized controls that enhance infiltration and evapotranspiration of precipitation?
- What assessment activities are still needed in order to be able to fully identify needs and improvement possibilities?

Currently, the City does not have adequate funding to support all of its known capital improvements, and the cost of additional anticipated requirements for improvements are unknown. Therefore, the additional funding and the equitable distribution of funds necessary to achieve these goals must be taken into account when evaluating potential solutions to meet desired level of service goals.

There are two basic categories of improvement recommended in the prepared plans:

- Floodplain management and non-structural controls (e.g., relocate structures out of floodplains, use floodproofing or berms to limit damage caused by flooding, conduct pollution prevention programs) and
- Storm drainage system improvements (e.g., structural improvements and/or maintenance to lower flood water elevations, slow erosive velocities, and remove pollutants from runoff).

The watershed planning conducted to date, as well as future watershed planning activities, should address the following issues within the level of service goals established in this memorandum:

***Routine Operation and Maintenance***

- Site visits and evaluations (annual and after major rain events)
- Silt removal (varies)
- Stream / culvert cleaning (annual)
- Grass channel grubbing / mowing
- Storm sewer CCTV and jetting (six-year cycle)

***Remedial Operation and Maintenance***

- Channel bank improvements
- Silt removal after major storms
- Channel and culvert cleaning after major storms
- Monitor structural rehabilitation
- Storm sewer cleaning after major storms

***Capital Improvements to the Drainage System***

- Channel lining
- Pilot-channel improvements
- Detention/retention storage
- Culvert and bridge modification
- Culvert and bridge replacement

- Channel reshaping / realignment

- Storm sewer modification
- Storm sewer replacement

***Flood Plain Planning and Regulations***

- Planning process
- Flood preparedness planning
  - Zoning changes
  - Land acquisition
  - Enforce floodplain regulation
  - Enforce storm water runoff regulations

***Physical improvements***

- Erosion and sediment control
- Flood proofing (wet and dry)
- Minor flood walls and berms
- Elevating buildings
- Relocating/removing buildings

**Table 2-6** is a summary of the potential improvements that have been identified in previous studies for each watershed. Each potential improvement within each watershed is discussed in the following paragraphs.

**Table 2-6: Comparison of Watershed Problems and Potential Improvements**

Findings of Watershed Planning	Allen Creek	Fleming Creek	Honey Creek	Huron*	Malletts Creek	Millers Creek	Swift Run	Traver Creek
<b>Flooding Severity</b>	Repetitive	Limited	Limited	Limited	Limited	No	Limited	Limited
<b>Potential Improvements Recommended by 1997 Stormwater Master Plan</b>								
<i>Modify/replace conveyance system</i>	Yes – High cost	No	No	Yes	No	Partial	Yes	No
<i>Add detention storage</i>	Yes – High cost	No	Yes	Potential	No	No	No	Yes
<i>Combination of detention &amp; conveyance replacement</i>	Yes – High cost	Yes	No	No	Yes	No	No	No
<i>Land acquisition</i>	Accept Lower LOS	No	No	No	No	No	No	No
<i>Flood proof properties</i>	Accept Lower LOS	No	No	No	No	No	No	No
<i>Limited improvements</i>	Accept Lower LOS	No	No	No	No	No	No	No
<i>Zoning and floodplain restrictions</i>	Yes	No	No	Yes	Yes	Yes	Yes	Yes
<i>Enforcement</i>	Yes	No	No	Yes	Yes	Yes	Yes	Yes
<b>Estimated Capital Cost (1997 Master Plan)</b>	\$41.0M	\$3.5M	\$1.9M	\$4.1M	\$38.6M	\$5.2M	\$2.7M	\$0.6M
<b>TMDL Studies</b>								
<i>Status</i>	Not Req'd	Not Req'd	2007 & 2009	Complete	Complete	Not Req'd	Complete	Not Req'd
<i>Constituents</i>	--	--	Biota, Pathogens	Phosphorus Pathogens	Biota	--	Biota	--
<i>Controls</i>	--	--	--	--	Riparian protection, flow & sediment control	--	Riparian protection, flow & sediment control	--
<b>Implement Controls on Private Property</b>	Yes	Unknown	Unknown	Unknown	Yes	Unknown	Unknown	Unknown

\* Huron River recommendations may affect other tributary watersheds

### ***Allen Creek***

Allen Creek has a history of flooding problems. Significant portions of the main channel of Allen Creek and its major tributaries have been enclosed, eliminating or greatly diminishing floodplain storage. As a result, projected capital improvement needs are significantly greater in this watershed than within watersheds where the channel has not been enclosed and the floodplains are largely intact. Implementation of capital improvements is further complicated by the fact that much of the watershed is in an historic district. The 1997 Stormwater Master Plan identified the following alternatives for handling the stormwater flows:

1. Modify/replace the existing stormwater conveyance system
2. Provide detention storage
3. Use a combination of the above
4. Acquire properties that are prone to flooding
5. Flood proof properties
6. Provide improvements that meet a lower standard (lower flood event)
7. Implement private property actions

The first three options are extremely expensive. Alternatives 4 through 6 do not meet existing City design standards to provide for protection from a 10 year flood.

However, these alternatives may provide some benefits and at lower costs. The Allen Creek total estimated cost for improvements for Alternative 3 (Combination of Detention Storage and Conveyance Replacement) was \$41M. The effectiveness of private property actions (e.g., rain barrels, rain gardens, etc.) is unknown and needs to be evaluated.

### ***Fleming Creek***

This system experiences only minor flooding. Concerns over future development may create problems in the system. Therefore, the 1997 Stormwater Master Plan considered the following improvements:

1. Upgrade the existing conveyance system
2. Provide detention (consider a regional facility?)
3. Use a combination of the above.
4. Implement private property actions

The 1997 Stormwater Master Plan recommended detention to reduce flow and partial replacement of the conveyance system. The combination of approaches was estimated

at a cost of \$3.5 M. Private property practices may be employed to help reduce this cost but their effectiveness is currently unknown.

***Honey Creek***

While limited flooding issues have been identified along Honey Creek, TMDL's are scheduled to address biota degradation (in 2007) and pathogen pollution (in 2009). Improvements are anticipated in the future, however, to address additional runoff from development projects, when much of the watershed will convert from agricultural to urban land use. Site specific detention facilities are currently envisioned in the Plan for this scenario. The 1997 Stormwater Master Plan recommended the cost of needed capital improvements at \$1.9M. Private property practices may be employed to help reduce this cost but their effectiveness is currently unknown.

***Huron River, including Geddes Pond, Ford Lake, and Belleville Lake***

The portions of the Huron River watershed within Ann Arbor, but outside the watershed of the various Huron River tributaries consist predominantly of five areas drained by conveyance systems with a diameter of 36 inch and larger. While the Huron River does experience some flooding, this flooding is only slightly affected by the discharges within the City of Ann Arbor. To address localized flooding and to plan for future land use changes, the 1997 Stormwater Master Plan recommended some drainage system improvements. The options identified are to modify/replace the conveyance system; provide detention storage or a combination of both. A previous study recommended replacement of the system at a cost of \$4.1M. Private property practices may be employed to help reduce this cost but their effectiveness is currently unknown.

TMDLs have been prepared for three impoundments along the Huron River – Geddes Pond (for pathogens), Ford Lake (for phosphorus), and Belleville Lake (for phosphorus). These TMDLs affect direct discharges to the Huron River as well as stormwater runoff within the watersheds of the various Huron River tributaries. Management measures suggested for TMDL compliance include catch basin cleaning, illicit discharge detection and elimination, public education, and structural controls for new development. City programs that address these TMDL limits should generally apply Citywide, potentially affecting the City's current policy to not charge stormwater fees to properties that directly discharge to the Huron River.

***Malletts Creek***

This is the largest creekshed within Ann Arbor. Flooding occurs at numerous locations throughout its drainage area. Future development is expected to exacerbate these problems. The 1997 Stormwater Master Plan evaluated the following alternatives:

1. Modify/replace conveyance system
2. Provide detention

3. Combination of the above
4. Acquire land in the most flood prone areas
5. Flood proof properties Implement private property actions
6. Develop improvements for a smaller storm event
7. Implement private property actions

To address the situation and comply with city standards, a combination of detention and modification/replacement of the system are recommended. Detention is possible in the upstream reaches, but would require land acquisition. Replacement is not financially feasible. The 1997 Stormwater Master Plan estimated the cost to completely address flooding issues in the Malletts Creek watershed at \$38.6M. The effectiveness of private property actions is unknown and needs to be evaluated.

A TMDL has been prepared to address biota impairment and excessive sedimentation along Malletts Creek. This impairment is attributed to unstable flow regimes, bank erosion, sedimentation, and stormwater pollution. Management practices to address this impairment include upgrades to the riparian zone, detention and other BMPs to control sediment and reduce velocities, and stormwater control and impervious area reductions for new development. Construction is nearing completion on a regional detention facility in Mary Doyle Park, which was designed to provide regional sediment and velocity control.

#### *Miller Creek*

Flooding in this watershed occurs primarily in the upper reaches. The drainage system is unique in that the middle portion consists of very large open channels while the lower portion is a small, confined channel. The 1997 Stormwater Master Plan identified the following alternatives to address flooding in the watershed:

1. Modify/replace conveyance system
2. Provide detention
3. Combination of the above
4. Zoning and flood plain restrictions and enforcement
5. Implement private property actions

The configuration of this system lends itself to zoning and flood plain restrictions and enforcement as being effective options. In addition some channel widening might be required to help address the increased flows. The cost of these improvements was estimated in the 1997 Stormwater Master Plan at \$5.2 M. The effectiveness of private property actions is unknown.

### ***Swift Run***

This watershed experiences only minimal flooding in the middle reaches. This flooding can be addressed by the addition of detention facilities, according to the 1997 Stormwater Master Plan at an estimated cost of \$2.7 M. It should be noted that much of the watershed is currently residential with open areas. Infill development pressures have been changing this character and are increasing flooding issues as the land use is changing. Private property practices may help reduce this cost but their effectiveness is currently unknown.

A TMDL has been prepared to address biota impairment and excessive sedimentation along Swift Run. This impairment is attributed to unstable flow regimes, bank erosion, sedimentation, and stormwater pollution. Management practices to address this impairment include upgrades to the riparian zone, detention and other BMPs to control sediment and reduce velocities, and stormwater control and impervious area reductions for new development.

### ***Traver Creek***

Some flooding occurs in the lower reaches of the watershed. Future development pressure is expected to create problems. The following alternatives were identified:

1. Modify/replace the conveyance system
2. Provide detention
3. Combination of the above
4. Zoning and flood plain restrictions and enforcement
5. Both adding detention
6. Implement private property actions

Both adding detention and the development/enforcements of ordinances have been recommended. The prior cost estimate was \$0.625M. The effectiveness of private property actions is unknown.

#### **2.3.3.3 Deteriorating Infrastructure**

All drainage infrastructure is subject to wear, tear, and structural deterioration as it ages. Engineers establish an expected service life of various types of structures based upon the materials used and the conditions encountered. Less expensive materials typically have a shorter expected service life than more expensive and durable materials, and system design usually involves an evaluation of the true "lifecycle" cost of infrastructure that accounts for its periodic maintenance and eventual replacement. It is reasonable to anticipate, therefore, that each component of the drainage system will require replacement or renewal at some point to address anticipated deterioration. Older portions of the drainage infrastructure may require replacement or renewal sooner than those more recently installed, but all drainage

infrastructure will eventually require replacement or renewal. As a result, it is reasonable to expect all stormwater rate payers to fund system replacement and renewal costs, even if the infrastructure directly serving their property is not expected to require renewal until many years in the future.

Anticipated costs of system replacement and renewal can be projected by examining the replacement value of the drainage system and its expected life. **Table 2-7** presents replacement and renewal costs for the Ann Arbor drainage system, presented in this manner. This table summarizes the estimated quantities of drainage infrastructure within the City, which includes all City-owned drainage infrastructure as well as County drains and Waters of the State where the City currently participates in system maintenance. Unit replacement costs are typical values for average sized drainage infrastructure within each category. Costs for stabilizing streambanks, restoring stream habitat (assumed to be required for 10 percent of the streams within the City), and for major sediment removal for detention facilities are also included. The expected life of this infrastructure is based on typical engineering economic assumptions for materials and construction conditions commonly encountered in Ann Arbor. Costs are presented in 2006 dollars.

Table 2-7 estimates the replacement cost of the entire drainage system within Ann Arbor at nearly \$600 million. Based upon the expected life of this infrastructure from an engineering standpoint, the City's estimated annual renewal budget should be approximately \$8.3 million, far exceeding the City's existing stormwater budget and traditional capital improvements budget. As the actual life of drainage infrastructure often exceeds its expected life, it would be reasonable to budget a lesser amount for system renewal, while gathering more specific information on system conditions and fine-tuning life expectancy assumptions.

#### **2.3.3.4 NPDES MS4 Stormwater Permit Renewal**

The City's current NPDES permit for stormwater discharges from its municipal separate storm sewer system (MS4) expired in 2006. To date, the MDEQ has been satisfied with the City's level of compliance. The MDEQ has stated, however, that they envisioned that the next round of stormwater permits would include more performance-based requirements rather than specific programmatic requirements. It is also envisioned that TMDL objectives will be reflected in permit requirements.

**Table 2-7**  
**City of Ann Arbor**  
**Estimated System Replacement Value and Average Annual Renewal Needs**

Component	Estimated Units <sup>1</sup>	Average Unit Replacement Cost	Estimated Replacement Cost	Expected Life (years)	Estimated Annual Renewal Cost
<b>Primary Drainage System</b>					
- Creeks / Open Channels	77,616 feet	\$30 per foot <sup>2</sup>	\$2,328,000	25	\$93,000
- Stream Crossings	58 units	\$250,000 each	\$14,500,000	50	\$290,000
- Pipes	70,734 feet	\$1,500 per foot	\$106,101,000	80	\$1,326,000
- Outfalls (5)	62 units	\$50,000 each	\$3,100,000	80	\$39,000
- Manholes (6)	348 units	Included in pipe cost	N/A	N/A	N/A
- Surface Detention Locations (ponds, wetlands) (7)	35 units	\$1,000,000 each	\$35,000,000	100	\$350,000
<b>Secondary Drainage System</b>					
- Creek / Open Channels	147,840 feet	\$30 per foot	\$4,435,000	25	\$177,000
- Stream Crossings	83 units	\$50,000 each	\$4,150,000	50	\$83,000
- Swales / Ditches (8)	22,822 feet	\$10 per foot	\$228,000	25	\$9,000
- Pipes	1,173,551 feet	\$250 per foot	\$293,388,000	80	\$3,667,000
- Outfalls (5)	213 units	\$10,000 each	\$2,130,000	80	\$27,000
- Manholes (6)	9,629 units	Included in pipe cost	N/A	N/A	N/A
- Catch Basins / Inlets (9)	20,635 units	\$5,000 each	\$103,177,000	50	\$2,064,000
- Treatment Devices	5 units	\$250,000 each	\$1,250,000	25	\$50,000
- Surface Detention Locations (ponds, wetlands) (7)	42 units	\$250,000 each	\$10,500,000	100	\$105,000
- Underground Detention Locations	- units	\$500,000 each	\$0	50	\$0
- Curb & Gutter Roadway Conveyance	141,468 feet	Included in road cost	N/A	N/A	N/A
- Roadway Curb and Gutters	4,134,311 feet	Included in road cost	N/A	N/A	N/A
- Curb Drain for Sump Discharges (226 runs)	47,520 feet	\$25 per foot	\$1,188,000	50	\$24,000
- Sump Pumps (10)	- units	\$3,000 each	\$0	20	\$0
			<b>\$581,475,000</b>		<b>\$8,304,000</b>

<sup>1</sup> Total of City-owned infrastructure, County drains, and Waters of the State

<sup>2</sup> Assumes 10 percent of streams require natural bank stabilization at an average cost of \$300 per foot

(5) Based on Storm Coverage developed on Citywide Model and GIS project

(6) Based on Storm Coverage developed on Citywide Model and GIS project - and scaled up to match City's manholes estimate of 11,500

(7) Within 100 feet of Primary Storm Network

(8) Assume 2% of City / Private Road does not have Storm Pipes

(9) Total number of Inlet scaled from manholes - assume 2 inlet per manholes

(10) Based on Footing Drain Disconnection Project as of May 2006

These changes have several implications for the City's stormwater management program:

- New and / or refined management practices may need to be added to the City's program to address MDEQ's (as yet unstated) performance standards.
- More direct relationships may need to be established between the management practices and the pollutants of concern identified in the TMDL studies (e.g., pathogens, nutrients, elevated / unstable flow regimes).
- Enhanced monitoring and tracking of management practices, including flow monitoring, water quality sampling, and habitat assessments, are envisioned to evaluate achievement of performance standards.

### **2.3.4 Evaluation of Level of Service Options**

**Table 2-8** describes four alternative levels of service that were developed to assist the City and the SCATF in understanding the cost implications of various drainage system objectives. Each alternative Level of Service is defined by the degree to which each type stormwater service is provided, with the shaded areas indicating the existing level of service provided by the City:

- ***System Planning*** – Four level of service options are examined for system planning: comprehensive, routine planning of the entire system utilizing extensive surveillance, monitoring, and modeling (Level A), focused planning in priority areas to address known drainage and water quality issues (Level B), planning only in response to an observed drainage and/or water quality problem (Level C), and no planning (Level D). Existing system planning services nearly achieve service level C.
- ***Operation and Maintenance*** – Four level of service options are examined for the City's operation and maintenance program: a fully preventive, on-going maintenance program that anticipates needs (Level A), a program that routinely inspects the entire drainage system while only addressing existing observed problems (Level B), a program that only investigates and follows-up on reported stormwater problems (Level C), and a program that only investigates and

**Table 2-8.**  
**Level of Service Options for Ann Arbor Stormwater Management Program**

<b>Level of Service</b>	<b>System Planning</b>	<b>Capital Improvements</b>	<b>Operations and Maintenance</b>	<b>Enforcement, Public Engagement, &amp; Finance</b>
A	Comprehensive Planning	Total Renewal (20-year CIP)	Fully Preventive / 100% Routine	Proactive
B	Priority Planning	Partial Renewal (50-year CIP)	Inspection-based	Inspection-based
C	Reactionary Planning	Current CIP (100-year CIP)	Only complaint-based response	Only complaint-based response
D	No Planning	Emergency Repairs (No CIP)	Less than full response	Less than full response

responds to critical stormwater issues (Level D). Currently, the City performs operation and maintenance at a service level between C and D.

- ***Capital Improvements*** – Four level of service options are examined for capital improvements: a full system renewal option with annual investments equal to the full projected system renewal costs (Level A), a partial system renewal option, including a 25-year implementation schedule for capital improvements to all known problems (Level B), a low system renewal option, including a 50-year implementation schedule for cost-effective solutions to all known problems (Level C), and an emergency repair only option, including a 100-year implementation schedule for cost-effective solutions to all known problems (Level D). Currently, the City provides capital improvements at a service level slightly higher than D.
- ***Enforcement, Public Engagement, and Finance*** – Four level of service options are examined for the City's regulatory enforcement, public engagement, administrative, and organization / finance services: A proactive program that routinely performs inspections City-wide and actively engages the public (Level A), a program that inspects within areas where stormwater problems are most likely and provides education for priority issues (Level B), a program that conducts education, investigation and enforcement actions only in response to complaints (Level C), and a program that only investigates and responds to critical stormwater issues (Level D). Currently, the City performs enforcement, public engagement, and financial activities at a service level between B and C.

These regulations require the City to conduct a stormwater management program that provides stormwater pollution control in six major program areas:

- Public education about sources of stormwater pollution.
- Public involvement in stormwater pollution prevention initiatives.
- Identification and elimination of illicit changes to the stormwater system.
- Stormwater pollution controls to be implemented in areas of new development.
- Stormwater pollution and erosion sedimentation controls for construction sites.
- Municipal operation and maintenance practices that reduce stormwater pollution.

The *Bolt vs. Lansing* ruling has implications for the current funding structure and evaluation of level of service alternatives. The ruling from this court case finds that a connection between level of service and customer fees must be established. When evaluating the alternatives identified, the ability to develop an equitable, sustainable system that meets these legal requirements will be necessary. Task 2-C examines the cost of each service level and applies applicable legal tests to define appropriate funding mechanisms.

CDM reviewed the findings of various planning studies and gathered information from City staff on existing services and perceived service needs to compare the benefits between the existing level of service and the alternative levels of service for each category. Level of service alternative D was not evaluated, as the City's current level of service exceeds this level. The following sections describe the cost of service under level of service options A, B, and C in more detail.

#### **2.3.4.1 Level of Service Options for System Planning**

The City recognizes that planning is fundamental to sound stormwater management, and is actively pursuing the necessary information and tools to support enhanced, watershed-based planning in the future. A stormwater GIS and system modeling project began in FY 2006/2007 (Level of Service C). The Allen Creek watershed study is budgeted in the City's current CIP, and will refine the City's understanding of the existing level of service provided by the stormwater system in this watershed and allow the development of a strategy of coordinated capital projects and private property requirements to achieve desired level of service goals in this watershed.

Under Level of Service B and A, similar watershed planning studies are envisioned in the remaining watersheds. These plans will define specific capital improvements and timelines for implementing these improvements. These capital needs are expected to be consistent with, but more refined than the capital needs currently projected by studies conducted to date. Therefore, the City's existing understanding of planning requirements and capital needs will be used to establish the anticipated cost of service for this rate study, which will be re-evaluated as planning proceeds.

#### **2.3.4.2 Level of Service Options for Operations and Maintenance**

Operation and maintenance requirements under each level of service option were determined by first establishing production measures (**Table 2-9**) for typical operation and maintenance activities, such as the maintenance practice, the crew size and experience level needed to conduct each practice, the amount of time required by a crew to maintain a single unit of infrastructure, and equipment and material requirements. Next, each level of service option is defined as the percent of the drainage system addressed annually by each operation and maintenance activity. Inspection and cleaning activities are included in the projected operations and maintenance budget, while repairs (Capital Outlays under the Field Operations Area budget) are included under capital improvements in this section. Four level of service options for operations and maintenance were evaluated:

- The *existing level of service* for operations and maintenance is presented in **Table 2-10**. This level of service represents actual City expenditures during FY 2005/2006. The table indicates that the City conducted a routine inspection of most major stormwater infrastructure; cleaned approximately 30 percent of the streams, 60 percent of the culverts, 17 percent of the storm drains, and 10 percent of the storm drain inlets; and repaired approximately 4 percent of the manholes and 1 percent of the storm sewers. Approximately \$0.7 million was expended for operation and maintenance during FY 2005/2006.

**Table 2-9**  
**City of Ann Arbor**  
**Stormwater Utility Project**  
**Production Rates Used to Determine Level of Service Options**

Component	Estimated Units	Equipment & Materials (Percentage of Labor)		Inspections		Clearing		Repair	
		Method	Units per day	Workers	Supervisors	Method	Units per day	Workers	Supervisors
<b>Systemwide Administration</b>									
- Customer Service - Center									
<b>Primary Drainage System</b>									
- Creeks / Open Channels									
- Stream Crossings	77,616 feet	35% Stream Walk	10	3	0.0626 Remove Debris, Sed	1,000	3	0.0626 Stabilization	75
- Pipes	70,734 feet	35% CCTV	850	3	0.0626 Remove Debris, Sed	1	3	0.125 Spot Repair	1
- Outfalls (5)	62 units	35% Stream Walk	5	2	0.083 Remove Debris, Sed	100	3	0.0626 Spot Repair	50
- Manholes (6)	348 units	35% Part of Pipe	8	2	0.0626 Part of Pipe	4	4	0.125 Spot Repair	1
- Surface Detention Locations (ponds, wetlands) (7)	35 units	35% Visual	5	1	0.0626 Remove Debris, Sed	1	5	0.0626 Stabilization	2
<b>Secondary Drainage System</b>									
- Creek / Open Channels									
- Stream Crossings	147,840 feet	35% Stream Walk	10	3	0.0626 Remove Debris, Sed	1,000	3	0.0626 Stabilization	75
- Swales / Ditches (8)	83 units	35% Drive By	26,400	1	0.125 Remove Debris, Sed	1	3	0.125 Spot Repair	1
- Pipes	22,822 feet	35% CCTV	850	3	0.0626 Grading	1,000	3	0.0626 N/A	75
- Outfalls (5)	1,173,554 feet	35% Stream Walk	5	1	0.0626 Jetting, Riddig	850	2	0.0626 Spot Repair	50
- Manholes (6)	213 units	35% Part of Pipe	850	3	0.0626 Remove Debris, Sed	4	4	0.125 Spot Repair	4
- Catch Basins / Inlets (9)	9,629 units	35% Drive By	8	2	0.0626 Part of Pipe	4	4	0.125 Spot Repair	4
- Treatment Devices	20,635 units	35% Visual	100	1	0.0626 Vactor, Mosq. Cntl	16	3	0.0626 Spot Repair	2
- Surface Detention Locations (ponds, wetlands) (7)	5 units	35% Visual	2	1	0.0626 Vactor	1	4	0.125 Spot Repair	4
- Underground Detention Locations	42 units	35% Visual	5	2	0.083 Remove Debris, Sed	1	5	0.3125 Stabilization	0.2
- Curb & Gutter Roadway Conveyance	141,468 feet	35% Drive By	1,0560	1	0.0626 Vactor	1	4	0.125 Spot Repair	5
- Roadway Curb and Gutters	4,134,311 feet	28.6% CCTV	10,560	3	0.0626 Sweeping	1,000	3	0.0626 Spot Repair	100
- Curb Drain for Sump Discharges (226 runs)	47,520 feet	35% Jetting	650	1	0.0626 Rodding	52,800	1	0.0626 Spot Repair	50
- Sump Pumps (10)	-	35% Visual	8	1	0.0626 N/A	650	4	0.0626 Mech. Repair	2

**Assumptions:**

- Maintenance Supervisor Annual Salary
- Maintenance Worker Annual Salary
- Benefits & Overhead
- Annual Holidays and Leave

\$ 55,000  
\$ 40,000  
35%  
30 days

**Table 2-10**  
**City of Ann Arbor**  
**Stormwater Utility Project**  
**Existing (FY 2005/2006) Operation and Maintenance Expenditures**

Component	Estimated Units	Method	Inspections		Method	Cleaning		Total Operation & Maintenance
			Percent of System per year	Units per year		Percent of System per year	Units per year	
<b>Systemwide Administration</b>								
- Customer Service								\$5,000
- Center								\$26,000
<b>Primary Drainage System</b>								
- Creeks / Open Channels	77,616 feet	Stream Walk	60%	46,570	\$4,000	Remove Debris,Sed	30%	\$23,000
- Stream Crossings	58 units	Stream Walk	60%	35	\$3,000	Remove Debris,Sed	60%	\$35,000
- Pipes	70,734 feet	CCTV	17%	11,789	\$14,000	Remove Debris,Sed	5%	\$38,000
- Outfalls (5)	62 units	Stream Walk	100%	62	\$8,000	Remove Debris,Sed	0%	\$49,000
- Manholes (6)	348 units	Part of Pipe	0%	0	\$0	Part of Pipe	0%	\$8,000
- Surface Detention Locations (ponds, wetlands) (7)	35 units	Visual	0%	0	\$0	Remove Debris,Sed	0%	\$0
<b>Secondary Drainage System</b>								
- Creek / Open Channels	147,840 feet	Stream Walk	60%	88,704	\$8,000	Remove Debris,Sed	30%	\$43,000
- Stream Crossings	83 units	Stream Walk	60%	50	\$5,000	Remove Debris,Sed	60%	\$50,000
- Swales / Ditches (8)	22,822 feet	Drive By	0%	0	\$0	Grading	0%	\$55,000
- Pipes	1,173,551 feet	CCTV	5%	58,678	\$68,000	Jetting, Rodding	17%	\$0
- Outfalls (5)	213 units	Stream Walk	100%	213	\$15,000	Remove Debris,Sed	0%	\$223,000
- Manholes (6)	9,629 units	Part of Pipe	0%	0	\$0	Part of Pipe	0%	\$15,000
- Catch Basins / Inlets (9)	20,635 units	Drive By	100%	20,635	\$71,000	Vactor, Mosq. Ctrl	10%	\$0
- Treatment Devices	5 units	Visual	100%	5	\$1,000	Vactor	20%	\$197,000
- Surface Detention Locations (ponds, wetlands) (7)	42 units	Visual	0%	0	\$0	Remove Debris,Sed	0%	\$2,000
- Underground Detention Locations	- units	Drive By	0%	0	\$0	Vactor	0%	\$0
- Curb & Gutter Roadway Conveyance	141,468 feet	Drive By	0%	0	\$0	Sweeping	0%	\$0
- Roadway Curb and Gutters	4,134,311 feet	CCTV, Jetting	0%	0	\$0	Rodding	0%	\$0
- Curb Drain for Sump Discharges (226 runs)	47,520 feet	Visual	0%	0	\$0	N/A	0%	\$0
- Sump Pumps (10)	-							
								<b>\$197,000</b>
								<b>\$636,000</b>
								<b>\$468,000</b>

- *Level of Service C* for operations and maintenance is presented in **Table 2-11**. Under this level of service, the City would increase the system cleaning expenditures from \$0.5 million to \$0.8 million, with funding level increases targeted at annual stream and culvert cleaning. In addition, the City will pay for two of the three Citywide street sweeping events using stormwater funds. An additional \$0.4 million is also budgeted for manhole, storm sewer, and stream erosion repairs. Approximately \$1.2 million is budgeted for operation and maintenance during FY 2006/2007.
- *Level of Service B* for operations and maintenance is presented in **Table 2-12**. Under this level of service, the City would increase the system cleaning expenditures from \$0.5 million to \$2.1 million, with funding level increases targeted at annual cleaning of streams, culverts, outfalls, and public detention facilities, and doubling the cleaning frequency of storm drain inlets to once every 5 years on average. In addition, the City would conduct monthly street sweeping using stormwater funds. An additional \$1.0 million is also budgeted for manhole, storm sewer, and stream erosion repairs. Approximately \$2.6 million would be budgeted for operation and maintenance during FY 2006/2007.

*Level of Service A* for operations and maintenance is presented in **Table 2-13**. Under this level of service, the City would increase the system cleaning expenditures from \$0.5 million to \$7.0 million, with funding level increases targeted at annual cleaning of streams, culverts, outfalls, public detention facilities, storm drain inlets, and treatment devices. In addition, the City would conduct weekly street sweeping using stormwater funds. An additional \$1.2 million is also budgeted for manhole, storm sewer, and stream erosion repairs.

Approximately \$7.5 million would be budgeted for operation and maintenance during FY 2006/2007.

#### **2.3.4.3 Level of Service Options for Capital Improvements**

Numerous stormwater-related capital improvement projects are needed within the City of Ann Arbor. The cost to implement all identified capital improvements is over \$100 million. Capital improvements are divided into two categories under this evaluation:

- *Minor Capital Improvements* consist of system repairs and minor upgrades generally performed by Field Operations Unit crews and currently tracked as "Capital Outlays". **Table 2-14** lists the estimated frequency of repair and estimated annual repair costs under each level of service option.\*\*
- *Major Capital Improvements* generally consist of significant projects that commonly require a complete design, bid, and award process. Major capital improvements consist of the the City's 2008-2013 Capital Improvements Program (Table 2-4) and similar projects that may emerge under a comprehensive replacement and renewal program (Table 2-7).

**Table 2-11**  
**City of Ann Arbor**  
**Stormwater Utility Project**  
**Level of Service C: Operation and Maintenance Budget**

Component	Estimated Units	Inspections			Method	Percent of System per year	Units per year	Cleaning	Percent of System per year	Units per year	Estimated Annual Cost	Total Operation & Maintenance
		Method	Percent of System per year	Units per year								
<b>Systemwide Administration</b>												
- Customer Service Center												\$5,000
<b>Primary Drainage System</b>												\$26,000
- Creeks / Open Channels	77,616 feet	Stream Walk	100%	77,616	\$7,000	Remove Debris,Sed	100%	77,616	\$76,000	\$64,000	\$63,000	
- Stream Crossings	58 units	Stream Walk	100%	58	\$6,000	Remove Debris,Sed	100%	58	\$58,000	\$49,000	\$64,000	
- Pipes	70,734 feet	CCTV	17%	11,789	\$14,000	Remove Debris,Sed	5%	3,537	\$35,000	\$8,000	\$8,000	
- Outfalls (5)	62 units	Stream Walk	100%	62	\$8,000	Remove Debris,Sed	0%	0	\$0	\$0	\$0	
- Manholes (6)	348 units	Part of Pipe Visual	0%	0	\$0	Part of Pipe	0%	0	\$0	\$0	\$0	
- Surface Detention Locations (ponds, wetlands) (7)	35 units	Visual	0%	0	\$0	Remove Debris,Sed	0%	0	\$0	\$0	\$0	
<b>Secondary Drainage System</b>												
- Creek / Open Channels	147,840 feet	Stream Walk	100%	147,840	\$14,000	Remove Debris,Sed	100%	147,840	\$145,000	\$91,000	\$159,000	
- Stream Crossings	83 units	Stream Walk	100%	83	\$8,000	Remove Debris,Sed	100%	83	\$83,000	\$22,000	\$22,000	
- Swales / Ditches (8)	22,822 feet	Drive By	100%	22,822	\$0	Grading	100%	22,822	\$22,000	\$380,000	\$155,000	
- Pipes	1,173,551 feet	CCTV	17%	195,592	\$225,000	Jetting, Rodding	17%	199,504	\$15,000	\$15,000	\$15,000	
- Outfalls (5)	213 units	Stream Walk	100%	213	\$15,000	Remove Debris,Sed	0%	0	\$0	\$0	\$0	
- Manholes (6)	9,629 units	Part of Pipe	0%	0	\$0	Part of Pipe	0%	0	\$0	\$0	\$0	
- Catch Basins / Inlets (9)	20,635 units	Drive By	100%	20,635	\$71,000	Vactor, Mosq. Cntl	10%	2,064	\$126,000	\$126,000	\$197,000	
- Treatment Devices	15 units	Visual	100%	15	\$3,000	Vactor	20%	3	\$4,000	\$7,000	\$7,000	
- Surface Detention Locations (ponds, wetlands) (7)	42 units	Visual	0%	0	\$0	Remove Debris,Sed	0%	0	\$0	\$0	\$0	
- Underground Detention Locations	- units	Visual	0%	0	\$0	Vactor	0%	0	\$0	\$0	\$0	
- Curb & Gutter Roadway Conveyance	141,468 feet	Drive By	0%	0	\$0	Sweeping	0%	0	\$0	\$0	\$0	
- Roadway Curb and Gutters	4,134,311 feet	Drive By	0%	0	\$0	Sweeping	400%	16,537,243	\$140,000	\$140,000	\$140,000	
- Curb Drain for Sump Discharges (226 runs)	47,520 feet	CCTV, Jetting	0%	0	\$0	Rodding	0%	0	\$0	\$0	\$0	
- Sump Pumps (10)	- units	Visual	0%	0	\$0	N/A	0%	0	\$0	\$0	\$0	
												\$844,000
												\$1,246,000

**Table 2-12**  
**City of Ann Arbor**  
**Stormwater Utility Project**  
**Level of Service B: Operation and Maintenance Budget**

Component	Estimated Units	Inspections			Method	Percent of System per year	Units per year	Estimated Annual Cost	Cleaning	Percent of System per year	Units per year	Estimated Annual Cost	Total Operation & Maintenance
		Method	Percent of System per year	Units per year									
<b>Systemwide Administration</b>													\$5,000
- Customer Service Center													\$26,000
<b>Primary Drainage System</b>													
- Creeks / Open Channels	77,616 feet	Stream Walk	100%	77,616	\$7,000	Remove Debris, Sed	100%	77,616	\$76,000	\$83,000	\$64,000	\$49,000	
- Stream Crossings	58 units	Stream Walk	100%	58	\$6,000	Remove Debris, Sed	100%	58	\$58,000				
- Pipes	70,734 feet	CCTV	17%	11,789	\$14,000	Remove Debris, Sed	5%	3,537	\$35,000				
- Outfalls (5)	62 units	Stream Walk	100%	62	\$8,000	Remove Debris, Sed	100%	62	\$20,000				
- Manholes (6)	348 units	Part of Pipe	0%	0	\$0	Part of Pipe	0%	0	\$0				
- Surface Detention Locations (ponds, wetlands) (7)	35 units	Visual	100%	35	\$2,000	Remove Debris, Sed	100%	35	\$120,000				
<b>Secondary Drainage System</b>													
- Creek / Open Channels	147,840 feet	Stream Walk	100%	147,840	\$14,000	Remove Debris, Sed	100%	147,840	\$145,000	\$159,000	\$83,000	\$91,000	
- Stream Crossings	83 units	Stream Walk	100%	83	\$8,000	Remove Debris, Sed	100%	83	\$83,000				
- Swales / Ditches (8)	22,822 feet	Drive By	100%	22,822	\$0	Grading	100%	22,822	\$22,000				
- Pipes	1,173,551 feet	CCTV	17%	195,592	\$225,000	Jetting, Rodding	17%	199,504	\$155,000				
- Outfalls (5)	213 units	Stream Walk	100%	213	\$15,000	Remove Debris, Sed	0%	0	\$0				
- Manholes (6)	9,629 units	Part of Pipe	0%	0	\$0	Part of Pipe	0%	0	\$0				
- Catch Basins / Inlets (9)	20,635 units	Drive By	100%	20,635	\$71,000	Vactor, Mosq. Cntl	20%	4,127	\$252,000				
- Treatment Devices	105 units	Visual	100%	105	\$18,000	Vactor	20%	21	\$28,000				
- Surface Detention Locations (ponds, wetlands) (7)	42 units	Visual	100%	42	\$6,000	Remove Debris, Sed	100%	42	\$145,000				
- Underground Detention Locations	- units	Visual	100%	0	\$0	Vactor	100%	0	\$0				
- Curb & Gutter Roadway Conveyance	141,468 feet	Drive By	100%	141,468	\$5,000	Sweeping	50%	70,734	\$69,000				
- Roadway Curb and Gutters	4,134,311 feet	Drive By	0%	0	\$0	Sweeping	1200%	49,611,728	\$925,000				
- Curb Drain for Sump Discharges (226 runs)	47,520 units	CC TV, Jetting	17%	8,078	\$12,000	Rodding	4%	1,901	\$3,000				
- Sump Pumps (10)	-	Visual	20%	0	\$0	N/A	10%	0	\$0				
					\$411,000								<b>\$2,136,000</b>
													<b>\$2,578,000</b>

**Table 2-13**  
**City of Ann Arbor**  
**Stormwater Utility Project**  
**Level of Service A: Operation and Maintenance Budget**

Component	Estimated Units	Inspections			Cleaning			Total Operation & Maintenance Cost
		Method	Percent of System per year	Units per year	Estimated Annual Cost	Method	Percent of System per year	Units per year
<b>Systemwide Administration</b>								
- Customer Service								
- Center								\$5,000 \$26,000
<b>Primary Drainage System</b>								
- Creeks / Open Channels	77,616 feet	Stream Walk	100%	77,616	\$7,000	Remove Debris, Sed	100%	77,616
- Stream Crossings	58 units	Stream Walk	100%	58	\$6,000	Remove Debris, Sed	100%	\$58,000
- Pipes	70,734 feet	CCTV	17%	11,789	\$14,000	Remove Debris, Sed	20%	\$14,147
- Outfalls (5)	62 units	Stream Walk	100%	62	\$8,000	Remove Debris, Sed	100%	\$62
- Manholes (6)	348 units	Part of Pipe	0%	0	\$0	Part of Pipe	0%	\$0
- Surface Detention Locations (ponds, wetlands) (7)	35 units	Visual	100%	35	\$2,000	Remove Debris, Sed	100%	\$35
<b>Secondary Drainage System</b>								
- Creek / Open Channels	147,840 feet	Stream Walk	100%	147,840	\$14,000	Remove Debris, Sed	100%	147,840
- Stream Crossings	83 units	Stream Walk	100%	83	\$8,000	Remove Debris, Sed	100%	\$83,000
- Swales / Ditches (8)	22,822 feet	Drive By	100%	22,822	\$0	Grading	100%	\$22,000
- Pipes	1,173,551 feet	CCTV	17%	195,592	\$225,000	Jetting, Rodding	20%	\$234,710
- Outfalls (5)	213 units	Stream Walk	100%	213	\$15,000	Remove Debris, Sed	0%	\$0
- Manholes (6)	9,629 units	Part of Pipe	0%	0	\$0	Part of Pipe	0%	\$0
- Catch Basins / Inlets (9)	20,635 units	Drive By	100%	20,635	\$71,000	Vactor, Mosq, Cnt	100%	\$20,635
- Treatment Devices	500 units	Visual	100%	500	\$86,000	Vactor	100%	500
- Surface Detention Locations (ponds, wetlands) (7)	42 units	Visual	100%	42	\$6,000	Remove Debris, Sed	100%	42
- Underground Detention Locations	-	Visual	100%	0	\$0	Vactor	100%	0
- Curb & Gutter Roadway Conveyance	141,468 feet	Drive By	100%	141,468	\$5,000	Sweeping	50%	70,734
- Roadway Curb and Gutters	4,134,311 feet	Drive By	0%	0	\$0	Sweeping	5200%	\$69,000
- Curb Drain for Sump Discharges (226 runs)	47,520 feet	CCTV, Jetting	17%	8,078	\$12,000	Rodding	4%	\$4,008,000
- Sump Pumps (10)	-	Visual	20%	0	\$0	N/A	10%	\$15,000
					<b>\$479,000</b>			<b>\$6,993,000</b>
								<b>\$7,593,000</b>

**Table 2-14**  
**City of Ann Arbor**  
**Stormwater Utility Project**

**Projected Capital Outlays (Minor Capital Improvements) under Level of Service Scenarios**

**Assumptions:**

- Maintenance Supervisor Annual Salary
- Maintenance Worker Annual Salary

- |                               |         |
|-------------------------------|---------|
| - Benefits & Overhead         | 35%     |
| - Annual Holidays and Leave   | 30 days |
| - Treatment Units under LOS B | 105     |
| - Treatment Units under LOS A | 500     |

**Table 2-15** itemizes projected capital improvements under each level of service option. Each option is premised on a capital improvement program able to achieve a certain level of the \$8.3 million annual system replacement and renewal needs projected in Table 2-7. Under the existing level of service (FY 2005/2006), the City performs \$850,000 in capital outlays through its Field Operations Unit, and is in the process of completing capital projects begun in previous fiscal years, maintaining an existing debt service of \$430,000.

Approximately 25 percent of the City's estimated system renewal needs are addressed under this level of service. Level of service C increases the annual CIP budget to approximately \$2.6 million, in year 2006 dollars. Under this level of service, about 100 years are needed to complete all anticipated capital improvements. Approximately 40 percent of the City's estimated system renewal needs are addressed under this level of service (including capital outlays under the operation and maintenance program). Level of service B increases the annual CIP budget to approximately \$3.8 million, in year 2006 dollars, decreasing the length of time to complete all anticipated capital improvements to about 50 years.

Approximately half of the City's estimated system renewal needs are addressed under this level of service (including capital outlays under the operation and maintenance program). Level of service A increases the annual CIP budget to over \$7 million, in year 2006 dollars, addressing all known capital needs in 20 years and achieving over 90 percent of the total projected system renewal needs of the City.

**Table 2-15**  
City of Ann Arbor  
Stormwater Utility Project  
Estimated Capital Improvement Expenditures under Each Level of Service Option

Capital Improvement Program Component	Estimated Cost	Level of Service Alternative			
		Existing (2005/2006) Level of Service	LOS C: 2007/2008 Budgeted Services	LOS B: Prioritized Services Based on Routine System Inspections	LOS A: Full Preventative Maintenance
CIP Implementation Period:		None	100	50	20
Existing Debt Service		\$430,000	\$430,000	\$430,000	\$430,000
2008 / 2013 CIP -- System Planning	\$1,500,000	\$69,000	\$922,500	\$1,010,000	\$1,510,000
2008 / 2013 CIP -- Primary System	\$2,093,000	\$500,000	\$348,833	\$348,833	\$348,833
2008 / 2013 CIP -- Secondary System	\$2,615,000	\$200,000	\$435,833	\$435,833	\$435,833
1997 Stormwater Master Plan Capital Needs	\$97,600,000		\$0	\$281,493	\$2,895,733
Subtotal	\$103,808,000	\$1,199,000	\$2,137,167	\$2,506,160	\$5,620,400
Existing Capital Outlays, Field Operations		\$850,000	\$1,272,000	\$1,825,000	\$1,995,000
Total		\$2,049,000	\$3,409,167	\$4,331,160	\$7,615,400
Percent of System Renewal Needs		25%	41%	52%	92%

Estimated Annual System Renewal Needs    \$8,304,000

#### **2.3.4.4 Level of Service Options for Enforcement, Public Engagement, and Finance.**

Administration services can be organized into three primary components: Overall Administration, Billing, and Public Relations. The City's existing stormwater program addresses most overall administration services, including keeping financial records, preparing and monitoring budgets, and providing development review services. Billing services are necessary to properly ensure billing statements are sent to users and payment is received. Level of service B and A included funding for more routine updates to the stormwater billing system database.

Public relations are also needed to answer any questions the community may have regarding the stormwater utility. In addition, the permit regulations require the City to actively engage in public education and public involvement. The City of Ann Arbor currently meets all existing public engagement requirements. Under Level of Service C, the City plans to offer stormwater funding to other units conducting public education and involvement activities related to stormwater. Under level of service B and A, the City seeks additional funding to more actively engage the public in implementing stormwater management practices on their own property. These initiatives, coupled with a commensurate level of regulatory enforcement and "green" credits under the stormwater service fees, are expected to reduce future City capital and operational expenditures to address stormwater quantity and quality issues.

#### **2.3.5 Recommended Level of Service**

Figure 2-5 graphically depicts the estimated cost of service in year 2007 dollars of each level of service alternative. Table 2-16 provides additional detail about the cost of service under level of service alternatives A, B, and C. Level of service alternative D was not evaluated, as the City's current level of service exceeds this level and MDEQ requires service level C as a minimum for permit compliance. The estimated annual cost for the City's existing level of service is approximately \$3.5 million. Overall, this

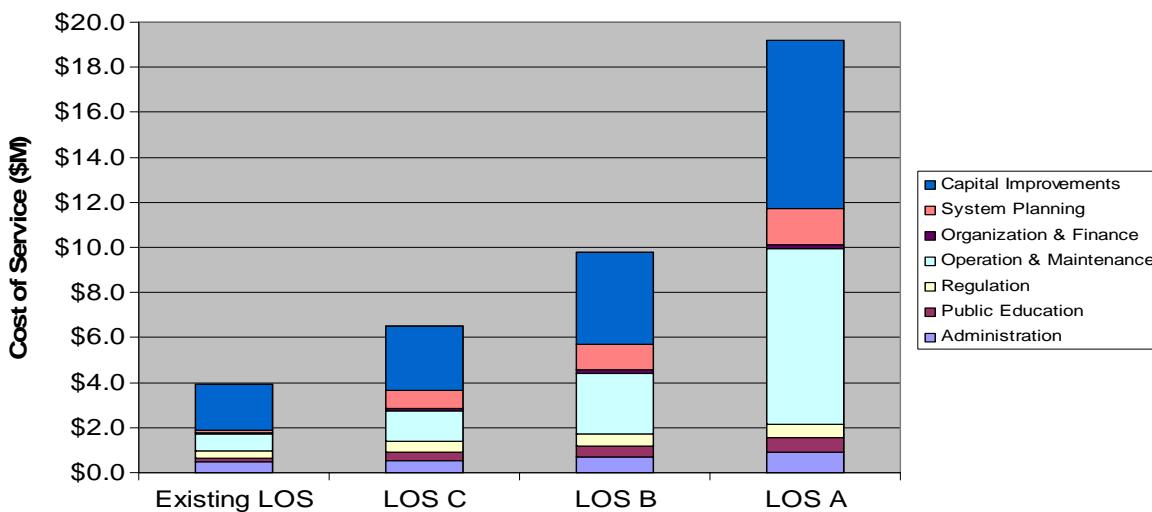


Figure 2-5. Cost of Service Summary Under Existing and Alternative Future Level of Service Options

scenario provides inadequate funding for Public Education, Operations and Maintenance services and Capital Improvement Projects.

Level of Service C includes additional funding for billing services, public relations, Operations and Maintenance and the CIP budget. The overall annual cost for level of service C is approximately \$5.6 million. Overall, this option provides partial attainment of level of service goals expressed by the City's SCATF. Approximately 100 years are required to address all anticipated capital improvements under this level of service, but it achieves a level of service commensurate with communities similar to Ann Arbor that have implemented stormwater utilities.

Level of Service B provides further increases in funding for Public Education, Operations and Maintenance and the CIP budget. The overall annual cost for this level of service ranges between approximately \$7.6 million and \$10.2 million, depending on the method of financing capital improvements. Overall, this option provides full attainment of level of service goals expressed by the City's SCATF. Preventive maintenance and repair services are adequate for both primary and secondary system components. The CIP budget reduces the time to implement anticipated capital improvements to 50 years.

Level of Service A increases capital and operational expenditures to levels equal to anticipated system renewal costs. The overall annual cost for this level of service ranges between approximately \$9.8 million and \$15.4 million, depending on the method of financing capital improvements. Overall, this option provides full attainment of level of service goals expressed by the City's SCATF. Preventive maintenance and repair services are adequate for both primary and secondary system components. The CIP budget reduces the time to implement anticipated capital improvements to 20 years.

Based on a review of the SCATF goals and input, and City goals, it is recommended that the City establish Level of Service B as the level of service goal for the City's stormwater program, with a long-term approach to phase into this level of service at an affordable rate. It is also recommended that there be a "mid-course" review to determine whether this level of service approach is appropriate. The move towards a Level of Service B should provide adequate resources to address the most critical stormwater needs, satisfy federal regulations, and conduct planning studies and efficiency evaluations needed to clearly define funding requirements for remaining stormwater needs.

**Table 2-16**  
**City of Ann Arbor**  
**Stormwater Utility Project**  
**Estimated Revenue Requirements under Each Level of Service Option**

Program Component	Existing (2005/2006) Level of Service	LOS C: 2007/2008 Budgeted Services	LOS B: Prioritized Services Based on Routine System Inspections	LOS A: Full Preventative Maintenance
<b>Operational Fund Expenditures</b>				
<b>Administrative Services</b>	\$ 450,000	\$ 495,000	\$ 656,000	\$ 861,000
- Program Administration	\$ 197,000	\$ 242,000	\$ 400,000	\$ 600,000
- MSA Permit Administration	\$ 12,000	\$ 12,000	\$ 15,000	\$ 20,000
- Customer Service Request Management	\$ 209,000	\$ 209,000	\$ 209,000	\$ 209,000
- Interjurisdictional Coordination	\$ 32,000	\$ 32,000	\$ 32,000	\$ 32,000
<b>Public Engagement</b>	\$ 135,000	\$ 300,000	\$ 400,000	\$ 535,000
- Contract Services	\$ 100,000	\$ 100,000	\$ 100,000	\$ 100,000
- Support for Watershed Groups	\$ 35,000	\$ 35,000	\$ 50,000	\$ 85,000
- New Education and Outreach Activities	\$ -	\$ 15,000	\$ 100,000	\$ 200,000
- Stormwater Funding of Other Departments	\$ -	\$ 150,000	\$ 150,000	\$ 150,000
<b>Regulation and Enforcement</b>	\$ 327,000	\$ 473,000	\$ 507,000	\$ 547,000
- Illicit Discharge Elimination	\$ 109,000	\$ 139,000	\$ 160,000	\$ 200,000
- Development Reviews	\$ 218,000	\$ 294,000	\$ 300,000	\$ 300,000
- Facility Inspections	\$ -	\$ 40,000	\$ 47,000	\$ 47,000
<b>Operation and Maintenance</b>	\$ 696,000	\$ 1,244,000	\$ 2,591,000	\$ 7,531,000
<i>o Systemwide Administration</i>	\$ 31,000	\$ 29,000	\$ 44,000	\$ 59,000
- Customer Service	\$ 5,000	\$ 20,000	\$ 35,000	\$ 50,000
- Maintenance Center	\$ 26,000	\$ 9,000	\$ 9,000	\$ 9,000
<i>o Primary Drainage System</i>	\$ 122,000	\$ 204,000	\$ 346,000	\$ 449,000
- Creeks / Open Channels	\$ 27,000	\$ 83,000	\$ 83,000	\$ 83,000
- Stream Crossings	\$ 38,000	\$ 64,000	\$ 64,000	\$ 64,000
- Pipes	\$ 49,000	\$ 49,000	\$ 49,000	\$ 152,000
- Outfalls (5)	\$ 8,000	\$ 8,000	\$ 28,000	\$ 28,000
- Manholes (6)	\$ -	\$ -	\$ -	\$ -
- Surface Detention Locations (ponds, wetlands) (7)	\$ -	\$ -	\$ 122,000	\$ 122,000
<i>o Secondary Drainage System</i>	\$ 543,000	\$ 1,011,000	\$ 2,201,000	\$ 7,023,000
- Creek / Open Channels	\$ 51,000	\$ 159,000	\$ 159,000	\$ 159,000
- Stream Crossings	\$ 55,000	\$ 91,000	\$ 91,000	\$ 91,000
- Swales / Ditches (8)	\$ -	\$ 22,000	\$ 22,000	\$ 22,000
- Pipes	\$ 223,000	\$ 380,000	\$ 380,000	\$ 408,000
- Outfalls (5)	\$ 15,000	\$ 15,000	\$ 15,000	\$ 15,000
- Manholes (6)	\$ -	\$ -	\$ -	\$ -
- Catch Basins / Inlets (9)	\$ 197,000	\$ 197,000	\$ 323,000	\$ 1,333,000
- Treatment Devices	\$ 2,000	\$ 7,000	\$ 46,000	\$ 747,000
- Surface Detention Locations (ponds, wetlands) (7)	\$ -	\$ -	\$ 151,000	\$ 151,000
- Underground Detention Locations	\$ -	\$ -	\$ -	\$ -
- Curb & Gutter Roadway Conveyance	\$ -	\$ -	\$ 74,000	\$ 74,000
- Roadway Curb and Gutters	\$ -	\$ 140,000	\$ 925,000	\$ 4,008,000
- Curb Drain for Sump Discharges (226 runs)	\$ -	\$ -	\$ 15,000	\$ 15,000
- Sump Pumps (10)	\$ -	\$ -	\$ -	\$ -
<b>Organization and Finance</b>	\$ 71,000	\$ 150,000	\$ 150,000	\$ 150,000
<b>Capital Fund Expenditures</b>				
<b>System Planning</b>	69,000	\$ 922,500	\$ 1,010,000	\$ 1,510,000
- Capital Planning and Asset Management	69,000	185,000	185,000	185,000
- GIS/Model Development (5-year implementation)	-	487,500	325,000	325,000
- System Evaluation -- Primary System Planning	-	200,000	400,000	800,000
- System Evaluation -- Secondary System Planning	-	50,000	100,000	200,000
<b>Minor Capital Improvements (Capital Outlays)</b>	\$ 850,000	\$ 1,272,000	\$ 1,825,000	\$ 1,995,000
<b>Major Capital Improvements</b>	\$ 1,130,000	\$ 1,354,000	\$ 2,021,000	\$ 5,035,000
<i>o Funded by Transfers from Operational Fund</i>	700,000	\$ 910,000	\$ 1,591,000	\$ 4,605,000
- 2008/13 CIP Project: Primary Drainage System	500,000	\$ 418,250	\$ 418,250	\$ 418,250
- 2008/13 CIP Project: Secondary Drainage System	\$ 200,000	\$ 491,250	\$ 491,250	\$ 491,250
- Other Capital Improvements for System Renewal	\$ -	\$ -	\$ 281,493	\$ 2,895,733
- Other Capital Improvements for Water Quality Control	\$ -	\$ -	\$ 400,000	\$ 800,000
<i>o Estimated Debt Service at Interest Rate of 5%</i>	\$ 430,000	\$ 444,000	\$ 430,000	\$ 430,000
- Existing Debt Service of	\$ 430,000			
- 2008/13 CIP Project: Primary Drainage System	-	\$ -	\$ -	\$ -
- 2008/13 CIP Project: Secondary Drainage System	-	\$ 162,500	\$ -	\$ -
- Other Capital Improvements for System Renewal	\$ -	\$ -	\$ -	\$ -
- Other Capital Improvements for Water Quality Control	\$ -	\$ -	\$ -	\$ -
<b>Total Annual Costs</b>	\$ 3,728,000	\$ 6,210,500	\$ 9,160,000	\$ 18,164,000

# **Section 3**

## **Stormwater Rate Structure Development**

### **3.1 Introduction**

This section describes the process used to develop the revised rate structure for Ann Arbor's stormwater utility. First, various funding options were evaluated related to their ability to finance portions of Ann Arbor's stormwater program under the level of service options presented in Section 2. Options evaluated included the stormwater utility, bonded indebtedness, assessments, tap fees, connection charges, and disconnection charges. In exploring funding options, the following factors were considered for each of these options and their applicability for the City's program:

- Met the necessary legal requirements
- Fairness and equity
- Funding sufficiency
- Stability
- Understandability by the users (public, engineers, developers)
- Administrative simplicity
- Program maintenance
- Cost effectiveness (revenue generated compared with effort to implement and administer)

The section concludes with an evaluation of the various types of rate structures considered for a service charge to the various users of Ann Arbor's stormwater system. The rate methodology identifies the basis for determining the runoff potential and the stormwater service charge for each property. The rate structure determines how an actual billing system is configured, typically through developing user classes with similar runoff generation rates.

### **3.2 Evaluation of Funding Options**

The options available to fund the City of Ann Arbor stormwater management program are varied and could be used individually or in combinations. This evaluation is presented in three sections. Section 3.2.1 describes the range of options commonly used to fund various elements of a stormwater program. Section 3.2.2 compares the various options, highlighting which options are most suited to funding which program elements. Finally, Section 3.2.3 recommends the specific funding options for implementation by the City of Ann Arbor.

### 3.2.1 Options

Currently, the stormwater management activities of the City of Ann Arbor are funded in a number of ways. Most funding is generated by a stormwater fee charged to each property based on its runoff characteristics. Other fees, assessments, and charges are applied to specific program elements. This section describes each existing funding option of the City, other funding options available to the City, and the advantages/disadvantages of each.

#### 3.2.1.1 Stormwater Utility User Charge System

Ann Arbor has been using revenues from a stormwater utility user charge system to fund stormwater management programs since the 1980's. However, the City is re-evaluating its stormwater utility rate structure and the services funded by the stormwater utility in light of the *Bolt vs. Lansing* ruling, which established three eligibility tests for user charge systems:

- Does the charge serve a *regulatory*, rather than revenue-producing, purpose?
- Is the charge *proportionate* to the necessary costs of the service?
- Is the user able to *refuse or limit use* of the commodity or service?

The stormwater utility concept has achieved growing popularity in the United States since the mid 1970's. Since the concept was established, over 400 entities have adopted ordinances and taken steps to implement the stormwater utility concept. The user charge assigned to the rate payer is an equitable share of the cost of the stormwater management program based on the rate payer's relative contribution to the stormwater that must be managed. This share is determined by the amount of runoff attributed to the property -- the greater the runoff, the greater the contribution to the system needed to manage this stormwater. The relative amount of runoff is estimated by the amount of impervious area on the parcel. This allows for the equitable and fair distribution of the stormwater management program costs.

Enabling legislation and municipal practice have allowed the stormwater utility user charge system to be used for all six aspects of a stormwater management program: administration; regulation and enforcement; operation and maintenance; organization and finance; system planning; and capital improvements. The income is also commonly used to pay the debt service for a stormwater capital improvement program. A stormwater utility user charge is typically viewed as a more equitable funding mechanism than reliance on General Fund revenue and special districts, since charges assessed to each parcel of land are based upon usage of the drainage system rather than property value or other factor.

Because commercial properties typically contain more impervious area than single-family residential properties, they also generate much more runoff and stormwater pollution per square foot and are consequently charged a proportionately greater amount by the stormwater utility. A principal advantage associated with a city

stormwater utility is that tax-exempt properties (federal, state, school and other tax-exempt buildings and installations) are assessed a user-charge that reflects their relative stormwater contribution to the City's drainage system. For example, each tax-exempt parcel is charged a stormwater utility charge that is proportional to the stormwater discharge from the site. The method is identical to that used by other public utilities: a tax-exempt property is charged based upon usage (i.e., power consumption, water consumption).

Advantages of a stormwater utility user charge system include:

- Dedicated funding for the City's stormwater management program;
- At present, the primary funding source for the City's stormwater program;
- An equitable user charge based on runoff contribution rather than the property value;
- A mechanism to charge tax-exempt parcels for municipal stormwater management services proportional to the parcel's impact on the system; and
- A stable funding source for all stormwater activities.

Disadvantages of a stormwater utility program include:

- A need for parcel-by-parcel evaluation of impervious area coverages and other measures taken by the customer to control the quantity and quality of stormwater leaving the property;
- A need to demonstrate that the services provided to each customer by the stormwater utility are equivalent to the rates paid by each customer.

### **3.2.1.2 General Fund**

The General Fund comprises many revenue sources including: property tax, income tax, state and federal revenue sharing, municipal state aid, franchise fees, fines/penalties, etc. The General Fund can be considered as a "bank" into which revenues are placed and from which many municipal services are funded. When considering the General Fund's capacity to effectively support the City's stormwater management program, the discussion must focus upon the competition for funds as well as the fairness and equity of this option.

Currently, some stormwater-related City services are provided by units outside the Public Services Area and funded through the General Fund. Such services include certain public education programs, leaf collection, and equitable shares of the spill control, "Miss Dig", and natural areas preservation programs.

When evaluated in this manner, the General Fund has several disadvantages:

- First, when the fairness and equity of this revenue source are addressed, there is no relationship between the amount of property tax paid for a parcel based on the value of the property and the parcel's contribution to stormwater runoff (either the quantity of runoff or water quality). These combinations make General Fund support difficult to substantiate as a total equitable or effective funding source for a stormwater management program.
- Second, the funding demands for public safety (police and fire) decrease the General Fund's ability to support significant increases for the stormwater management program. The priorities for other "essential services" often leave little available funding for a comprehensive stormwater management program.

Funding the stormwater management program through the General Fund with property taxes and income taxes does offer some advantages:

- The funds are a primary existing source of revenue;
- The billing system is established;
- There are minimal implementation and administration costs; and
- An individual's cost (bill) is tax deductible.

### **3.2.1.3 Special Assessment Districts**

Income from a special assessment district is dedicated to that district. The area that is designated as special, for whatever reason, would pay an additional fee. The justification for such charges is that many capital improvements enhance the value of land that directly benefits, thereby providing a benefit to property owners. Administrative costs can be included as part of the special assessment.

The City has used special assessments to fund construction of storm drainage improvements in areas where such systems were not built when the land was developed. For example, if a new underground storm drainage system were constructed along a street where none currently exists, then the properties along that street would receive a one-time benefit from the extension of the City's stormwater system to their property. Under a special assessment, those properties would be designated as a special assessment district and an additional charge would be assigned to the residents of that special assessment district.

Michigan's Drain Code allows establishment of special assessment districts for drainage area-wide capital improvements and operational expenses. Ann Arbor's policy is that drainage area-wide drainage improvements provide city-wide benefits, thus their cost should be shared by all rate payers.

Advantages of this funding option are as follows:

- Districts can provide additional funding to their portion of the city with greater stormwater needs, where it would not be equitable to distribute these costs throughout the City;
- May be used for areas requiring storm sewers where none were constructed with the initial development.

Disadvantages of this funding option are as follows:

- Revenues generated can only be spent within the district in which they are collected; and
- Allocation of the benefits (or costs) of the improvement to each property can be a lengthy and cumbersome exercise that must be done for each assessment district.

#### **3.2.1.4 Homeowners Association**

The homeowners association concept is similar to the special assessment district in that a relatively small area would receive an additional charge for specific facilities directly benefiting members of the association. The charges are designed to meet the specific needs and desires of each association, and may be used to fund the operation and maintenance of privately-owned drainage features that are not utilized throughout the City (e.g., detention basins). This method is generally available only for residential parcels and cannot be used to finance an entire stormwater management program. Additionally, because the level of service and the assessment will vary among associations, inconsistencies in protection and inequities of assessment can result.

#### **3.2.1.5 Fees/Licenses/Permits**

Funding from this source is generally limited to cover the cost of providing a specific service such as permit review, enforcement, and the inspection of construction sites. Both the City and the Drain Commissioner levy fees for services such as plan reviews and site inspections. The City's *Connection Permit Charge* includes an equitable fee for tapping into the storm sewer. This charge does not cover the cost for permit reviews, before or during construction, or for a "capital buy-in charge." Since these income sources are established to cover the costs for select services that are provided to certain parties, they are difficult to dedicate toward the other aspects of the stormwater management program (i.e., administration, operation/maintenance, and capital improvements).

#### **3.2.1.6 Penalties and Fines**

Similar to permit fees, revenues from penalties and fines are limited. Such income can be placed in the General Fund; however, it may be more reasonable to use the fines to correct the violation and improve enforcement. This type of income should be used in conjunction with the other stormwater funding to finance the complete program.

### **3.2.1.7 Bonds**

Governments normally use general obligation, revenue, or special assessment bonds to pay for large capital improvement programs. Payments for general obligation bonds are normally from the General Fund (i.e., ad valorem tax or income tax). Most often, the revenues from a special assessment district or stormwater utility are used to meet the debt service payment for revenue bonds. The principal advantage of selling bonds is that a large-scale capital improvement program can be initiated when the facilities are needed rather than when the funds are accumulated. The disadvantage is the interest charges associated with the long-term debt incurred by the entity.

### **3.2.1.8 Pay-As-You-Go Sinking Fund**

This type of stormwater funding is most commonly used as an adjunct to revenue bond financing. A fund is formed similar to a separate account and receives revenues from numerous sources (i.e., ad valorem taxes or stormwater utility income). The fund accumulates revenue until sufficient money is available for an identified project. Then the total project amount is removed from the fund and the growth stage starts over. No money is borrowed so it is "pay-as-you-go" and, since funds are periodically deposited (sunk) into the account; it is referred to as a sinking fund.

### **3.2.1.9 Developer Contributions**

As a condition for approval for development, the City requires the developer of a subdivision or large parcel to construct stormwater management facilities and dedicate storm sewers to the local government upon completion. In addition, developers are required to donate drainage easements or other types of partial rights to the local government for stormwater purposes. The local government would be responsible for the operation/maintenance. Thus, the developer would be responsible for funding the capital program, while the local government would be responsible for funding the operation/maintenance. Most storm drains in the City are constructed and financed in this manner, but detention facilities are typically retained in private ownership. The advantage of this type of funding mechanism is the transfer of the capital burden away from the local government. The disadvantages are that it is entirely possible to find that the stormwater facility transferred to the local government may not have been properly designed, or that its discharge may aggravate downstream flooding problems.

### **3.2.1.10 Fee-In-Lieu-Of**

An option to requiring developers to construct stormwater management facilities is to require them to pay an initial "front-end" charge for the capital improvements needed to serve their development. The charge would be representative of the development's contribution to a future regional facility in the watershed.

Although this option is currently in code (Chapter 63, Section 5:654(3)), it has only been used once since implemented. This is primarily because the cost of purchasing a portion of a future regional facility on another site is typically higher than handling

stormwater management on site. This approach also goes counter to the emphasis of stormwater management at the source that has gained favor in recent years.

#### **3.2.1.11 Developer Incentives**

Incentives could be offered to induce developers to use proper stormwater management planning techniques. For example, such incentives could include waiving maximum allowable residential densities if land is dedicated to the City for stormwater purposes. This method would still require the construction of the stormwater facility by the City; however, the land costs for the stormwater management facility would be reduced. The two major disadvantages of this method are: (1) it may be in direct conflict with the goals and objectives of the land use element of the City's Comprehensive Plan; and (2) it may increase the magnitude of nonpoint source pollution problems due to the higher intensity level of development.

#### **3.2.1.12 Improvement Charges**

Most often, when a stormwater management facility is constructed to deal with a problem near a community, the property within the community will increase in value. For example, if a drainage system is installed along a street where no stormwater management system had existed before, then the control of flooding increases the value of property next to the road. The capital costs for such improvement could therefore be apportioned to the property owner. The advantage is that the benefactors of the stormwater management system would fund the program. The disadvantage is that the increased property value is difficult to estimate and this amount may be less than the construction cost, thus limiting revenue recovered.

#### **3.2.1.13 Grants**

Grants may be available from various federal, state, and private entities to fund aspects of the stormwater program. Grants are often small, highly competitive, and may not be available every year, limiting their use for many routine stormwater management activities. Available grants help supplement other funding sources and achieve program elements that would be difficult to achieve otherwise. The City has periodically received grants to conduct its illicit discharge detection and elimination program.

#### **3.2.1.14 Merchandising, Jobbing, and Intra-Governmental Sales**

The City provides services requested and paid by property owners, services that are the property owner's responsibility such as cleaning a private storm drain.

*Merchandising and jobbing* charges cover the time and material costs for these services, which are billed directly to the property owner. Intra-governmental sales occur when the Public Utilities department provides services to another department (e.g., charges collected by the Building Department for erosion and sediment control reviews and inspections provided by Public Utilities staff).

### **3.2.1.15 Investment Income**

This category includes interest earned on stormwater utility funds that are invested in anticipation of collecting revenue for a major project.

### **3.2.2 Comparison of Options**

Based on the discussion in the previous section, the various funding options can be compared and evaluated for use in the City of Ann Arbor. **Table 3-1** lists each option and the stormwater management functions, which can be addressed by the option.

**Table 3-1**  
**Funding Options**  
**Stormwater Management Activities**

<b>Funding Option</b>	<b>Stormwater Management Administration and Design</b>	<b>Capital Improvement Program</b>	<b>Operation and Maintenance</b>	<b>Water Quality Monitoring</b>
Stormwater Utility	X	X	X	X
General Fund	X	X	X	X
Special Taxing District		X	X	
Homeowners Association		X	X	
Fees/Permits	X			
Penalties/Fines	X			X
Bonds		X	X	
Pay-as-you-go Sinking Fund		X		X
Developer Contributions		X		
Fee-in-Lieu-of		X		
Developer Incentives		X		
Betterment Charges		X		
Grants		X		

Special assessment districts and homeowners associations can be used to finance maintenance and capital improvements. The disadvantages are: (1) the districts are typically applied to only a watershed or other portion of the City; (2) the district may not be capable of generating the required revenue; (3) revenues generated can be spent only in the jurisdiction where collected and may not necessarily be where the funds are most needed; and (4) charges are based on property value and not on impact to, or use of, the stormwater management system.

A revenue bond is a financing tool that provides a large source of funds for construction, which would take other financing options several years to accumulate. The major disadvantage is the long-term commitment of annual revenues to pay for the debt service. A pay-as-you-go sinking fund often prolongs the time to complete a project. Subdivision exactions, fees-in-lieu-of, developer incentives, and improvement charges are all one-time payments for constructing new stormwater facilities. These funding mechanisms cannot be used to correct existing drainage

problems and cannot be used to provide continued maintenance of the facilities. Permits and fines are intended to cover only the cost of administration and enforcement and are not sufficient to fund either capital improvements or operation/maintenance programs.

A review of the benefits and deficiencies of each funding option indicates that the General Fund and a stormwater utility are the only two funding sources capable of addressing a stormwater management program on a citywide basis. The major distinction between the two options is the method of allocating the costs for stormwater management. The General Fund is composed of revenues generated from ad valorem tax based on property value and income tax, neither of which correlates with the runoff contribution of the property or with the benefits received from the stormwater management system. Competition from other municipal programs for General Fund revenues often results in less than adequate funding for a stormwater management program.

With stormwater utility, costs are allocated based on the quantity and quality of the stormwater that is generated by each property. The correlation between the amount of impervious area and the quality and quantity of stormwater runoff is used to equitably allocate stormwater management costs. Therefore, the stormwater utility is the most equitable means of allocating stormwater management costs.

### **3.2.3 Preliminary Funding Recommendations**

The previous analyses identify the general fund and the stormwater utility as the most complete funding mechanisms to support stormwater management activities. In concert with the Stormwater Citizens Advisory Task Force final recommendations, CDM proposes the following funding concepts be evaluated:

- The stormwater utility charge will serve as the base funding mechanism for stormwater services provided to all property owners.
- Improvement charge funding may be used in areas where the development did not originally have separate storm sewer service, or through the drain commissioner for watershed-based capital improvements.
- Developers should continue to be responsible for constructing storm drainage facilities for development projects, according to City criteria. Alternatives for funding the operation and maintenance of private storm drainage facilities may be evaluated in the future, including the potential for public ownership and operation of these facilities.
- Miscellaneous fees/permits, penalties/fines, and developer incentives will be evaluated to determine their equitability and ability to cover program costs.
- Bond funding of major capital improvements will be compared with “pay as you go” and/or sinking fund financing approaches.

- Following master planning, other development sensitive charges (i.e., fee-in-lieu-of) may be adopted, but are dependent upon watershed specific data.
- Utility funds should be used to leverage pursuit of available grant funds.

The cost allocation methodology presented in Section 3.3.1 evaluates which existing and potential future costs of stormwater management are appropriate to fund from each of these funding mechanism, using a combination of public acceptability and legal defensibility, as defined by the three legal tests established by *Bolt v. Lansing*.

## 3.3 Rate Structure Alternatives

The City of Ann Arbor is investigating potential modifications to its stormwater service charge structure. Potential modifications are contemplated to improve the equitability of the rate structure by accommodating new data regarding its customers; establishing revised customer classes resulting from that data, and incorporating additional flexibility into the charge structure. The revised rate structure will allocate an equitable share of the costs for the City's stormwater management program to all properties within the City Of Ann Arbor.

Stormwater service charges typically base cost allocations on the stormwater runoff characteristics of each land parcel since the level of service provided by the City of Ann Arbor should be proportional to the amount of runoff from each land parcel. This section defines key considerations for allocating costs to individual ratepayers, identifies alternative rate structures based on each parcel's contribution of runoff, defines an appropriate cost allocation method to the various components of the rate structure, and selects a rate structure appropriate for the City of Ann Arbor.

### 3.3.1 Cost Allocation Evaluation

The most fundamental requirement of any funding system is equity - assuring that the benefits received are consistent with a fair share of cost. In the case of a stormwater service charge, the primary benefits are measured in terms of enhanced flood control and water quality throughout the area served by the agency. Inevitably, additional direct benefits are received by some individuals as a result of enhanced water quality and increased property values, but the primary purpose of a stormwater management program is to provide community-wide control and management of stormwater.

Section 2 evaluated the City's existing stormwater management program and defined various levels of service options, demonstrating that the level of effort involved with most stormwater services provided by the City is directly related to the runoff generated by the various properties tributary to the City's stormwater drainage system. This is because the size and extent of the drainage system (and consequently the cost of building, operating, and renewing this system) are directly related to its ability to collect, store, and convey the runoff generated by each property within the City. **Table 3-2** lists each of the functional service areas of the City's existing stormwater program, indicating the principal beneficiaries of each with an "X". The

next three columns of Table 3-2 describe how each service relates to three primary considerations for determining an equitable method of funding based on the unique characteristics and needs of beneficiaries:

- ***Overall function of program component.*** Each program component eligible for funding through a utility rate-based system must have a clearly-defined function, with collected revenues directly related to the costs associated with providing this function. Table 3-2 indicates that most of the functional stormwater services are directed at public health, safety, and welfare, as well as compliance with state and federal laws. Costs of these services generally relate to the storm drainage system needed to properly control runoff from each property within the City.
- ***Service Beneficiaries.*** The functional services should directly benefit those paying for these services, with rates paid proportional to the benefits received. Most functional services, particularly those related to the operation, maintenance and capital improvement of the existing drainage system, are directly related to the quantity and quality of runoff contributed by individual properties. In other words, each property “benefits” from a drainage system able to collect, convey, and otherwise manage the runoff from each property in a manner that protects public health, safety, and welfare and complies with regional, state, and federal regulations. Other services benefit existing property owners, but not necessarily based on the runoff contribution from their property. For example, the cost of educational programs is more closely related to the number of customers / people educated rather than the runoff from their property.
- ***Ability to control service.*** Utilities and their rates are commonly predicated on the ability of individual users to control the service they provide. As most stormwater services are related to the runoff contribution of each property, users can control the service they receive by controlling the quantity and/or quality of the runoff leaving their property. This can be done through either “structural” controls (e.g., rain gardens, rain barrels, or other controls that reduce the volume and/or rate of runoff) or “non-structural” controls (e.g., providing education and training, conducting source controls in addition to those required by City regulations). In addition, system users can receive credits if they provide services that otherwise would be provided by the City (e.g., a property owner owns and / or operates a drainage facility that controls runoff from upstream properties).

The right column of Table 3-2 uses these considerations to define the basis for a user charge that accounts for these three key considerations. Since the majority of the services provided by the City are related to the runoff contributed to the system, an equitable charge would be one based on a measurement of runoff. Therefore, the evaluation of appropriate rate structures should evaluate the advantages and disadvantages of various methods for defining the relative amount of runoff from each property. Other portions of the charge (e.g., public engagement, utility billing) are more directly related to the number of customers, so rate structures related to a “per customer” formula should be considered for financing these services.

**Table 3-2. City of Ann Arbor Stormwater Utility -- Cost Allocation Matrix**

Program Component	Overall Function of Program Component												Ability to Control Service	Basis for User Fee
	Systemwide Service	Local Service	Service for Existing Development	Services for New Development	Services for Area with Detention	Services for Areas Without Detention	Upgrade to Maintain Current Design Standards	Watershed-specific Service	Services for Residential Areas	Services for Non-Residential Areas				
<b>Administrative Services</b>														
- Program Administration	X	X	X	X	X	X	X	X						
- MS4 Permit Administration	X	X	X	X	X	X	X	X						
- Customer Service Request Management	X	X	X	X	X	X	X	X						
- Interjurisdictional Coordination	X	X	X	X	X	X	X	X						
<b>Public Engagement</b>														
- Contract Services	X	X	X	X	X	X	X	X						
- Support for Watershed Groups	X	X	X	X	X	X	X	X						
- New Education and Outreach Activities	X	X	X	X	X	X	X	X						
- Stormwater Funding of Other Departments	X	X	X	X	X	X	X	X						
<b>Regulation and Enforcement</b>														
- Illicit Discharge Elimination	X	X		X	X	X	X	X						
- Development Reviews	X		X	X		X	X	X						
<b>Operation and Maintenance</b>														
<b>o Systemwide Administration</b>														
- Customer Service	X	X	X	X	X		X	X						
- Maintenance Center	X	X	X	X	X		X	X						
<b>o Primary Drainage System</b>														
- Creeks / Open Channels	X	X	X	X	X		X	X						
- Stream Crossings	X	X	X	X	X		X	X						
- Pipes	X	X	X	X	X		X	X						
- Outfalls (5)	X	X	X	X	X		X	X						
- Manholes (6)	X	X	X	X	X		X	X						
- Surface Detention Locations (ponds, wetlands) (7)	X	X	X	X	X		X	X						
<b>o Secondary Drainage System</b>														
- Creek / Open Channels	X	X	X	X	X		X	X						
- Stream Crossings	X	X	X	X	X		X	X						
- Swales / Ditches (8)	X	X	X	X	X		X	X						
- Pipes	X	X	X	X	X		X	X						
- Outfalls (5)	X	X	X	X	X		X	X						
- Manholes (6)	X	X	X	X	X		X	X						
- Catch Basins / Inlets (9)	X	X	X	X	X		X	X						
- Treatment Devices	X	X	X	X	X		X	X						
- Surface Detention Locations (ponds, wetlands) (7)	X	X	X	X	X		X	X						
- Underground Detention Locations	X	X	X	X	X		X	X						
- Curb & Gutter Roadway Conveyance	X	X	X	X	X		X	X						
- Roadway Curb and Gutters	X	X	X	X	X		X	X						
- Curb Drain for Sump Discharges (226 runs)	X	X	X	X	X		X	X						
- Sump Pumps (10)	X	X	X	X	X		X	X						
<b>Organization and Finance</b>	X	X	X	X	X	X	X	X	X	X				
<b>Capital Fund Expenditures</b>														
System Planning														
- Capital Planning and Asset Management	X	X	X	X	X	X	X	X	X	X				
- GIS/Model Development (5-year implementation)	X	X	X	X	X	X	X	X	X	X				
- System Evaluation -- Secondary System Planning	X	X	X	X	X	X	X	X	X	X				
Minor Capital Improvements (Capital Outlays)	X	X	X	X	X	X	X	X	X	X				
Major Capital Improvements	X	X	X	X	X	X	X	X	X	X				
<b>o Funded by Transfers from Operational Fund</b>														
- 2008/13 CIP Project: Primary Drainage System	X	X	X	X	X	X	X	X	X	X				
- 2008/13 CIP Project: Secondary Drainage System	X	X	X	X	X	X	X	X	X	X				
- Other Capital Improvements for System Renewal	X	X	X	X	X	X	X	X	X	X				
- Other Capital Improvements for Water Quality Control	X	X	X	X	X	X	X	X	X	X				
<b>o Funded through Bond Revenue</b>														
- 2008/13 CIP Project: Primary Drainage System	X	X	X	X	X	X	X	X	X	X				
- 2008/13 CIP Project: Secondary Drainage System	X	X	X	X	X	X	X	X	X	X				
- Other Capital Improvements for System Renewal	X	X	X	X	X	X	X	X	X	X				
- Other Capital Improvements for Water Quality Control	X	X	X	X	X	X	X	X	X	X				

Finally, the cost of remaining services (e.g., many regulatory services) can vary significantly by customer regardless of runoff generation, and may be appropriately charged based on the actual cost of providing these services. **Figure 3-1** illustrates how the cost of existing City stormwater functions breaks down into each of these three categories.

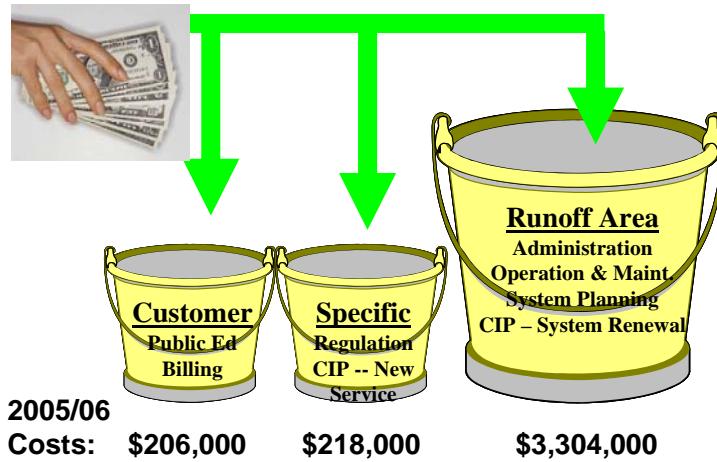


Figure 3-1. Allocation of Costs for Existing Stormwater Services

### 3.3.2 Ann Arbor's Existing Rate Structure

#### 3.3.2.1 Overview of Existing Rate Structure

Chapter 33 of the Ann Arbor Municipal Code, adopted January 19, 1993 and amended subsequently, defines the existing rate structure for the City of Ann Arbor. The current rate structure involves flat rate charges, charges based on land area, charges for non-stormwater uses, and discounts:

##### *Flat Rate Charges for Single-Family and Two-Family Dwellings*

- Not served by a stormwater retention facility: \$22.75 per quarter

- Served by a stormwater retention facility: \$19.35 per quarter

##### *Land Area-Based Charges*

- For remaining real property, \$243.95 per quarter per acre multiplied by the following factors:
  - 0.20 for pervious area
  - 0.95 for impervious area without adequate retention
  - 0.30 for impervious area with adequate retention
- No charge for public recreational lands, public streets, and lands discharging directly to the Huron River

##### *Non-Stormwater Use of the Stormwater System*

- Permitted non-stormwater discharges, not pre-treated:
  - During precipitation events: \$0.47 per 1,000 gallons
  - No discharges during precipitation events: \$0.14 per 1,000 gallons
- Permitted non-stormwater discharges, pre-treated: \$0.94 per 1,000 gallons (100,000 gallon minimum)
- Non-permitted Non-stormwater discharges: \$9.42 per 1,000 gallons

##### *Discounts*

- 10 percent for on-time payment

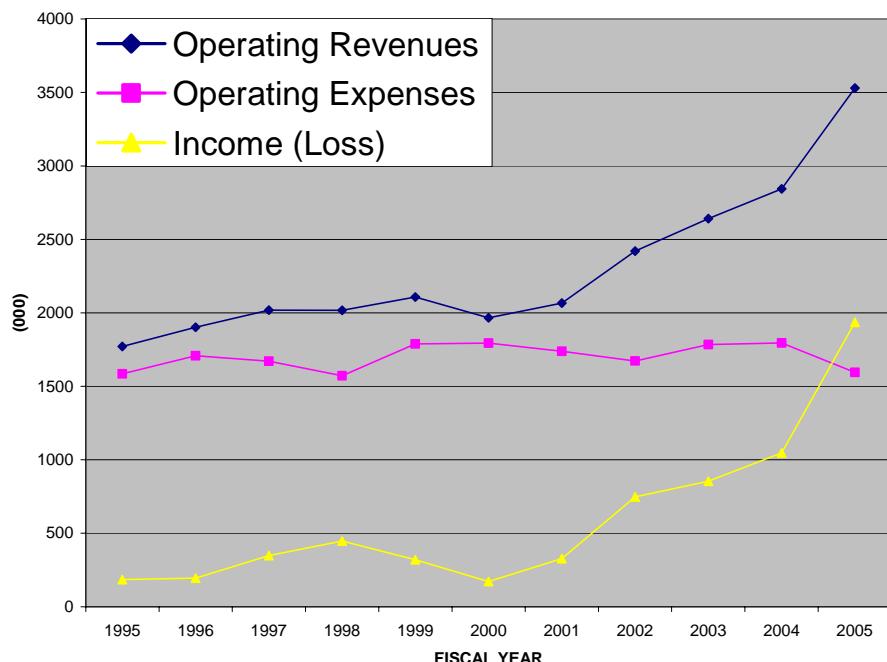


Figure 3-2. Financial History of Ann Arbor's Stormwater Utility

contribution to and use of the stormwater system may encourage modifications to that structure. An assessment of the relative advantages and disadvantages of the existing structure can be summarized as:

#### *Advantages*

- Overall equity - costs are recovered from estimated runoff volume
- Simplicity in application – all costs allocated on runoff volume; residential customers are treated uniformly

#### *Disadvantages*

- Specific equity - May not reflect the latest data available
- Oversimplification – Similarly, uniformity in residential class may not result in the most equitable allocation of costs to these customers. Also, some costs may be more appropriately allocated on a basis other than runoff volume
- Inflexibility – The rate structure may not adequately address customers ability to control their use of the system

Figure 3-2 illustrates the City's stormwater utility revenues (called stormwater sales) and expenditures since 1995, indicating that revenue may exist to provide additional services. In Fiscal Year 2003, the City started to budget to allow funding of capital preservation projects out of current rates, which requires accumulating fund balance large enough to sustain the projected capital projects. The City's current strategy is to increase rates approximately 11 percent annually to raise funds for capital projects.

### 3.3.3 Alternative Rate Structures

Equity is most commonly achieved by basing the stormwater service charge on the quantity and quality of stormwater generated by each parcel of land, independent of the location of actual benefits. Several factors influence the quantity and quality of stormwater, including the size, soil type, topography, impervious area, and the development intensity. This section describes the following stormwater rate structures commonly employed by municipalities that are based largely on the relative amount of runoff from each property:

- Flat Charge
  - All Properties
  - All Single-Family Residential Properties
- Runoff Coefficient / Intensity of Development Factor
- Tiered Flat Charge
- Level-of-Service / Geography Base
- Impervious Area Measurements
  - Non-Single-Family Residential Properties
  - All Properties
- Combinations of Rate Structures



The accuracy of the impervious area / runoff generation estimate increases from flat charge systems to systems based on impervious area, improving the equity of the resulting service charge. This improved accuracy is achieved, however, through an increased level of effort to develop and maintain the stormwater utility billing database. An appropriate rate structure balances these two conflicting concerns.

#### 3.3.3.1 Flat Charge

A flat charge bills one or more classes of customers the same amount for the services provided. For example, Ann Arbor and many other stormwater utilities charge every residential customer a "per dwelling unit" charge. Alternatively, a flat charge could be charged for a particular type of service performed by the utility (e.g., "per plan review", "per inspection performed", etc). A flat charge has been proven to be an equitable rate structure when the characteristics within each "class" of customers charged are relatively uniform (e.g., the runoff associated with each residential dwelling unit is largely the same). A flat charge rate structure has the following advantages and disadvantages:

##### *Advantages*

- Overall equity - costs are recovered from estimated runoff volume
- Simplicity in application – all costs allocated on runoff volume; residential customers are treated uniformly

***Disadvantages***

- Specific equity - May not reflect the latest data available. Non-residential user classifications are rarely uniform in runoff generation.
- Over-simplification - Uniformity within a land use class may not result in the most equitable allocation of costs to these customers, particularly non-residential land uses. Also, some costs may be more appropriately allocated on a basis other than runoff volume.
- Inflexibility - The rate structure may not adequately address customer's ability to control their use of the system.

**3.3.3.2 Runoff Coefficient / Intensity of Development Factor**

This rate structure utilizes recognized hydrologic methods to approximate the amount of runoff contributed by different classifications of properties. This system seeks to allocate costs based on runoff contributions from individual properties with less parcel-specific information. Under this system, parcels are divided into sub-classifications with similar runoff characteristics, and the size of each parcel is multiplied by a set "factor" for each sub-classification that approximates the runoff from that parcel. The biggest challenge for this rate structure is to define subcategories with similar runoff potential, particularly for large parcels where a relatively small difference between the actual runoff and the runoff calculated with a "factor" could result in a significant miss-estimation of the charge to that parcel. A rate structure based on a runoff coefficient or intensity of development factor has the following advantages and disadvantages:

***Advantages***

- Overall equity - costs are recovered from estimated runoff volume. Volume estimates are somewhat more accurate than those under a fixed rate system.
- Simplicity in application - all costs allocated on runoff volume, with literature-defined runoff factors applied uniformly across a land use category.

***Disadvantages***

- Specific equity - may not reflect the latest data available. Non-residential user classifications are rarely uniform in runoff generation.
- Over-simplification - uniformity within a land use class may not result in the most equitable allocation of costs to these customers. Also, some costs may be more appropriately allocated on a basis other than runoff volume.
- Inflexibility - The rate structure may not adequately address customers' ability to control their use of the system.

**3.3.3.3 Tiered Flat Charge**

A tiered flat charge system recognizes differences within one or more classes of users, establishing subclasses with similar characteristics that are billed a flat charge within that class. For example, a tiered flat charge would divide residential customers into sub-classifications (e.g., sub-classifications of single family residential, duplexes, multifamily, etc.) and develop an equitable flat charge for each sub-class. A tiered

charge seeks to maintain the relative simplicity of a flat charge system, while improving system equity by recognizing differences in characteristics. The largest challenge of a tiered system is obtaining and managing the data necessary to differentiate between user subclasses. A tiered flat charge rate structure has the following advantages and disadvantages:

***Advantages***

- Overall equity - costs are recovered from estimated runoff volume. Volume estimates are more accurate than the flat charge or runoff coefficient methods.
- Simplicity in application – all costs allocated on runoff volume. Need to define appropriate runoff factors for each land use category.

***Disadvantages***

- Specific equity - may not reflect the latest data available. Non-residential user classifications are rarely uniform in runoff generation.
- Over-simplification – non-residential land uses are difficult to categorize into tiers with uniform runoff generation rates. Also, some costs may be more appropriately allocated on a basis other than runoff volume.
- Inflexibility – The rate structure may not adequately address customer's ability to control their use of the system.

### **3.3.3.4 Level of Service / Geography Base**

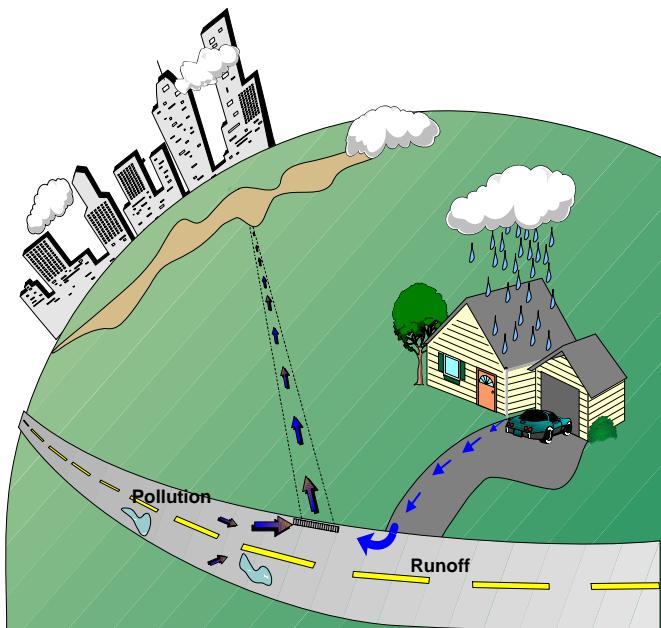
Most stormwater utilities charge the same rates throughout their service area. Such a system is equitable if the utility provides the same level of service throughout its service area. In some cases, however, service needs may differ dramatically in different parts of the service area, due to differences in the characteristics of the drainage system and/or the service expectations of some customers. For example, utilities comprised of both urban and rural areas may be served by different types of drainage systems, or may be subject to different regulatory conditions. As such, sub-districts may be formed with different charges within these sub-districts based upon the actual services provided. These charges are most commonly related to the runoff contributed by each property, but may also be related directly to the cost of the service provided. For example, a utility could choose to charge different "per impervious area" charges in different portions of its service area, depending on the actual services provided within each area. Alternatively, charges not related to runoff may be billed at the cost of the service provided (e.g., a time and materials charge for plan reviews, site inspections, etc). A rate structure with different charges based on different level of service expectations has the following advantages and disadvantages:

***Advantages***

- Overall equity - costs are recovered from estimated runoff volume and/or cost of service provided, and allocated based upon significant differences in the level of service delivered.

- Flexibility - The rate structure provides clear parameters indicating methods for ratepayers to control their use of the system.
- Specific equity - rates are established based on the latest data available about both runoff generation and estimated cost of service.

### *Disadvantages*



*Figure 3-3. A rate structure based on impervious area directly relates property characteristics to the quantity and quality of stormwater runoff.*

- Over-simplification - some costs may be more appropriately allocated on a basis other than runoff volume.
- Complexity - must associate charges paid with the services provided within different "subdistricts".

### **3.3.3.5 Impervious Area Measurement**

Analysis of rainfall events used in stormwater management planning and design has shown that the amount of impervious area is the most important parameter affecting the quantity and quality of runoff (**Figure 3-3**). Since this value is easily quantified, rate policies developed for stormwater management funding should have a primary focus on the amount of impervious area to determine the procedure for allocating costs to agency customers. Impervious area of a parcel refers to surfaces, which have been covered with material (including structures) that are highly

resistant to the infiltration of water. For example, rooftops, pavements, and building footprints are impervious surfaces. Many stormwater utilities use the amount of impervious surface as the basis for a stormwater charge, while others also include consideration of runoff from the pervious areas within each parcel. A rate structure based on impervious area measurements has the following advantages and disadvantages:

### *Advantages*

- Overall equity - costs are recovered from estimated runoff volume. Volume estimates based on impervious area measurements of individual properties are largely accurate.
- Specific equity - clearly distinguishes runoff contribution of individual properties, improving education of individual property owners on the rate basis. Reflects the latest data available.
- Flexibility - The rate structure provides clear parameters indicating methods for ratepayers to control their use of the system.

***Disadvantages***

- Over-simplification - some costs may be more appropriately allocated on a basis other than runoff volume.
- Complexity – requires measurement and updating of the impervious area of individual properties

**3.3.3.6 Combinations of Rate Structure**

The previous discussion indicates that each rate structure has clear advantages and disadvantages, depending on the service provided and the circumstances of the rate payer. Combining rate structures within a single utility funding system allows the utility to take best advantage of all viable rate structures in order to maximize equity while minimizing administrative costs. Combined rate structures provide the following advantages and disadvantages:

***Advantages***

- Overall equity - costs are recovered from estimated runoff volume and/or cost of service provided, and allocated based upon significant differences in the level of service delivered.
- Specific equity - clearly distinguishes runoff contribution of individual properties, improving education of individual property owners on the rate basis. Reflects the latest data available.
- Flexibility – The rate structure provides clear parameters indicating methods for ratepayers to control their use of the system.

***Disadvantages***

- Complexity - must associate charges paid with the services provided within different “sub-districts” and user categories. Requires more data to properly define and allocate charges.

**3.3.4 Alternative Rate Structures for Further Evaluation**

Based on the goals of the City, the assessment of the existing rate structure, the relative benefits of alternatives described above, and the property characteristics described later herein, the following alternative structures were identified for further evaluation. *Actually, the “alternatives” only apply to the manner in which residential customers will be charged, as illustrated below.*

The alternative rate structures selected for further evaluation maintain the same overarching concept as the existing structure – most costs should be recovered from customers based on the estimated amount of stormwater they contribute to the system. However as described in Section 3.3.3, the selected alternatives are more complex than the existing structure to address the more complex cost structure of the utility, the availability of additional data, and the desire to allow flexibility to individual customers where merited. The alternative rate structure has three primary components:

- A *customer* charge that is uniform for all properties served by the utility. This charge is designed to recover costs associated with customer billing and information and certain direct administrative costs that are not impacted by the amount of stormwater runoff.
- A *stormwater discharge* rate that is related to the relative contribution of stormwater to the system from individual customers. This charge is designed to recover all other system-wide costs of the stormwater utility.
- *Special* charges that are designed to recover the costs of individual projects and programs that provide service to specific customer classes, watersheds and/or geographic regions.

The cost recovery method that would be utilized for the various functional service areas was presented in Table 3-2.

In addition, the alternative rate structure contemplates two secondary components:

- *Adjustments* – to the individual impervious area computations for specific properties; and
- *Credits* – for services provided by individual customers that provide value added services to the stormwater management functions of the City.

Each of the components of the alternative rate structure is discussed below.

#### **3.3.4.1 Customer Charges**

The customer charge component is calculated by dividing the total revenue requirement associated with customer related services by the total bills issued during the year. This uniform unit cost will be applied in the calculation of the quarterly bill to all customers, irrespective of customer classification or size.

#### **3.3.4.2 Stormwater Discharge Rates**

The basis for the stormwater discharge rates will continue to be the overall area served by the stormwater utility. The “per acre” drainage charges will be computed by dividing the total revenue requirement associated with drainage charge elements by the total estimated impervious area within the City, less an allowance for anticipated adjustments and credits. This will result in a unit charge that is uniform for all customers of the system. Section 4 provides statistics on the imperviousness of various customer classifications and the methodology for determining the “per impervious acre” stormwater discharge rate.

##### ***Non-Residential Customers***

The drainage charge component for non-residential customers will be calculated by applying the stormwater discharge rate to the estimated impervious area of each individual parcel.

### ***Residential Customers***

Several options exist for establishing the drainage charge component for residential customers. The alternative rate structure contemplates potential application of the four alternatives presented below.

*Flat Rate.* A flat rate for residential customers is similar to the existing structure. The uniform stormwater discharge rate is applied to the “average” residential impervious acreage to determine the flat rate charge for all residential customers.

- *Advantages:* Simplicity in application and understanding; uniformity with existing structure.
- *Disadvantages:* Over-simplistic, potentially leading to claims of inequity; does not fully reflect available data.

*Parcel-Specific.* A parcel-specific residential rate structure is similar to the non-residential rate structure. The stormwater discharge rate is applied to the specific impervious acreage for each individual residential property.

- *Advantages:* Fully embraces available data and represents most robust possible attempt to allocate stormwater contributions (and related costs) to individual users. If properly implemented results in most equitable allocation of costs.
- *Disadvantages:* Implementation challenges related to impervious data accuracy - relies on full faith in imperviousness calculations for individual residential properties; may create substantial administrative efforts to address individual customer inquiries/complaints.

*Tiered Impervious Acreage.* Impervious acreage is computed for each individual residential parcel. Customers are then categorized into tiers which reflect similar relative impervious acreage measurements. Tiered drainage charges are then calculated by applying the stormwater discharge rate to the average impervious acreage for each tier.

- *Advantages:* Represents good faith in application of available data to group customers into similar classifications to attempt to further refine flat rate approach more equitably. Relatively simple implementation and ease of individual customer inquiries, etc.
- *Disadvantages:* More equitable than the Flat Rate, but potentially still over-simplistic, depending on the data and how the tiers are developed. Possibly open to equity challenge, particularly for customers on the “edges” of various tiers.

#### **3.3.4.3 Adjustments**

The alternative rate structure contemplates that adjustments to the calculated runoff potential of a parcel will be available. This adjustment process will be facilitated through a website that allows customers to view the impervious areas on their properties, and provide feedback on these images to the City. Through this interface, customers will be able to demonstrate the following:

- The property is associated with an incorrect user class.
- The impervious area estimated for the property is incorrect.
- Gravel areas of the property that are not compacted should be considered as a pervious surface.
- The property owner has taken action to retain all runoff on-site and / or to remove impervious area.
- The runoff from the property does not discharge into the City's stormwater system, either directly or indirectly, either because it discharges directly to the Huron River or discharges outside the City limits to a drain that is not tributary to the City's system.

Appendix A contains regulations of the Public Services Area that define allowable adjustments in more detail.

#### **3.3.4.5 Credits**

The alternative rate structure also contemplates direct credits offered to individual customers that engage in activities that augment the City's efforts in administering, managing, and operating its stormwater control responsibilities. Such activities may include installation and proper maintenance of facilities that capture and control the discharge of stormwater (such as detention basins, bioretention facilities, grass swales and filter strips, stream corridor protection), facilities that control and/or convey upstream, off-site stormwater, education and engagement activities that supplement City-financed programs, and replacement of impervious area with a permeable material, and/or enclosure / containment of pollutant sources exposed to rainfall.

Appendix A contains regulations of the Public Services Area that define the credits allowed by the City.

# **Section 4**

## **Billing Database Development**

### **4.1 Introduction**

The rate methodology recommended in Section 3 must be supported with a billing database containing impervious area data and other property-specific information. This section first evaluates the City's existing customer billing data and data management systems, and provides the conceptual design of an automated procedure for impervious data and billing updates, consisting of the following items:

- A procedure to create, update, and append the imperviousness database file.
- Automated file and information maintenance procedures for the stormwater utility charge information in the City's computer system.
- A procedure for billing the stormwater utility charge, including protocol to interface the imperviousness database with the City's billing system.
- A procedure for updating the City's imperviousness database with new property information and/or for credits or adjustments granted by the City.
- General staff and resource needs to maintain the imperviousness database.

The recommended automated procedures for updating the imperviousness data build upon information from building permits, utility billing system data, new aerial imagery, and other available data sources. The City is incorporating recommended procedures into routine file maintenance procedures.

To support database development, new aerial photography and orthoimagery was obtained for the City. This orthoimagery was used to develop a GIS coverage that represents the imperviousness throughout the City. This coverage was intersected with the parcel database to allow residential parcels to be categorized, for measurement of impervious area on each non-residential property, and for subsequent rate assessment. This same process was applied to non-tax parcels such as the street right of way.

### **4.2 Utility Billing System Analysis**

The City's existing Utility Billing system has been reviewed to understand how it is currently used to generate and bill stormwater fees. The purpose of this section is to document what has been learned and to identify areas that need further refinement in order to support the proposed rate structure.

The requirements for using the City's existing utility billing system to bill for the revised stormwater utility charge to every property in the City has been established. This was done by revising the stormwater service charge on existing utility bills and

creating “stormwater only” accounts for properties not currently included in the billing system.

After reviewing this information, the logistics of revising the stormwater utility charge within the City's existing billing system and database and updating the database as necessary was determined. Based on this review, the administrative procedures for developing the stormwater billing account database were outlined and recommendations were developed for the collection, updating and file maintenance requirements of the system, including the following topics:

- Updates and changes that may be necessary to modify the database and billing system to incorporate the stormwater utility charge information.
- Procedures for file and information maintenance.
- Data transfer procedures.
- Modifications to the billing format.
- Procedures for updating the billing file database.
- Potential issues that need to be resolved for implementation.
- An estimated cost associated with using the existing system and updating it as necessary.

The results of this evaluation are presented in terms of general requirements for billing system software and staffing to support the stormwater utility charge.

#### **4.2.1 Utility Billing System Overview**

The City's current utility billing system is implemented through Cogsdale Corporation's Customer Service Management software (CSM). CSM was developed using Microsoft's Business Solutions – Great Plains e-business management system. Data resides in a Microsoft SQL Server database.

Stormwater is billed quarterly with a billing cycle of 88 to 93 days. Bills are normally sent to tenants unless no tenant is on file, in which case the owner is billed. For utility billing, any multi-family building with more than 4 dwelling units is considered a commercial property. At multi-family locations with multiple accounts, stormwater bills usually go to the master account. A typical strip mall would normally receive one bill per parcel, even when there are multiple water meters on the parcel. Properties with no water or sewer service are also billed for stormwater. There are approximately 150 to 200 accounts outside the City which receive water and sanitary bills, but no stormwater bills.

Based on the current stormwater ordinance, single-family and two-family dwellings are charged a flat fee per dwelling per quarter unless adequate stormwater retention

is provided, in which case the per-dwelling charge is reduced. All other properties are charged a per acre rate multiplied by 0.20 for pervious area, and either 0.95 for impervious area without adequate detention or 0.30 for impervious area with adequate detention. A 10% reduction is allowed for all bills paid in full before the due date.

#### 4.2.2 Required Utility Database Updates and Changes

A conference call was held with a representative of Cogsdale Corporation to discuss any issues that may arise from integrating the new stormwater rate structure into the existing utility database based on the proposed tiered residential rate structure, coupled with a broader range of credits and adjustments. It was determined that the anticipated stormwater rate structure should be implementable within the current utility database without significant additional development effort on Cogsdale's part. Several options were discussed for implementation of the anticipated rate structure including an option involving unique rates for each tier and green credit combination as hypothetically illustrated below.

Tier 1 with no credits = 2.0

Tier 1 with one credit = 1.8

Tier 1 with two credits = 1.6

Tier 2 with no credits = 2.5

Tier 2 with one credit = 2.3

While this method is workable, it may prove cumbersome to maintain.

A more satisfactory solution was the calculation of rates using the 'Fixed Multiplier Components' section of the existing system. This would allow for a flat rate to be modified by up to three component factors similar to how rates for commercial properties are now calculated.

Once the rate structure was finalized, the stormwater rate calculation methodology was supplied to Cogsdale for their comment. Using the rate calculation methodology developed, Cogsdale prepared detailed requirement specifications that were then used to implement the methodology within the Cogsdale billing system.. This methodology is based on the following assumptions:

- Data should be imported to the appropriate tables by Location number (the uniquely generated Cogsdale location identifier).
- In addition to the fields required for the rate calculation, the Cogsdale system can store an unlimited number of user defined fields containing related information such as parcel number, lot size, and comments describing how the rate was determined.

- If for some unexpected reason changes would be required to the database, it is understood that these changes would be made by Cogsdale or City staff under the direction of Cogsdale.
- Testing of data import routines to the utility database and billing calculations prior to going live is a critical component of the implementation plan.

### **4.2.3 Procedures for File and Information Maintenance**

An integral part of a successful implementation of the stormwater rate structure is the procedure necessary to maintain the system and keep it current after its initial setup. This includes among other things, the maintenance of tenant and owner information, synchronization of the Assessor's and Utility database, the updating of impervious/pervious areas and the maintenance of parcels with associated splits, joins, annexations, etc.

The City IT Strategy Plan addresses some of these issues including address maintenance, parcel maintenance workflow and the migration of the existing GIS system to a geodatabase. Starting with this plan, the interfaces with the Assessor's Office, GIS, Permitting and other pertinent areas were developed and effective information management procedures established.

### **4.2.4 Data Transfer Procedures**

Data transfer procedures are dependant upon where and how the information related to stormwater billing is maintained. The City desired to maintain parcels in a geodatabase running in ArcSDE which would lend itself to transfer of the information to the utility database through the use of data transformation services (DTS).

### **4.2.5 Modifications to Billing Format**

Current customer utility bills display a *Service Class* field along with an entry for *Stormwater* and its associated fee. Unless the City needs to supplement the existing stormwater information included with the bill, it is anticipated that the existing billing format will require no modification.

### **4.2.6 Potential Issues**

The following items were identified as potential issues to resolve to enable a successful implementation of the stormwater rates structure.

#### **4.2.6.1 Number of Dwelling Units**

The City is responsible for providing the number of dwelling units within each multi-family residential parcel. Currently, there is no one up-to-date source of this data. The Assessor's database does not track number of dwelling units and, while the Utility database does include a field for dwelling unit numbers, the City acknowledges it is not up-to-date. Potential sources of dwelling unit numbers include the trash cart database (not complete for the entire city) and the City's permitting system which

requires further investigation. In light of this, the stormwater billing system is relying on the existing definitions within the Utility database.

#### **4.2.6.2 Assessor and Utility Database Synchronization**

No one-to-one match between the Assessor's and Utility databases existed at project inception. The Assessor's database is understood to have the best owner information while the Utility database contains the most up-to-date tenant information.

Approximately 90% of the records between the databases were matched using tax parcel numbers. The other 10% required matching of addresses which was somewhat problematic in that the Assessor's database addresses are derived from property descriptions and do not necessarily follow postal addressing standards while the Utility database addresses do, for the most part, follow postal standards. The synchronization was completed over a two month period through an intensive effort by the Customer Service Center working with IT.

#### **4.2.6.3 Parcel Acreage Calculations**

Parcel acreages maintained in the Assessor's database are based on property descriptions and are considered the official parcel area. Previous/impervious area determinations for use in the calculation of stormwater rates were derived from GIS. Parcel areas derived from GIS do not always agree with property description areas. While in most cases the discrepancies were minor, it was important to adequately resolve significant discrepancies when determining rates.

### **4.3 Parcel Evaluation**

This section evaluates available property information, defines the relative runoff from different classifications of property, and evaluates the ability of the various rate structures to properly represent this information. It will include six subsections.

#### **4.3.1 Sources of Information**

##### **4.3.1.1 City of Ann Arbor Property Records**

A data file containing information describing parcels within City of Ann Arbor (Equalization and Billing databases) was obtained from the City in mid-2006. The assessor's information provides the majority of the detailed parcel data required to:

- Evaluate property characteristics and uses that may influence stormwater
- Identify a customer base, and
- Begin a customer database for the stormwater utility billing system.

A parcel refers to any contiguous property, lot(s), or land-tract under single ownership. Of significant relevance to this project, the assessor's information for the majority of developed property parcels includes an amount of area on a parcel that has been covered with structural improvements (i.e., buildings or pavement) that resist the infiltration of stormwater.

#### 4.3.1.2 Parcel Maps

The most current GIS parcel layer (May 2006) was obtained from the City with each parcel identified with a unique parcel information number (PIN) constructed from the city, township, section, block and parcel identifiers. The parcel layer contained approximately 27,650 parcels of which 24,701 belonged to the City with the remainder belonging to other minor civil divisions. This parcel layer was used for analysis until an updated parcel layer was received in March of 2007.

A land use GIS layer which had been developed from the Ann Arbor Planning Department's comprehensive land use inventory conducted during the summer of 1998 and updated in the summer of 2000 was also obtained for use in assigning land use classifications to parcels.

All GIS layers were in the Michigan State Plane Coordinate System, NAD83, South Zone with a unit of international feet.

#### 4.3.1.3 Aerial Photographs and Impervious Area Database

The City, in conjunction with the University of Michigan, obtained orthoimagery for the City during the spring of 2006. Both 6" pixel infrared and processed color imagery was acquired and all data was required to meet the ASPRS Accuracy Standards and National Map Accuracy Standards (NMAS) for 1" = 100' scale mapping. Imagery was to be obtained during leaf-off conditions. Due to weather constraints on the photography, some leaf growth was visible but did not appreciably affect the overall usefulness of the imagery. All flights were made at a sun angle of greater than 30 degrees to lessen the impact of shadows upon the imagery. Images were supplied as digital files in a TIF format.

##### *Available Pilot Data Sets*

A pilot study approach was used to evaluate the automated processes for calculating impervious/pervious area using the City's new orthophotography and existing City GIS feature layers, and to meet the needs of the Stormwater Rates Project. The purpose of the pilot was to:

- Verify the efficacy of the automated imperviousness calculation process.
- Refine costs for performing the work citywide.
- Identify any potential problems with the processing that may impact the project schedule or budget.

The pilot study area consisted of 4 tiles in section 20 of township 2 South, Range 6 East. The following data sets were made available for use in the pilot study:

- Existing City GIS data layers including parcel boundaries, building foot prints, roads, etc.

- Newly acquired CIR and “processed color” aerial imagery of the pilot study area

As indicated in the original proposal, imagery was re-sampled at a 1 foot resolution for processing.

#### ***Definition of Impervious Areas***

For the purpose of this study, impervious area is defined as any of the following:

- Buildings/structures, garages, sheds, shelters, patios, decks
- Paved roads and major dirt/gravel roads
- Paved parking areas and major dirt/gravel parking areas
- Paved, dirt and gravel driveways
- Paved sidewalks and bike paths
- Ponds, lakes, rivers, streams
- Swimming pools

#### ***Benchmark Data Set***

To develop a ‘true’ benchmark data set for use in evaluating the results of the automated impervious/pervious determination processes, selected impervious/pervious areas within the pilot area were manually inspected and digitization of the aerial imagery was performed in conjunction with field ground-truthing as necessary. The entire section 20 was not benchmarked in this way, but selected areas were completed so that there is adequate comparison in the different land use types present in this section.

#### ***Automation Process Deliverables***

The following products were required from those participating in the pilot study:

- Excel or MS Access table containing the impervious/pervious area for each land parcel in the pilot study area by parcel ID.
- Map showing polygons representing impervious/pervious areas within the study area. Maps were submitted in ESRI shape file or personal geodatabase format.
- Complete written description of the methods and processes used in the determination of the impervious/pervious areas including software and hardware used.
- Cost to complete pilot
- Time required to complete pilot

- Estimated cost and time to complete impervious area determination City-wide.

#### ***Evaluation Criteria***

Results from the automated processes were compared to the benchmark data set and evaluated for accuracy, completeness, time to complete, estimated cost and skill level required to process the data. Since the City wishes to update their impervious/pervious layer on a periodic basis, consideration was also given to how well the automation process lends itself to periodic updates in a cost effective manner.

#### ***Impervious Area Database Development***

Upon completion of the pilot study, a technical memorandum detailing the evaluation of the automation processes using the evaluation criteria outlined above was produced. As a result of the pilot study, it was determined that a semi-automated approach was necessary to create an impervious layer that would meet the project needs. The process began with the mosaicing of the aerial imagery into tiles which were then loaded into ESRI's ArcMap software where training data for the impervious classes was taken and used to train the classification software, called Feature Analyst, to recognize the appropriate targets. After the first pass, the analyst corrected any misclassifications and submitted the data for a second pass evaluation. At this point, the impervious representations were available for editing. Prior to editing, however, water was extracted as a separate class, using supervised classification methodologies. The classification was then examined by a technician, and any errors were corrected prior to vector conversion.

The impervious layer was converted to a vector layer in ArcMap, using a smoothing option to minimize the number of vertices and the size of the file. The map was assessed for accuracy using a minimum of 150 points for impervious and pervious classes with a Minimum Mapping Unit of 100 square feet. Points were verified to make sure that the area being evaluated was homogenous to be considered in the accuracy assessment. Points were photo interpreted from the imagery; in cases where questions existed with respect to the labeling of points, these points were visited in the field.

Once the impervious classification met the desired specifications, it was intersected with the City's parcel layer and a summary table of surface type (impervious, pervious or water) by parcel was prepared. This information was used to develop sample statistics for residential parcels and as the basis for impervious area estimates for commercial parcels. Impervious areas for all commercial properties were developed with an automated process in an ArcGIS environment based on the parcel boundaries and orthophotography. Impervious areas for a statistical sample of residential parcels of various classes (i.e., single family detached, duplex, apartment, and condominiums) were also delineated using the parcel data and orthophotography.

### *Impervious Area Adjustments and Credits for Water Features*

While water is considered to be impervious area, many water features either form part of the drainage system within the City or do not discharge into the City's drainage system. For this reason, water features were measured separately from other impervious areas to facilitate the adjustment and credit process, which is described in more detail in Section 5.2. In general, the rate calculation is adjusted by removing impervious area associated with water features that either (1) corresponds to a portion of the City's drainage system (e.g., a stream, open water course, or City-owned wet detention basin) or (2) does not discharge (up through and including the 100-year storm event) to the City's drainage system. For example, rate calculations are adjusted to remove impervious area associated with water within swimming pools, since water falling onto the pools is required to be discharged into the wastewater system and does not typically get discharged to stormwater. Water features may also be eligible for credits if the water feature controls on-site or off-site runoff to the City's drainage system.

### *Impervious Area Adjustments for University of Michigan*

Due to the availability of a highly accurate building footprint GIS layer for buildings located on University of Michigan property and in an effort to use the best available information for determining impervious area, a modified approach was used for determining impervious area for UM parcels. All impervious area as determined above was classified into building, sidewalk, parking and other for UM parcels. Those areas classified as buildings were removed from the existing impervious layer and replaced with the UM building footprint areas to arrive at a total impervious area that is believed to more accurately reflect reality.

## **4.3.2 Parcel Evaluation**

User fee programs typically consider the owner or user of a parcel as the beneficiary of stormwater management services. The parcel owner or user is, therefore, considered the program customer. Defining rate policies and developing rate policy models requires information regarding parcels within a program service area. For this study, parcel information was obtained from the City of Ann Arbor Assessor's Office and the City of Ann Arbor Geographic Information System.

A database of parcels within the City was created and used to establish parcel distribution by land use category, as shown in **Table 4-1**. Land use classifications were assigned by taking the centroid of each parcel and spatially joining them with the City's land use layer. A cross-check of the parcel land use assignation with data from the Equalization database was also done where possible. All parcels were then overlaid on the aerial imagery and examined on screen to check for proper assignment of single, two family and commercial land use designations. Based on the assembled database, twenty land uses were used to categorize all land parcels within the City. A total of approximately 24,521 parcels were identified within the City, with 21,804, or 89%, categorized as residential land use categories, 1,987, or 8% categorized non-residential, and 730, or 3%, categorized as vacant.

**Table 4-1 City of Ann Arbor Land Use Analysis**

Land Use Category	Number of Parcels	Percent of Total	Parcel Area		Impervious Area	
			Total (sq. ft.)	Percent of Total	Total (sq. ft.)	Percent of Total
Residential						
Single Family	19,202	78.3%	215,440,510	27.7%	63,362,175	20.1%
Two Family	1,286	5.2%	11,241,110	1.4%	4,863,411	1.5%
<b>Total Residential</b>	<b>20,488</b>	<b>83.6%</b>	<b>226,681,620</b>	<b>29.2%</b>	<b>68,225,586</b>	<b>21.7%</b>
Multiple Family Residential						
Multiple Family	1,137	4.6%	78,129,362	10.1%	35,866,133	11.4%
Group Housing	146	0.6%	3,227,446	0.4%	1,643,113	0.5%
Mobile Home Park	1	0.0%	194,450	0.0%	114,827	0.0%
Hotel / Motel / B&B	22	0.1%	3,740,272	0.5%	2,547,192	0.8%
Assisted Living	10	0.0%	3,719,352	0.5%	1,495,971	0.5%
Office	314	1.3%	25,617,423	3.3%	14,755,828	4.7%
Commercial	486	2.0%	21,403,927	2.8%	16,922,012	5.4%
Industrial	75	0.3%	14,212,691	1.8%	7,597,802	2.4%
Transportation	300	1.2%	30,072,560	3.9%	8,790,370	2.8%
Institutional						
Government	21	0.1%	1,696,813	0.2%	1,281,293	0.4%
Education	105	0.4%	47,686,983	6.1%	15,993,488	5.1%
Religious	78	0.3%	8,144,844	1.0%	2,964,391	0.9%
Other	50	0.2%	9,170,070	1.2%	2,079,457	0.7%
Recreation						
Indoor	4	0.0%	1,126,037	0.1%	641,178	0.2%
Outdoor	248	1.0%	102,469,023	13.2%	18,164,485	5.8%
Mixed Use	12	0.0%	8,031,081	1.0%	3,959,360	1.3%
Vacant	730	3.0%	38,624,937	5.0%	4,872,451	1.5%
Mixed Use	294	1.2%	11,162,433	1.4%	7,539,593	2.4%
<b>Total Commercial</b>	<b>4,033</b>	<b>16.4%</b>	<b>408,429,704</b>	<b>52.6%</b>	<b>147,228,944</b>	<b>46.8%</b>
Right of Way						
City			104,354,215	13.4%	81,505,334	25.9%
State			23,503,895	3.0%	9,695,805	3.1%
County			1,630,513	0.2%	968,286	0.3%
Rail			5,995,903	0.8%	2,891,201	0.9%
U of M			3,558,939	0.5%	1,744,579	0.6%
Private			2,958,226	0.4%	2,375,530	0.8%
Other			65,746	0.0%	41,404	0.0%
<b>Total Right-of-Way</b>			<b>142,067,437</b>	<b>18.3%</b>	<b>99,222,139</b>	<b>31.5%</b>
<b>Total</b>	<b>24,521</b>	<b>100.0%</b>	<b>777,178,761</b>	<b>100.0%</b>	<b>314,676,669</b>	<b>100.0%</b>

Once the parcel database was created, a statistical sampling of the single and two family residential land use categories identified in the City was developed. Each non-residential parcel was individually inspected for accuracy of impervious delineation and, where uncertainty existed, was field checked. The impervious area for each parcel was calculated using scaled measurements from aerial photographs.

#### **4.3.2.1 Residential Parcel Analysis**

In keeping with the City's existing stormwater billing convention, residential parcels were considered to be those parcels with land use designations of single or two family while all other parcels were considered commercial for stormwater billing purposes. Residential impervious area is an important parameter for developing the stormwater utility representing almost 84 percent of the parcels.

**Table 4-2** shows parcel information for single and two family parcels identified in the parcel database. The database information identified 19,202 developed single family parcels and 1,286 two family parcels in the City. The sample average impervious area for single family parcels was estimated to be 3,300 square feet and 3,782 square feet for two family parcels. The total impervious area for single family parcels is 1,455 acres of impervious area. Similarly, the calculated total impervious area for two family parcels is 112 acres. The impervious area for single family residences and two-family residences is approximately 22 percent of the total impervious area within the City.

**Table 4-2 City of Ann Arbor Residential Property Evaluation**

Land Use Category	Parcels Number	Percent of Total	Average Impervious Area (sq. ft.)	Impervious Area (sq. ft.)	Percent of Total
Single Family	19,202	78.3%	3,300	63,362,175	20.1%
Two Family	1,286	5.2%	3,782	4,863,411	1.5%
<b>Total</b>	<b>20,488</b>	<b>83.5%</b>	<b>3,330</b>	<b>68,225,586</b>	<b>21.7%</b>

To assist the City and its Stormwater Citizens Advisory Task Force (SCATF) in evaluating rate policy options, single and two family detached unit properties were plotted as a scatter graph, shown in **Figure 4.1**. As this information was further analyzed and discussed, the plot indicated a significant absolute difference in total impervious areas between the "small house" and the "large house". When the percentages of parcels that contain a specific impervious area are evaluated, relationships can be developed to clarify the differences between "small" and "large". As in most user charge rate studies, a balance must be drawn between absolute values and values that reflect significant differences. When water, wastewater, and solid waste charges are evaluated to define "fairness", the typical standard is that no two adjoining residential classes should have ratios that are more than 2.0 – 2.5 to 1.0.

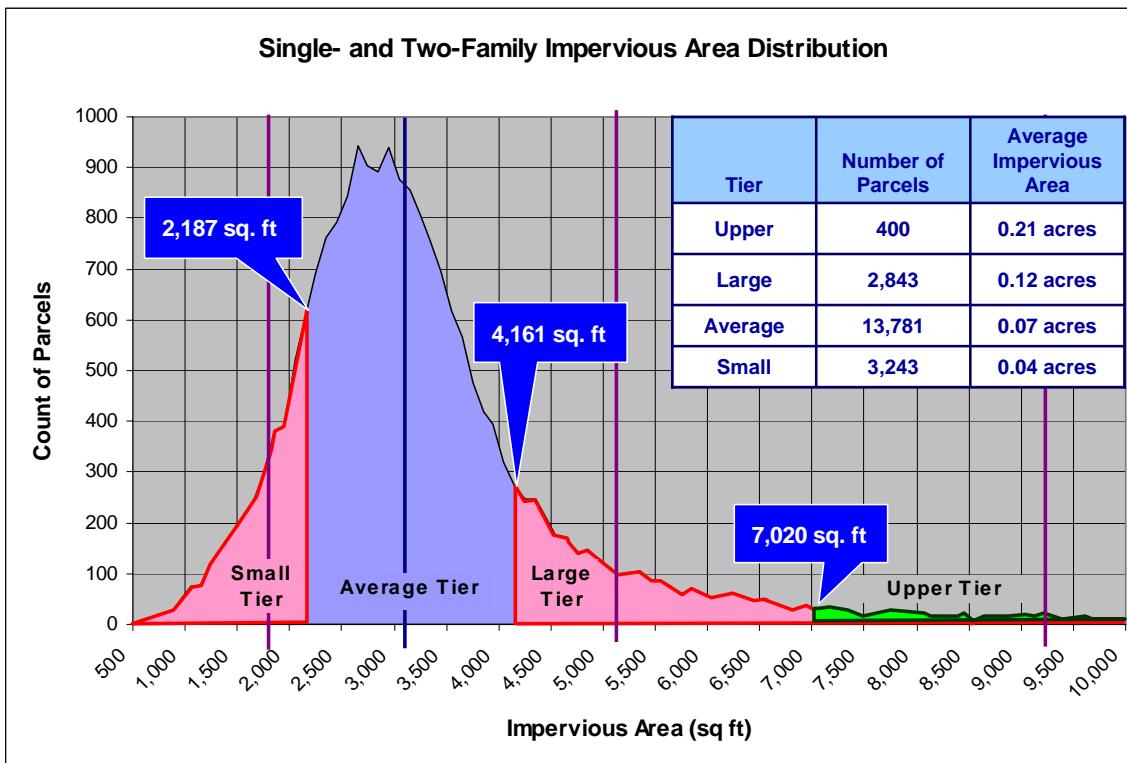


Figure 4-1. Distribution of Single and Two-Family Residential Property Impervious Area and Definition of User Fee Tier Classifications.

When this relationship is applied to a stormwater user fee, the comparisons are usually based upon the properties that contain the smallest impervious areas (i.e., those more than 1 standard deviation less than the mean or the 16 percent of the parcels with the least impervious area) and the largest impervious areas (i.e., those more than 1 standard deviation greater than the mean or the 16 percent of the parcels with the most impervious area). From the data collected for the City, 16 percent of the single family detached units contain less than 2,187 square feet impervious area and 16 percent contain greater than 4,161 impervious area; representing a ratio of 2.0 to 1.0 ( $4,161 \div 2,187 = 1.9$ ). This ratio is marginally less than the desired ratio for lumping all residential parcels into a single tier. However City staff and the Stormwater Citizens Advisory Task Force believed that the ratio was large enough to justify establishing a rate structure containing more than one “tier” of single-family residences was recommended to more equitably distribute costs among residential properties.

SCATF members also suggested that it would not be equitable to bill all properties within the large tier the same amount because the properties with the largest amount of impervious area within this tier contain significantly more impervious area than those in the remainder of the tier. For this reason, an upper tier was created, consisting of those properties with an impervious area greater than two standard deviations higher than the mean impervious area. This represents 2 percent of all properties, or approximately 400 properties.

#### **4.3.2.2 Developed Commercial Properties**

Developed commercial parcels contain all parcels other than those coded one and two family. This category consists of 4,033 parcels. The parcels are further divided into other residential, office, commercial, industrial, transportation, institutional, recreation, and mixed use based on the land use code found in the parcel database data.

Commercial property is typically an important customer class for a stormwater utility because they generate a large portion of utility revenue. In the City of Ann Arbor, this customer class makes up 16 percent of the total number of parcels, but contributes nearly 50 percent of the total impervious area within the City. Parcels in this group represent large developments and government and educational complexes with a total of 3,380 acres of impervious area estimated for these categories.

#### **4.3.2.3 Rights-of-Way and Easements**

Local, county and state rights-of-ways alone account for nearly 2,200 acres or approximately 30% of the total impervious area within the City. However, drainage facilities such as swales, storm sewers, and drainage ditches are usually located within road or drainage rights-of-way/easements. The interconnection of roadway and associated drainage facilities is significant. Roadway curbing and swale systems constitute a significant portion of the City's drainage system. In addition, they constitute a large part of the stormwater storage system. Therefore, stormwater management utilities typically consider all road rights-of-way and drainage facilities (federal, state, local) as components of the City's stormwater management infrastructure. These facilities are subject to a credit equivalent to the benefits provided by the drainage facilities within the public ROW. Section 5.2.2 provides the basis for credits to Ann Arbor's public ROW.

#### **4.3.2.5 Summary of Parcel Analysis**

The parcel analysis identified 24,521 individual parcels in the City. Single and two-family residential parcels make up 84 percent of the parcels and 22 percent of the impervious area, while commercial parcels make up 16 percent of the total parcels, but account for nearly 50 percent of the total impervious area of the City. The average commercial parcel contains over 10 times as much impervious area as an average residential property in the City.

#### **4.3.2.6 Billing Database**

To support the management of information required for parcel analysis and determination of billed impervious areas for input to the City's Cogsdale billing system, a billing database was developed in MS Access. Information contained in the database consists of:

umLocationID – unique billing account identifier

umLocClass – identifies parcel as a residential or commercial property; RES for residential, COM for commercial

umServiceType - type of service; STORM

umTariffID - identifies how impervious area is determined; directly measured or tier

umAssessorID - assessor parcel identification number

umLandParcelID - land parcel identification number

Landuse\_code - land use classification code

Admin - identifies parcel as; PB - public, PV - private or UM - University of Michigan

Total\_area - area of parcel in square feet as calculated in the parcel GIS layer

TIA - total impervious area in square feet as determined by GIS orthophotography impervious analysis

Split\_type - for parcels whose impervious area is split between multiple billing accounts, indicates how the split is made; **proportional** with an equal impervious area assigned to each split account or **percent** where each account is assigned a percentage of the total impervious area

Split\_num - number of accounts the impervious area is to be split between

Split\_area - impervious area associated with each split in square feet

Credit - type of credit if applicable; direct drainage, detention or BMP

PBI - percent billable impervious area. Multiplied by TIA to determine the amount of impervious area to be billed.

Comment -parcel specific comments

The billing database was developed by combining the GIS parcel analysis with the billing account information from the Cogsdale billing system. Credits were assigned as determined along with split information.

In order to prepare data for input to the Cogsdale system, a query was written to extract umLocationID, umLocClass, umServiceType, umTariffID, AssessorID, umLandParcelID, TIA, PBI and credit data. The extracted data was exported to Excel and sent to the City for import to Cogsdale.

# **Section 5**

## **Revenue Scenarios and Rate Analysis**

### **5.1 Introduction**

The findings and work products summarized in the previous sections support a stormwater rate analysis for the City of Ann Arbor that evaluated a range of revenue scenarios. This analysis began with the projected revenue requirements described in Section 2, focusing on attaining the revenue requirements of Level of Service B, which is supported by the City's Stormwater Citizen's Advisory Task Force and City Public Services Area staff. Next, these estimated revenue requirements are allocated to individual customers according the rate structure recommended in Chapter 3, using the specific billing system data as described in Section 4.

This section, Section 5, evaluates strategies for phasing rate increases to achieve the desired LOS B, determines the value of the various credits and adjustments to these rates, and closes with a discussion of the impact of the proposed rates on a representative set of property owners within the City of Ann Arbor.

### **5.2 Estimated Adjustments and Credits**

The City grants charge adjustments when customers identify incorrect information contained in the City's billing database or when some or all of the stormwater discharge from the property does not enter the City's stormwater system. Stormwater that does not enter the City's stormwater system may discharge directly to the Huron River, discharge across the City limit (and not re-enter the City), or be completely retained on-site.

Any customer may qualify for stormwater credits when they can demonstrate that their existing or proposed stormwater facilities and management practices provide the City with a cost savings that the City otherwise would incur as part of their efforts to manage stormwater. The reduction available for each type of credit was established by City Council in Chapter 29 of the Code, City of Ann Arbor, Michigan, with the actual credit reduction for a specific property determined by the Public Services Administrator according to regulations based on the characteristics of the actual facility or management practice employed by the customer.

This section describes the available credits and adjustments and provides the rationale for the specific credit amounts established in Chapter 29 of the Code. Credit amounts are based on average projected expenditures over the next five years, and should be revised periodically to reflect future projected costs.

#### **5.2.1 Adjustments for Non-Contributing Areas**

The billing database presented in Section 4 identifies properties or portions of properties that do not discharge to the City's storm drainage system. These properties may either discharge directly into the Huron River, discharge into an

adjoining political jurisdiction through drainage that does not flow back into the city, or are able to completely retain the runoff on-site.

A facility or area that completely retains runoff on-site must not discharge according to criteria in WCDC code (have no outlet), be completely watertight, and have at least 18 inches of freeboard. This adjustment is for unusual structures, such as swimming pools, hazardous material storage areas, quarries, certain wetlands and ponds with no direct or indirect connection or surface drainage pathway to the City's drainage system, etc. These non-contributing areas are charged a customer fee, but are not charged for stormwater discharges. Billing data described in Section 4 indicates that approximately 7.6 percent of the impervious area within Ann Arbor does not contribute to Ann Arbor's drainage system and is not charged for stormwater discharges.

### **5.2.2 Credits for Public Rights of Way**

The stormwater utility (Utility) and the public right-of-way (ROW) (defined as the right-of-way for all City streets and other rights-of-way that provide stormwater conveyance and/or control integral and necessary to providing adequate service to the Utility customers, as determined by the Administrator) share a symbiotic existence. The public ROW receives stormwater drainage service from the Utility – just like any other entity that benefits from its existence. However, the public ROW also provides service to the Utility (and all of its other customers) by serving as a conduit for stormwater drainage and storage that augments the Utility's other assets – and that the Utility would have to construct independently but for the existence of the public ROW.

The question at hand is this: To what extent does the benefit provided to the Utility by the public ROW fairly compensate the Utility for the services it renders to the public ROW? Three potential outcomes could emerge from such an assessment:

- Some portion of the normal stormwater charge to the public ROW is waived through a credit mechanism to reflect the value of service provided by the public ROW,
- The value of public ROW service is sufficient to support transfer payments from the Utility to the public ROW (although such payments are not provided for within the City's Ordinances), or;
- The value of public ROW service and the normal stormwater charge to the public ROW are reasonably equivalent, in effect supporting a 100% credit for the public ROW.

This section projects long-term stormwater utility charges for runoff from impervious area within the public ROW based on the projected revenue requirements presented

in Section 5.3, presents alternative scenarios for estimating the value of the service provided by the public ROW, and supports definition of a credit for the public ROW.

#### **5.2.2.1 Projected Stormwater Charge to Public Right of Way**

The following procedure was used to determine the estimated stormwater utility charge for runoff from the 2,182 acres of impervious area within the public right of way under the various ROW easement scenarios. First, the stormwater utility charge for the public ROW between FY 2006/07 and FY 2040/41 has been estimated. The projected charge was based on the following City revenue requirements described in more detail in Section 5.3:

- Achieve Level of Service B by FY 2014/15, requiring 11 percent annual rate increases. Under this approach, annual costs and required revenues would increase from \$3.7 million to \$9.6 million
- Maintain Level of Service B thereafter, assuming a 2 percent annual inflation rate and additional revenue necessary to pay off bonds issued to fund capital improvements (assumes one bond issued every 5 years to fund 5 years of capital improvements). Under this approach, annual costs and required revenues would increase from \$9.6 million in FY 2014/15 to \$19.9 million in FY 2040/41.
- The estimated charge (without credits) to the public ROW was established. In general, the public ROW contains approximately one-third of the total 6,865 acres of impervious area within the City and (with no credits) would generate approximately 1/3 of the City's annual revenue requirement.

#### **5.2.2.2 Value of Services Provided by Public ROW**

One way to determine the value of the public ROW to the stormwater utility is based upon the equivalent value of a drainage easement that would need to be obtained if the drainage system were located outside the public right of way. This section describes five scenarios for defining this equivalent easement value:

- ***Scenario 1: Credit Based on Equivalent Easement for the Underground Drainage System at an Underground Easement Rate.*** Approximately 196 miles of storm drainage within the public right of way contains an underground storm sewer, which is designed to convey relatively small design storms (generally the 2-year to the 10-year storm). The estimated equivalent easement value for an underground drainage easement along these roadways is typically valued at 15 percent of the assessed value of the property. Assuming that the typical roadway width in Ann Arbor is 24 ft, this yields a cost of approximately \$2.0 million using 2007 property values,. Scenario 1 is not a realistic representation of how the public ROW and the drainage system interact, and therefore provides an unrealistically low estimate of the value of service provided by the public ROW.

- **Scenario 2: Credit Based on Equivalent Easement for Underground System at Surface Easement Rate.** Scenario 2 is similar to Scenario 1, but also recognizes that the curbs along the roadway provide a surface conveyance system, since they are generally designed to convey the flow to the underground system without impeding traffic and to convey / store flows from storms exceeding the capacity of the underground drainage system between the curbs. The estimated equivalent easement value for a combined underground and surface drainage easement (typically valued at 40 percent of the assessed value of the property) is approximately \$5.4 million at 2007 property values, assuming that the typical roadway width in Ann Arbor is 24 ft. Scenario 2 is also not a realistic representation of how the public ROW and the drainage system interact, and provides an unrealistically low estimate of the value of service provided by the public ROW.
- **Scenario 3: Credit Based on Equivalent Easement for Roads with Underground and Surface Drainage Systems plus Remaining Roads with Surface Drainage Systems.** The remaining 104 miles of roadway within the Public Right of Way have no underground drainage system, but are served by either the surface curb and gutter system or a roadside ditch system. The estimated equivalent easement value is the sum of the easement value for the underground drainage easement, from Scenario 1, and the surface drainage system along the remaining roadways, which are typically valued at 40 percent of the assessed value of the property. This assumption results in approximately \$4.9 million at 2007 property values, assuming that the typical roadway width in Ann Arbor is 24 ft.
- **Scenario 4: Credit based on Equivalent Easement for All Roads at Surface Easement Rate.** Every roadway serves as a surface drainage system during extreme storm events exceeding the capacity of the underground storm sewer system. As such, Scenario 4 establishes the estimated equivalent easement value as the value of a surface drainage easement, typically valued at 40 percent of the assessed value of the property, along the entire 300 miles of roadways with drainage systems. The value of the equivalent easement under Scenario 4 is approximately \$8.3 million at 2007 property values, assuming that the typical roadway width in Ann Arbor is 24 ft.
- **Scenario 5: Credit based on Equivalent Easement of Varying Value.** Scenario 5 recognizes that the value of the easement may vary depending on the degree that the drainage system infringes on other uses. Therefore, the following equivalent easement values were established:
  - Surface easement (valued at 40% of assessed value) along the gutter on each side of the road (4 ft total width) and/or the width of any roadside drainage ditch.
  - Underground easement (valued at 15% of assessed value) along the road where the underground storm sewer is located (4 ft total width).

- Mixed surface and underground easement (valued at 25% of assessed value) along the remaining width of the roadway where surface water may pond or be conveyed during the 100-year storm event.

To be conservative, the estimated value of the easement was calculated only for the 196 miles of roadway paralleled with underground storm sewer, curb, and gutter. Portions of the 104 miles of roadway not paralleled by underground storm sewer may be added to the estimated equivalent easement value in the future after better information about the drainage systems along these roadways is obtained. The value of the equivalent easement under Scenario 5 is approximately \$ 4.1million at 2007 property values, assuming that the typical roadway width in Ann Arbor is 24 ft.

Generally, drainage easements vary depending on the size of the drainage system, consisting of the width of the drain and adequate area on either side of the drain to facilitate maintenance and potential future construction. This evaluation assumed that the typical underground drainage easement in the City is equivalent to the 24 feet, the assumed width of a typical roadway in Ann Arbor.

For calculating the present worth cost of the equivalent drainage easement, the City determined that the average assessed value of vacant land in Ann Arbor is \$9.09, based on a review of 36 vacant properties, and multiplied this value by the easement width, drainage system length, and estimated percent of assessed value for easement purchase. The evaluation also utilized a rate of return of 6% and payments in perpetuity for calculating annual costs.

#### **5.2.2.3 Evaluation of Public ROW Charges and Service Value**

As the previous sections indicate, projecting stormwater utility rates and determining the value of the service provided by the public ROW is not a precise exercise – it depends on alternative assumptions regarding property values, construction costs, easement conditions, stormwater infrastructure sizes, utilization of the roadway for surface conveyance, and so forth. The previous section describes a variety of conditions that may reasonably exist for each of these elements. Therefore, a wide range of potential values exists for the services provided by the public ROW.

**Figure 5-1** compares the estimated impervious area charge to the public ROW with the high and low estimate of equivalent easement costs (excluding unrealistically low estimates included in Scenarios 1 and 2) presented earlier in this memorandum. The annual “public ROW benefit value”, expressed in terms of the annualized cost of an equivalent drainage easement, ranges from approximately \$4.1 million to \$8.3 million and is represented by the upper and lower boundaries in the figure. These lines illustrate the range of annual benefit provided to the Utility under the varying assumptions.

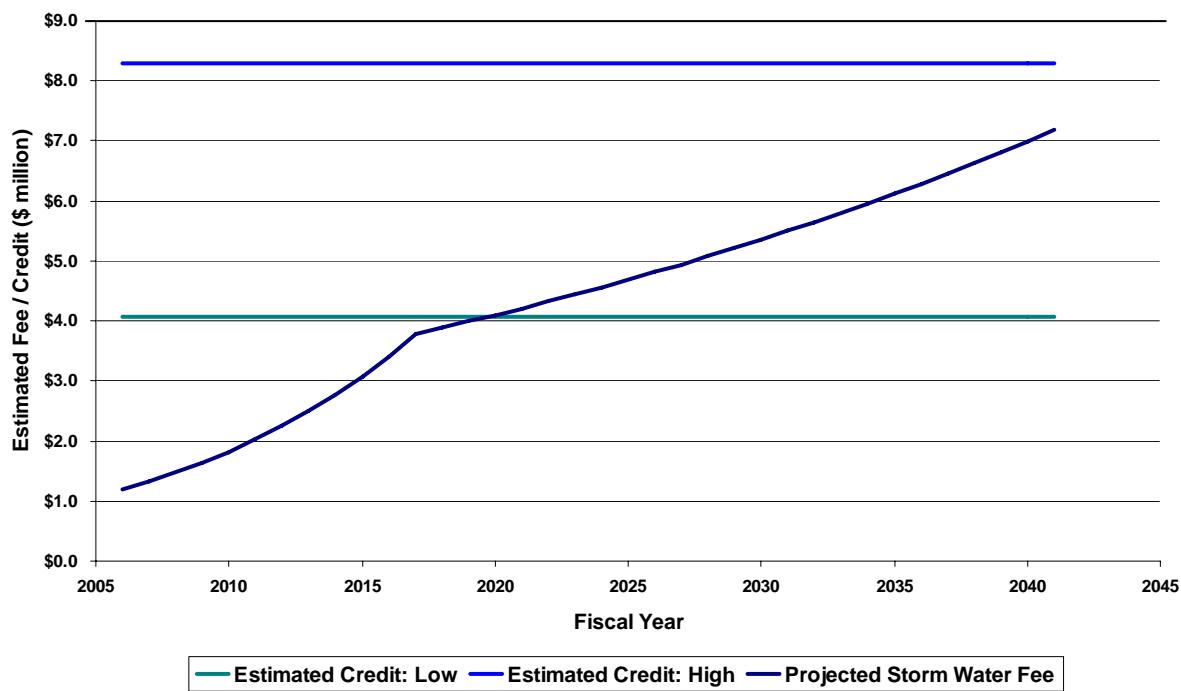


Figure 5-1. Comparison of Projected Stormwater Fee and Credits for Public Right-of-Way

To the extent that annual charges to the public ROW exceed this range, a partial credit to the public ROW is supported. At the other end of the spectrum, it could be argued that transfer payments from the Utility to the public ROW may be supported to the extent that annual charges to the public ROW are below this range. City ordinances do not provide for such transfer payments, however, limiting the value of the credit to 100 percent of the estimated stormwater utility charge is reasonable.

Finally, if the annual costs fall within the range, it can be concluded that the value provided by the public ROW and the costs of serving the public ROW are reasonably equivalent – and that the credit to the public ROW should be 100 percent. As illustrated in the chart, the projected charges to public right-of-way over the 35 year projection period fall below the range of estimated annual benefit value through approximately 2018 (when Level of Service B will be achieved), and is within the range for the remainder of the 35 year projection period. This supports a conclusion that the public ROW should receive a 100 percent credit to the stormwater utility charge.

#### 5.2.2.4 Credits for Railroad ROW

A similar evaluation was conducted to determine the eligible credit for the 137.6 acres of railroad ROW within the City. Railroad ROW are eligible for a credit because they are paralleled by drainage swales that collect runoff from adjoining property and include culverts maintained by the railroad that convey off-site runoff through the ROW. The following evaluation was conducted according to the methodology used for public ROW to determine if Railroad ROW also should receive a 100 % credit:

### ***Impervious Area Charge for Railroad ROW***

- Impervious Area = 66.4 acres
- 2008 Fee @ \$275.49/acre/quarter = \$18,293 \* 4 quarters = \$73,172/year
- 2022 Fee @ \$762.40/acre/quarter = \$50,623 \* 4 quarters = \$202,492/year

### ***Value of Services Provided by Railroad ROW***

- Length of Railroad through Ann Arbor = 7.8 miles
- Estimated length of drainage within railroad ROW = 11.7 miles
- Average width of drainage feature plus access = 25 ft.
- Average property value in Ann Arbor = \$9.09 / sq ft
- Value of surface easement = 40% property value
- Value of drainage along Railroad ROW = \$6.7 M
- Annualized value of drainage along Railroad ROW = \$337,000

Based on this evaluation, the value of drainage services provided within the railroad ROW exceeds the anticipated impervious area charge well beyond FY2022, and thus it would be appropriate to grant a 100% credit to the railroad ROW.

### **5.2.3 Residential Credits**

Credit may be issued to a single-family or two-family residential property where the property owner has implemented one or more of the following stormwater facilities or management practices. This section describes the stormwater management practices qualifying for credits and presents the basis used for calculating each credit.

#### **5.2.3.1 Credit for On-Site Stormwater Management Practices**

The owner or authorized occupant of a single-family or two-family residence may receive a credit for physical stormwater management practices installed on their property. The revenue projections in Section 5.3 are based on an estimated 10 percent of the residential properties in the City participating in the on-site stormwater management credit program. Credit would be granted on both the stormwater discharge rate and to the customer charge:

- Stormwater discharge credits are set equal to the per typical single family residential cost of providing stormwater quality maintenance services (pipe cleaning and catch basin cleaning) times the reduction in stormwater discharges achieved by the practice during a stormwater quality event of 0.50 inches of precipitation, the current standard of the WCDC for stormwater quality management.
- Customer charge credits are proportionate to the public education benefits provided to the City by citizen involvement in such practices, set at 30 percent of the estimated per customer cost of public education.

The following types of practices are eligible to receive credits based upon a complete application to the City and subject to review and inspection by the Administrator.

#### ***Credit for Rain Barrels***

To receive this credit, a property owner is required to install one or more rain barrels, each 35 gallons or larger, onto the downspouts from structures on the property, and to direct discharges from rain barrels between storm events either directly or indirectly to pervious areas of the property. The basis for this credit is that the property owner would install rain barrels with a total storage of 175 gallons. This is the volume necessary to store the runoff from approximately 600 sq. ft. of impervious area during a 0.50 inch precipitation event (the current standard of the WCDC for stormwater quality management), or approximately 20 percent of the total impervious area of a typical single family residential property with 3,049 sq. ft. of impervious area. A total of 175 gallons of storage can be achieved with 5-35 gallon rain barrels, or 3-60 gallon rain barrels. The credit is calculated as 20 percent of the per typical single family cost of pipe and catch basin cleaning, plus 30 percent of the per customer cost of public education programs.

#### ***Credit for Cisterns and Dry Wells***

To receive this credit, a property owner is required to install one or more cisterns or dry wells able to capture a total stormwater volume of at least 500 gallons (or 66 cubic feet) and drain the captured volume into the soil in less than 24 hours. Facilities designed according to these criteria should accept runoff from at least 50 percent of the impervious area of a typical single family residential property with 3,049 sq. ft. of impervious area. In no event may the discharge from the facility cause an increase in the runoff to an adjoining property. The credit is calculated as 50 percent of the per typical single family cost of pipe and catch basin cleaning, plus 30 percent of the per customer cost of public education programs.

#### ***Credit for Rain Gardens***

To receive this credit, a property owner is required to install one or more rain gardens at least 130 square feet in area, and at least 3 to 6 inches deep. The rain garden should be able to drain the captured volume into the soil in less than 24 hours. Facilities designed according to these criteria should accept runoff from at least 50 percent of the impervious area of a typical single family residential property with 3,049 sq. ft. of impervious area. In no event may the discharge from the facility cause an increase in the runoff to an adjoining property. The credit is calculated as 50 percent of the per typical single family cost of pipe and catch basin cleaning, plus 30 percent of the per customer cost of public education programs. Natural wetlands within a residential property may also be considered as rain gardens if they satisfy the above criteria.

#### **5.2.3.2 Credits for Off-Site Stormwater Management Practices**

Most properties within the City developed since 1978 are served by stormwater detention facilities built as a condition of development according to Section 63 of the City code. Design criteria for these facilities have evolved since then:

- **1978:** Detention of the 100-year storm event for new impervious surfaces exceeding 15,000 square feet. Outlet rate is restricted to 0.2 cfs/acre (also referred to as the agricultural runoff rate for the 10 year storm event).
- **1994:** Washtenaw County Drain Commissioner adopts new design standards requiring control of the First Flush, Bankfull, and 100-year storm events. City staff requests voluntary compliance with WCDC design standards as developments are proposed.
- **2000:** WCDC revises design rules. These rules lowers outlet restriction rate to 0.15 cfs. City adopts new stormwater management requirements and also eliminates the "grandfather clause". Requires compliance with the rules of the WCDC.
- **2002:** City makes minor revisions to its stormwater management standards to provide an exception of minor projects that do not increase impervious area.

Generally, these facilities are owned and maintained by a homeowners association or similar organizations. The City maintains records of these facilities, their design criteria, and the properties served by these facilities. The City also periodically inspects these facilities to determine if they are properly maintained and operating as designed. Currently, 24 percent of the properties in the City are served by off-site stormwater management practices complying with Section 63 of the City code and would receive this credit.

Single-family and two-family residential properties that completely drain into one or more stormwater management facilities designed according to criteria in Chapter 63 of the Code, City of Ann Arbor in effect at the time the facility was constructed are eligible for a credit to their stormwater discharge rate. To receive this credit, the facility must be fully maintained according to criteria established by the Administrator. Stormwater discharge credits are set equal to the per typical single family residential cost times a factor based upon the design criteria of the facility establishing the amount of stormwater discharged into the City's stormwater system :

- The per typical single family residential cost of maintaining the primary drainage system and components of the secondary drainage system (i.e., open channels, stream crossings, and ditches), times a factor of 25%, which represents the relative reduction in O&M achieved through use of smaller infrastructure.
- The per typical single family residential cost of cleaning the secondary pipes, and catch basins, times a factor of 90%, representing the pollution control achieved by a Chapter 63 facility.
- The per typical single family residential cost of the City's major capital improvement budget, times a factor of 40%, which is the ratio of relative pipe costs with and without detention.

- The per typical single family residential cost of the City's minor capital improvement (capital outlay) budget, times a factor of 30%, which is the estimated reduction in stream erosion repair costs achieved with a Chapter 63 facility.

#### **5.2.3.4 Credits for RiverSafe Home Participants**

In 2007, the Washtenaw County Drain Commissioner initiated the RiverSafe Home program, which provides recognition to home owners or occupants who employ best stormwater management practices in the maintenance of their property. Information about this program and an on-line survey to determine if property owners are eligible can be found at the Drain Commissioner's web site:

[http://www.ewashtenaw.org/government/drain\\_commissioner/dcRiverSafeHomes2](http://www.ewashtenaw.org/government/drain_commissioner/dcRiverSafeHomes2)

The City is supporting this program by providing customer credits as additional recognition to participating property owners and tenants who are in full compliance with the latest criteria of the RiverSafe Home program published by the Washtenaw County Drain Commissioner. Ann Arbor Stormwater Utility Customers must apply directly to the City for this credit by filling out the credit application. The City will periodically verify if the properties receiving this credit are in good standing with the WCDC's RiverSafe Home program. Customer charge credits are set at the estimated per customer cost of public education, which equals 45 percent (since the RiverSafe Home program addresses 5 of the 11 public education requirements of the City's NPDES stormwater discharge permit) times 67 percent (the fraction of the total public education budget supporting stormwater quality management), or a total factor of 30 percent. The revenue projections in Section 5.3 are based on an estimated 20 percent of the residential properties in the City participating in the RiverSafe Homes credit program.

#### **5.2.4 Non-Residential Credits**

A somewhat different set of credits is available to the other residential and the non-residential properties within the City. In general, property owners or eligible tenants must apply for these credits, and may be required to submit supporting documentation with their credit application to allow the Administrator to properly determine the value of the credit to be granted. Since the amount of impervious area within the non-residential properties in the City of Ann Arbor varies significantly, non-residential credits are established as a percent reduction (except for the school-based education credit) to the either the customer charge and/or the total charge for stormwater discharges from the property. In general, this percent reduction is calculated as the percentage of the City's total stormwater budget that is allocated to a certain service times a factor proportionate to the value of the creditable service at controlling the cost of service.

##### **5.2.4.1 School-Based Education Credit**

Schools, public or private, that perform public education and outreach practices in full compliance with an NPDES stormwater discharge permit issued by the Michigan

Department of Environmental Quality (MDEQ) may receive a credit for educating students and employees in the area of water quality awareness and protection. To be considered for this credit, the school must submit a copy of the NPDES permit, with the permit number, the latest stormwater management plan and annual report prepared under this permit, and the estimated number of residents of the City of Ann Arbor who received or participated in each educational practice.

The Administrator will review the application, and determine a credit amount based on the estimated cost-reduction in the City's public education programs provided by the school-based educational activities. Revenue projections in this section are based on an estimated \$100,000 for school-based education credits

#### **5.2.4.2 Credits for Stormwater Management Practices Required under Chapter 63**

Most properties within the City developed since 1978 are served by stormwater detention facilities built as a condition of development. Design criteria for these facilities have evolved since then:

- **1978:** Detention of the 100-year storm event for new impervious surfaces exceeding 15,000 square feet. Outlet rate restricted to 0.2 cfs/acre (also referred to as the agricultural runoff rate for the 10 year storm event)
- **1994:** Washtenaw County Drain Commissioner adopts new design standards requiring control of the First Flush, Bankfull, and 100-year storm events. City staff requests voluntary compliance with WCDC design standards as developments are proposed.
- **2000:** WCDC revises design rules. Lowers outlet restriction rate to 0.15 cfs. City adopts new stormwater management requirements and also eliminates the "grandfather clause". Requires compliance with the rules of the WCDC.
- **2002:** City makes minor revisions to its stormwater management standards to provide an exception of minor projects that do not increase impervious area.

The City maintains records of these facilities, their design criteria, and the properties served by these facilities. The City also periodically inspects these facilities to determine if they are properly maintained and operating as designed. Currently, 24 percent of the properties in the City are served by off-site stormwater management practices complying with Section 63 of the City code and would receive this credit.

Other residential or non-residential properties that completely drain into one or more stormwater management facilities designed according to criteria in Chapter 63 of the Code, City of Ann Arbor in effect at the time the facility was constructed are eligible for a credit to their stormwater discharge rate. To receive this credit, the facility must be fully maintained according to criteria established by the Administrator.

Stormwater discharge credits are set equal to the percentage of the City's total

stormwater budget that is allocated to a certain service, times a factor based upon the design criteria of the facility establishing the amount of stormwater discharged into the City's stormwater system :

- The percentage of the City's total stormwater budget that is allocated to the cost of maintaining the primary drainage system and components of the secondary drainage system (i.e., open channels, stream crossings, and ditches) times a factor of 25%, representing the relative reduction in O&M achieved through use of smaller infrastructure.
- The percentage of the City's total stormwater budget that is allocated to the cost of cleaning the secondary pipes and catch basins, times a factor of 90%, representing the pollution control achieved by a Chapter 63 facility.
- The percentage of the City's total stormwater budget that is allocated to the cost of the City's major capital improvement budget, times a factor of 40%, which is the ratio of relative pipe costs with and without detention.
- The percentage of the City's total stormwater budget that is allocated to the cost of the City's minor capital improvement (capital outlay) budget, times a factor of 30%, which is the estimated reduction in stream erosion repair costs achieved with a Chapter 63 facility.

#### **5.2.4.3 Stormwater Quality Control Structural BMP Credit**

Stormwater quality control structures that do not fully satisfy the criteria of Chapter 63 of the Code, City of Ann Arbor may be eligible for a credit. In order to qualify for this credit, one or more facilities must be able to capture runoff from the first one-half inch of rain and at least 50 percent of the impervious area of the property. Captured runoff must be released to the City drainage system and/or into the soil in no less than 24 hours. The facility otherwise must be designed and maintained according to criteria in the Stormwater Design Standards, low impact design fact sheets available from the Washtenaw County Drain Commissioner, or generally accepted engineering practice.

The City will determine whether to provide this Credit based upon a complete application including necessary hydrologic data, water quality data, design specifications, and other pertinent data supplied by qualified, licensed professionals on behalf of property owners. Structural stormwater quality management facilities that are eligible for credits include, but are not limited to the following:

- Vegetated Swales and Filter Strips,
- Infiltration and Percolation Basins,
- Percolation Trenches,
- Buffer Strips and Swales,
- Porous Pavement,

- Extended (Dry) Detention Basins,
- Retention (Wet) Ponds,
- Constructed Wetlands
- Natural Wetlands satisfying the criteria for this credit
- Media Filtration, and
- Other Stormwater Treatment System.

Credits for on-site stormwater facilities shall be generally proportional to the benefit that such systems have on complementing or enhancing the water quality benefit to the City's stormwater management system. Property access, adequate and routine facility maintenance, and self-reporting must be provided by the property owner to the City to verify that the facility is providing its intended benefit.

Properly designed and maintained facilities that receive stormwater from off-site sources may be eligible for an additional credit, subject to Administrator review. In all cases, the facility must be designed to fully meet criteria in the Stormwater Design Standards based upon the total drainage area of the facility. Credit is granted to both the stormwater discharge rate and to the customer charge:

- Stormwater discharge credits are set equal to the percentage of the City's total stormwater budget that is allocated to the cost of providing stormwater quality maintenance services (pipe cleaning and catch basin cleaning) times a factor of 50%, which represents the reduction in stormwater discharges achieved by the practice during a stormwater quality event of 0.50 inches of precipitation (the current standard of the WCDC for stormwater quality management).
- Customer charge credits are proportionate to the public education benefits provided to the City by citizen involvement in such practices, set at 30 percent of the estimated per customer cost of public education.

The revenue projections in Section 5.3 are based on an estimated 10 percent of the non-residential properties in the City participating in the on-site stormwater management credit program.

#### **5.2.4.4 Credits for Community Partners for Clean Streams Participants**

The Washtenaw County Drain Commissioner administers the Community Partners for Clean Streams program, which provides recognition to businesses that employ best stormwater management practices in the maintenance of their property.

Information about this program can be found at the Drain Commissioner's web site:

[http://www.ewashtenaw.org/government/drain\\_commissioner/dc\\_cpcs.html](http://www.ewashtenaw.org/government/drain_commissioner/dc_cpcs.html)

The City is supporting this program by providing customer credits as additional recognition to participating businesses that are in full compliance with the latest criteria of the Community Partners for Clean Streams program published by the Washtenaw County Drain Commissioner. Ann Arbor Stormwater Utility Customers

must apply directly to the City for this credit by filling out the credit application and attaching a copy of the letter of recognition provided by the Drain Commissioner.

Customer charge credits are set at the estimated per customer cost of public education, which equals 45 percent (since the Community Partners for Clean Streams program addresses 5 of the 11 public education requirements of the City's NPDES stormwater discharge permit) times 67 percent (the fraction of the total public education budget supporting stormwater quality management), or a total factor of 30 percent. The revenue projections in Section 5.3 are based on an estimated 20 percent of the non-residential properties in the City participating in the Community Partners for Clean Streams credit program.

## **5.3 Revenue Scenarios**

Section 2 established the service goals of the City of Ann Arbor, based upon identified stormwater needs and the recommendation of the City's Stormwater Citizen's Advisory Task Force. The recommended level of service, termed Level of Service B, would significantly increase the services provided by the City's stormwater management program:

- Expand on proactive planning activities for periodic update of needs
- Expand maintenance of detention facilities
- Continue with enforcement work
- Expand water quality control activities, providing monthly street sweeping and a 5-year cycle for catch basin cleaning
- Increase CIP infrastructure renewal to 50-years to address known issues
- Dedicate budget for system renewal (50% of estimated need) and water quality control

While the City's Stormwater Citizens Advisory Task Force (SCATF) recommended that the City increase their service level to LOS B, they also recognized the need to phase implementation of these services to balance impacts to ratepayers. This section discusses the revenue scenarios examined to develop a reasonable projection of rate increases to reach LOS B within a reasonable time frame affordable to the community.

### **5.3.1 Methodology and Assumptions**

The following methodology and assumptions were used to project revenue requirements as the City's stormwater program transitions from its existing level of service to the desired Level of Service B, and to define the estimated stormwater utility rates necessary to support these projected costs:

- The basis of the projected cost of service under each level of service option is presented in Table 2-16, with a cost in FY 2006/07 dollars.
- Spreadsheets were used to project the annual cost of each program component listed on Table 2-16 into the future. Assumptions about capital improvement costs and financing are presented in the next section.
- A 2 percent rate of inflation was assumed for projecting these costs into the future.
- Since Ann Arbor is nearly built out within its current municipal boundaries, and the City is embracing programs that seek to reduce the amount of impervious area, it was assumed that the total impervious area of the City would not change in the future.
- The City has a long-established policy of providing a 10 percent discount on its utility bills if paid on time. Based on historic billing data, it was assumed that 95 percent of the customers would pay on-time and receive this discount.

Other assumptions were made to accurately incorporate the impact of credits and adjustments on projected revenue:

- As stated in Section 5.2.1, the parcel evaluations summarized in Section 4 determined that approximately 7.6 percent of the impervious area in the City does not contribute to the City's storm drainage system.
- Based on the evaluation presented in Section 5.2.2, impervious areas within the right-of-way of City roads, MDOT roads and railroads would receive a 100 percent credit, thus the impervious area of these lands is not included in the revenue projections.
- Based on the methodology and assumptions summarized in Sections 5.2.3 and 5.2.4, the net impact on projected revenue from the various credits is 7.9 percent on the stormwater discharge rate and 6.9 percent on the customer charge.

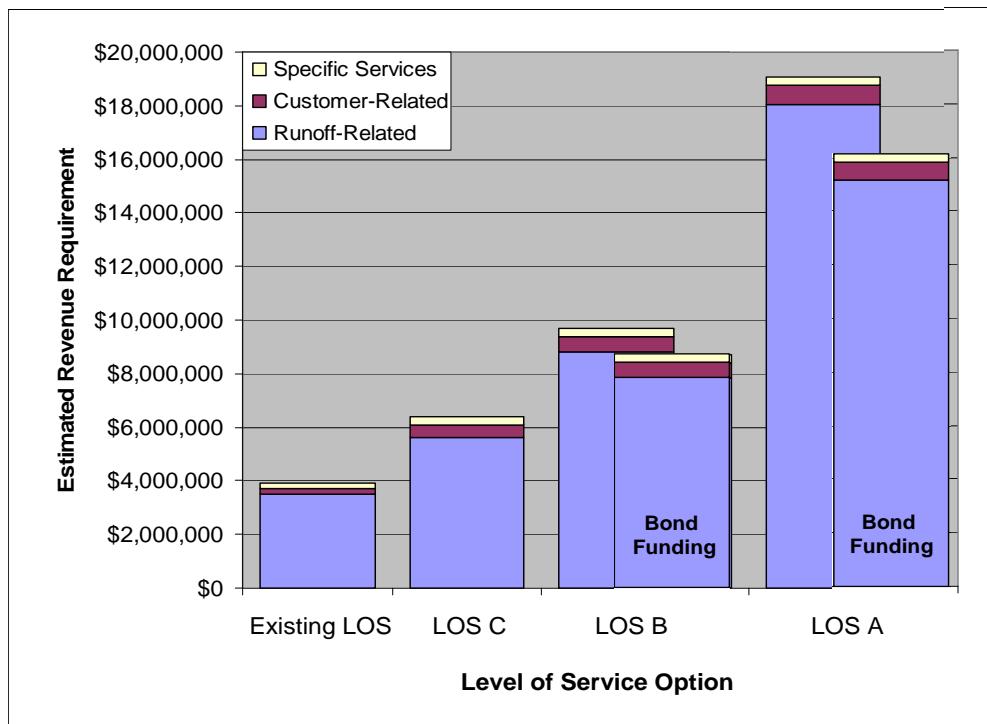
### **5.3.2 Capital Project Financing**

The City requires a wide variety of capital improvements. Some projects are sponsored entirely by the City. Other projects are conducted with other agencies (e.g., WCDC, MDOT) and sometimes supported with grant funding. Occasionally, projects are funded through assessments to individual property owners (e.g., first-time local drainage infrastructure) or all properties within a watershed (typically through WCDC assessments, which are generally paid by the City's stormwater utility funds). Two options are available for financing the City's share of these capital improvement costs:

- ***"Pay as you go" financing***, where project funding must be secured through available revenue streams in their entirety prior to initiating the project.

- **Bond financing**, where the City can sell bonds (typically revenue bonds supported by stormwater utility fund revenues) in advance of one or more projects to raise necessary funding, with bonds paid over a long term (typically 20 years).

**Figure 5-2** illustrates the difference in projected average annual revenue requirement of the various level of service options (in FY 2006/2007 dollars) under each financing method. The figure indicates that average annual costs under bond funding options are approximately \$1 million (10 percent) less under LOS B, and approximately \$3 million (17 percent) less under LOS A. Repayment of bonds, however, requires additional revenues in future years. Since the City is envisioning a long-term capital improvement program able to address a significant portion of system replacement and renewal needs, bond financing is the preferred option to balance revenue needs and better phase in long-term revenue requirements. The following assumptions were used to support revenue projections under the bond financing option:



*Figure 5-2. Average Annual Revenue Requirements (FY 2006/2007 dollars) under Bond Financing and “Pay as you Go” Financing Options*

- Bond issued every 5 years to fund anticipated capital improvements
- 5 percent average interest rate on bonds
- 5 percent bond issuance expense
- 20 year average term on bonds

- \$430,000 existing debt service
- 25 percent of outstanding bonds as a cash reserve

### 5.3.3 Existing Rates and Revenues

Section 3.3.2 summarized the City's existing rate structure and utility rates charged in FY 2006/2007:

- 1 and 2 Family Residential: \$22.75 / quarter / residence
- Others: \$243.95 / quarter / contributing acre
- Non-stormwater: \$0.14 to \$9.42 / quarter / 1000 gal.
- Erosion & Sediment Control: Time & Materials
- Reduction for on-time payment
- Credits recognize on-site stormwater management

In addition, the City utilizes the following additional revenue sources:

	FY 2005/2006 <u>(Actual)</u>
■ Connection Permit Charges (Tap Fees)	\$29,000
■ Improvement Charges	\$13,000
■ Merchandizing and Jobbing	\$5,000
■ Intra-Governmental Sales	\$110,000
■ Grading Permits	\$56,000
■ Investment Income	\$1,000
■ Miscellaneous	<u>\$3,000</u>
Total	\$217,000

Each of these revenue streams are for "specific" services that are not directly related to runoff area or customers, as shown previously in Figure 3-1. It is assumed that these additional revenues would be fixed at existing levels (plus inflation) for future revenue projections. In addition, approximately \$137,000 of projected City services (largely development-related reviews and inspections) are currently funded under stormwater fees but are more appropriately categorized as fees for "specific" services under the recommended rate structure, raising the expected revenue for sources other than stormwater utility revenues to \$354,000. Additional development-related services are expected to increase to \$215,000 (in FY 2006/2007 dollars) under recommended level of service option B, raising the anticipated revenue requirements for "specific" services to \$432,000.

If the existing rate structure was applied to the revised billing data described in Section 4, it is projected that annual revenues would equal nearly \$4 million (not including revenues from “specific” services). The following rates would be necessary to generate the same revenue under the rate structure recommended in Section 3:

- Rates for ALL Residential and Non-Residential Properties:

- \$5.92 / quarter / customer

- \$251.44 / quarter / impervious acre

- Non-stormwater: \$0.27 / quarter / 1000 gal.

- Reductions for on-time payment

- Credits recognize on-site stormwater management

These “revenue-neutral” rates were assumed as the starting point for the rate-increase implementation scenarios presented in the next section.

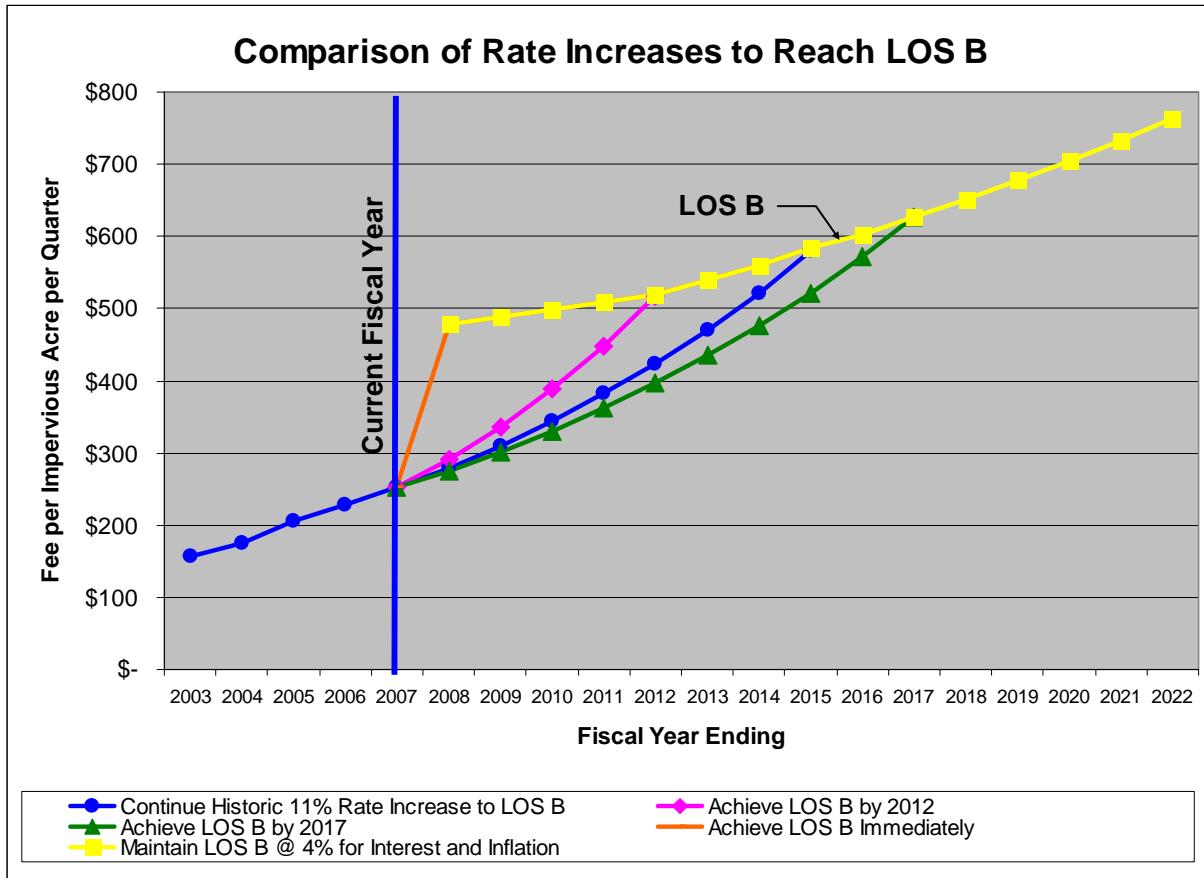
#### 5.3.4 Implementation Scenarios

Several scenarios were evaluated to determine the most appropriate method of “ramping up” existing revenues to a revenue level sufficient to meet Level of Service B. **Figure 5-3** illustrates the projected fee per impervious acre per quarter under each of the evaluated scenarios. All scenarios presented assume that the City will employ bonds to finance capital improvement costs. This section describes each scenario and illustrates the projected rate increases under each scenario.

#### 5.3.4.1 Scenario 1: Immediate Rate Increase to Level of Service B

One option available to the City is to raise rates immediately to a level able to generate revenues sufficient to support a Level of Service B program. Under this scenario, rates would increase from a “revenue-neutral” rate of \$5.92 per customer per quarter plus \$251.44 per impervious acre per quarter to a rate of \$7.23 per customer per quarter plus \$479 per impervious acre per quarter, an increase of 90.5 percent. After 2008, annual rate increases of approximately 4 percent would be needed to account for inflation and interest on bonds.

**Figure 5-3 – Alternative Approaches to Reach LOS B**



#### 5.3.4.2 Scenario 2: Reach LOS B in 5 Years

The second option available to the City is to raise rates to a level that would generate revenues sufficient to support a Level of Service B program over a 5-year period. Under this scenario, rates would increase from a “revenue-neutral” rate of \$5.92 per customer per quarter plus \$251.44 per impervious acre per quarter to a rate in 2012 of \$7.82 per customer per quarter plus \$518.00 per impervious acre per quarter, an annual increase of 15.6 percent. After 2012, annual rate increases of approximately 4 percent would be needed to account for inflation and interest on bonds.

#### 5.3.4.3 Scenario 3: Reach LOS C in 10 Years

A third option available to the City is to raise rates to a level able to generate revenues sufficient to support a Level of Service B program over a 10-year period. Under this scenario, rates would increase from a “revenue-neutral” rate of \$5.92 per customer per quarter plus \$251.44 per impervious acre per quarter to a rate in 2017 of \$9.51 per customer per quarter plus \$626.64 per impervious acre per quarter, an annual increase of 9.6 percent. After 2017, annual rate increases of approximately 4 percent would be needed to account for inflation and interest on bonds.

#### **5.3.4.4 Scenario 4: Maintain Historic Rate Increase**

The final option available to the City is to maintain the historic 11% rate increase that has occurred, on average, since 2003 until revenues sufficient to support a Level of Service B program are raised. Under this scenario, rates would increase from a “revenue-neutral” rate of \$5.92 per customer per quarter plus \$251.44 per impervious acre per quarter to a rate in 2015 of \$8.80 per customer per quarter plus \$579.36 per impervious acre per quarter. After 2015, annual rate increases of approximately 4 percent would be needed to account for inflation and interest on bonds.

#### **5.3.5 Recommended Rates**

Option 4 is recommended. This would maintain the historical rate increase and balances reaching Level of Service B in as short a time as possible without significant financial strain on rate payers. City council has supported equivalent rate increases over the past 4 years. These rate increases have been discussed in open council meetings and generated little discussion. Public Service Area staff believe that such rate increases can be sustained for the foreseeable future.

As with any financial evaluation, the City’s revenue requirements for its stormwater management program, as well as the revenue expected to be generated by the various service fees should be evaluated annually, with a more thorough evaluation conducted every 3 to 5 years. Rates established at such a future time should be demonstrated to achieve a proper balance of supporting necessary stormwater management programs while addressing the overall economic health of the community.

### **5.4 Summary of Recommended Rates on Typical Properties**

The recommended rate structure is expected to affect various properties within the City differently. **Table 5-1** illustrates the impact of projected rates on six typical properties within the City. The following conclusions can be drawn from this table:

- The proposed rate structure increases the quarterly stormwater fee to average residential dwellings by \$0.77, or about 3 percent.
- Rates for residential properties in the small impervious area tier are reduced by about 30 percent, while rates for residential properties in the large impervious area tier will increase nearly 60 percent. Rates for the 400 residential properties in the “upper” tier will increase by nearly 160 percent.
- The proposed rate structure affects non-residential properties differently depending on the percent imperviousness of the property. Rates will increase somewhat for properties with relatively high percentages of impervious area, while they are somewhat lower for properties with lower impervious area percentages.

**Table 5-1. Impact of Alternative Service Fees on Representative Properties in Ann Arbor**

Classification	Service Fee (\$/acre/quarter)		Single and Two-Family Residential				Commercial		Industrial		Institution
	Impervious Area (\$/acre/quarter)	Customer (\$/quarter)	Average	Small	High	Upper	Commercial	Industrial	Commercial	Industrial	
Address		3515 Charter	515 Spring	1241 Olivia	2203 Devonshire	2350 Washtenaw	505 Maple	3545 Packard			
Parcel Size (sq ft)		10,883	6,945	7,925			48,203	105,788			80,882
Impervious Area (sq ft)		3,156	1,689	5,104	9,853		38,883	57,302			21,119
Impervious Area Billed		3,049	1,742	5,227	9,148		38,883	57,302			21,119
<b>Estimated Fees in FY 2006/07</b>											
- Current Rate Structure	\$243.95	N/A	\$22.75	\$22.75	\$22.75	\$22.75	\$217	\$359			\$179
- "Revenue Neutral" Fee	\$251.45	\$5.92	\$23.52	\$15.97	\$36.09	\$58.72	\$230	\$337			\$128
<b>Estimated Fees in FY 2007/08</b>											
- Current Rate Structure	\$248.83	N/A	\$23.21	\$23.21	\$23.21	\$23.21	\$222	\$366			\$183
- "Revenue Neutral" Fee	\$256.48	\$6.03	\$23.99	\$16.29	\$36.81	\$59.89	\$235	\$343			\$130
- 11% Annual Rate Increase	\$279.10	\$6.30	\$25.84	\$17.46	\$39.79	\$64.91	\$255	\$373			\$142
<b>Estimated Fees in FY 2011/12</b>											
- Current Rate Structure	\$269.34	N/A	\$25.12	\$25.12	\$25.12	\$25.12	\$240	\$397			\$198
- "Revenue Neutral" Fee	\$277.62	\$6.53	\$25.97	\$17.64	\$39.85	\$64.83	\$254	\$372			\$141
- 11% Annual Rate Increase	\$424	\$8.10	\$37.76	\$25.05	\$58.94	\$97.07	\$386	\$565			\$213

# Appendix A

## Ordinances, Policies, Regulations, and Procedures

## Chapter 29 WATER, SEWER AND STORMWATER RATES\*

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**\*Editor's note:** Ord. No. 18-07, § 1, adopted July 2, 2007, effective July 10, 2007, amended Ch. 29, in its entirety, to read as herein set out. Prior to inclusion of said ordinance, Ch. 29 was entitled, "water and sewer rates." See also the Code Comparative Table for a detailed analysis of inclusion.

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### 2:61. Definitions.

Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

- (1) "*Capital charge*" shall mean charges levied to customers of the wastewater system and which are used to pay principal, interest and administrative costs of retiring the debt incurred for construction and/or capital improvements to the wastewater system. The capital charge shall be in addition to the user charge (including surcharges).
- (2) "*Person*" shall mean any individual, firm, association, public or private corporation or public agency or instrumentality.
- (3) "*Premises*" shall mean each lot or parcel of land, building or premises having any connection to the water distribution system of the City, or the sanitary sewer system of the City, or the stormwater system of the City.
- (4) "*Customer charge*" shall mean a monthly or quarterly base charge that recovers costs for billing, collection, customer service, and public involvement and public education activities.
- (5) "*Residential 1 rate*" shall mean the rate applied to the domestic meter usage for residential customers where 4 or fewer dwelling units are served off of the same meter.
- (6) "*Residential 2 rate*" shall mean the rate applied to the domestic meter usage for residential customers with both a domestic and a water only meter where 4 or fewer dwelling units are served off of the same meter.
- (7) "*Impervious area*" means a surface area which is compacted or covered with material that is resistant to or impedes permeation by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, or compacted surfaces.
- (8) "*Property*" means any land within the boundary of the City of Ann Arbor, both publicly and privately owned, including public and private rights-of-way, but excluding the Huron River.
- (9) "*Peaking factor*" shall mean a measure of the additional system capacity needed to deliver peak water volumes. The peaking factor is stated as the ratio of peak consumption to average consumption.
- (10) "*Commercial 1 rate*" shall mean the rate applied to the domestic meter usage for commercial customers with a peaking factor of no greater than 5.0.
- (11) "*Commercial 2 rate*" shall mean the rate applied to the domestic meter usage for commercial customers with a peaking factor of greater than 5.00 and no greater than 8.00.

(12) "*Commercial 3 rate*" shall mean the rate applied to the domestic meter usage for commercial customers with a peaking factor of greater than 8.00.

(13) Definitions listed in Chapters 27, 28, 33, and 63 shall also apply to this chapter.

(Ord. No. 18-07, § 1, 7-2-07; Ord. No. 08-20, § 1, 6-21-08)

## **2:62. Basis of charges.**

Except for minimum charges that may be specified by ordinance, all water service shall be charged for on the basis of water consumed as determined by the meter installed in the premises of water or sewage disposal service customers by the City public services area. Except for minimum charges that may be specified by ordinance, all sanitary sewer service shall be charged for on the basis of water consumed, to the extent that such consumption reflects the return of water to the sanitary sewers as herein provided. Except for minimum charges that may be specified by ordinance, all stormwater service shall be charged for on the basis of the impervious area of every property within the City. No free water service, sanitary sewer service or stormwater service shall be furnished to any person.

Consumption data utilized for rate analysis shall reflect a 12-month period of water usage. This 12-month period shall be established by the Public Services Area Administrator or his/her designee. Classification into commercial tiers is based on the peaking factor of the building, regardless of the number of meters in the building and may be adjusted quarterly if the customer experiences a significant event. A significant event shall be 1 or more of the following: (1) a change in size of the connection, (2) a change in meter size, (3) a change in the number of meters or (4) other comparable change. A request for reclassification shall be made in writing to the office of the Public Services Area Administrator. Such reclassification shall apply prospectively from the date of the request. In the absence of a written request, the Public Services Area Administrator may, but is not required to, reclassify a property prospectively based on a significant event. Commercial customers without 12 months of representative consumption data shall be placed in the commercial tier best representing "like" customers with similar peaking factors.

(Ord. No. 18-07, § 1, 7-2-07; Ord. No. 08-20, § 1, 6-21-08)

## **2:63. Water rates.**

(1) The commodity charges for water service shall be as follows. A unit shall constitute 100 cubic feet. The rates shown are per unit.

TABLE INSET:

	Residential 1	Residential 2	Water Only
1--7 units	\$1.10	\$1.10	\$3.87
8--28 units	2.33	2.33	3.87
29--45 units	3.78	2.33	3.87
Over 45 units	5.24	2.33	3.87

TABLE INSET:

	Commercial 1	Commercial 2	Commercial 3
All Units	\$2.43	\$4.63	\$7.94

## Commercial Customer Charge per Quarter:

TABLE INSET:

5/8" meter	\$12.90
3/4" meter	19.00
1" meter	30.30
1 1/2" meter	62.00
2" meter	97.00
3" meter	195.00
4" meter	308.00
6" meter	613.00
8" meter	1,225.00

## Residential Customer Charge per Quarter:

TABLE INSET:

5/8" meter	\$11.25
3/4" meter	16.55
1" meter	30.30
1 1/2" meter	62.00
2" meter	97.00
3" meter	195.00
4" meter	308.00
6" meter	613.00
8" meter	1,225.00

## Fire Service Charge per Quarter:

TABLE INSET:

1" service	\$37.00
1 1/2" service	37.00
2" service	37.00
3" service	37.00
4" service	73.00
6" service	73.00
8;inch service	73.00

(2) The rates to be charged for persons using water in violation of regulations issued under authority of City Code Section 2:31(2) shall be quadruple the rate provided under City Code Section 2:63(1). The rate shall be applied to all water supplied to the premises during the billing cycle at the time of the violation.

(Ord. No. 18-07, § 1, 7-2-07; Ord. No. 08-20, § 1, 6-21-08)

## **2:64. Sewer rates.**

(1) Commodity charge for customers in Ann Arbor shall be \$3.01 per 100 cubic feet of water flow of which \$1.39 is a user charge for wastewater plant operation, maintenance and replacement, 48 cents is a user charge for field operation and maintenance of the sewer system, 11 cents is a user charge for system planning and administration and \$1.03 is applied toward a portion of capital expenditures. Charges for sewer service provided to Ann Arbor Township, Pittsfield Township and Scio Township shall be as provided per the provisions of their respective wastewater treatment or sewer agreements with the City of Ann Arbor.

(2) Customer Charge per Quarter:

TABLE INSET:

5/8" meter	\$10.57
3/4" meter	15.60
1" meter	26.50
1 1/2" meter	53.00
2" meter	84.50
3" meter	169.00
4" meter	265.00
6" meter	528.00
8" meter	1055.00

(Ord. No. 18-07, § 1, 7-2-07; Ord. No. 08-20, § 1, 6-21-08)

## **2:65. Residential Summer service billings.**

The charges established in Section 2:64 shall be applicable to residential bills rendered in each month, January to June, inclusive, except as hereinafter provided. To eliminate water consumed but not disposed of in public sanitary sewers rendered in each month, July to December, inclusive, shall be based upon prior water consumption on the premises as follows:

TABLE INSET:

Bill Rendered:	Charges to be Same as Bill Rendered
July	April
August	May
September	June
October	April
November	May
December	June

Where premises are billed on a monthly basis, the bills due in May through October shall be the same as the bill rendered in April of the same year. Where sanitary sewer service or water service was not used by any premises during the month or quarter on which the charges for any subsequent month or quarter are to be based, this section shall not be applicable but the charges for such subsequent month or quarter shall be based on the rates established in section 2:64. Whenever, in the discretion of

the Public Services Area Administrator, application of the foregoing table would be inequitable because any customer consumes abnormal amounts of water during the winter months or consumes amounts of water of which an abnormal amount or proportion is returned to the public sanitary sewers during the summer months, the Director may bill such customer on the basis of water consumed during each month or quarterly period and apply the rates specified in Section 2:64. Any customer may, at his/her option, elect to be billed for sanitary sewer service on the basis of water actually consumed during each month or quarterly period. Both water service charges and sanitary sewer service charges shall, however, be billed on the same basis, either quarterly or monthly.

(Ord. No. 18-07, § 1, 7-2-07; Ord. No. 08-20, § 1, 6-21-08)

## **2:66. Private water supply.**

Where any sanitary sewer service customer uses any private water supply, any portion of which reaches the public sanitary sewers, such private supply shall be metered at the customer's expense and the consumption therefrom shall be added to the consumption from the public water supply and the total shall be used to establish the sanitary sewer service charges, based on water consumed. The quarterly charge in such cases may be fixed by Council resolution. The Council may classify the users of sewer service according to the quantity of water used and charge such rates to the users in each class as it may deem reasonable. Failure to meter any water supply shall not release the customer from paying the sanitary sewer service charge thereon. In such case, the total water consumption shall be estimated by the public services area administrator and shall be conclusive.

(Ord. No. 18-07, § 1, 7-2-07)

## **2:67. Optional arrangement.**

Any customer may elect to rearrange his water supply pipes and metering for the purpose of eliminating from the total water consumption, the water not disposed of to the public sanitary sewers, or he may elect to establish metering facilities registering the discharge from his premises to the public sanitary sewers. All such arrangements shall be subject to the prior approval of the Public Services Area Administrator and the expense thereof, including installation, maintenance and operation, shall be borne by the customer. While such an approved installation shall be in effect, the rates specified in Section 2:64 shall be applied only to the water passing through the meter for water to be returned to the public sanitary sewers or to the sewage actually discharged to the public sanitary sewers. No person shall divert any water metered as water not entering the public sanitary sewers, into the public sanitary sewers. Where any water metered as not entering the public sanitary sewers does enter the public sanitary sewers, the premises shall be billed at the regular sanitary sewer service rates for all water used during all billing periods in which the unlawful diversion of water occurred, if it can be determined, otherwise for a period to be determined in the discretion of the Public Services Area Administrator, but not to exceed 5 years.

(Ord. No. 18-07, § 1, 7-2-07)

## **2.68. Outside service.**

The rates for water service to premises outside the City shall be specified in Chapter 27. The rates for sanitary sewer service to premises outside the City shall be as determined by the City Council and shall meet EPA guidelines for charges for operation, maintenance and replacement.

(Ord. No. 18-07, § 1, 7-2-07)

## 2:69. Stormwater rates.

- (1) Except as provided in this section and Chapter 33, all property shall be subject to the stormwater utility charge.
- (2) *Stormwater Discharge Rate.* Each property shall be billed at a quarterly stormwater discharge rate of \$309.79 per acre multiplied by the representative impervious area of the property. The representative impervious area of the property shall be the measured impervious area, rounded to the nearest 0.01 acre, of the portion of the property discharging to the City's stormwater system, except for single-family and two-family residential properties and properties considered residential for storm and sewer. These properties have been grouped into the following categories based upon their measured impervious area:

TABLE INSET:

Single-Family and Two-Family Residential		
Measured Impervious Area	Representative Impervious Area	Quarterly Charge
Less than or equal to 2,187 square feet	0.04 acres	\$12.39
Greater than 2,187 square feet to less than or equal to 4,175 square feet	0.07 acres	\$21.69
Greater than 4,175 square feet to less than or equal to 7,110 square feet	0.12 acres	\$37.17
Greater than 7,110 square feet	0.21 acres	\$65.06

(3) *Customer Charge.* Each property shall be billed a customer charge of \$6.77 per quarter.

(4) *Credits to Stormwater Discharge and Customer Charges.* The City shall offer the following credits per quarter to property owners fully satisfying pertinent criteria established in Chapter 33 and in regulations promulgated by the Administrator:

TABLE INSET:

Single-Family and Two-Family Residential	Reduce Total Charge by
Rain Barrels (One or more )	\$1.79
Rain Gardens/Cisterns/Dry Wells	\$2.80
RiverSafe Homes	\$1.24
Chapter 63--Compliant Stormwater Control	\$7.16

TABLE INSET:

Other Properties	Reduce Stormwater Discharge Rate by	Reduce Customer Charge by
Community Partners for Clean Streams	0.0%	17.3%
Chapter 63--Compliant Stormwater Control	29.5%	0.0%
Other Approved Stormwater Controls	6.4%	17.3%

(5) *Charges for permitted non-stormwater discharges.* The charges for non-stormwater

discharges to the stormwater system that are permitted by the Public Services Area Administrator according to Chapter 33, Section 2:217, shall be \$0.30 per 1,000 gallons. If non-stormwater discharges to the stormwater system are controlled such that the discharges cease during periods of precipitation, then the above rate shall be multiplied by a factor of 0.3. For any month in which the user discharges into the stormwater system, there shall be a minimum bill for 100,000 gallons. Stormwater discharges exempt from discharge prohibitions under Section 2:216(3) are not subject to this charge.

(Ord. No. 18-07, § 1, 7-2-07; Ord. No. 08-20, § 1, 6-21-08, eff. 7-1-08)

## **2:70. Service to City.**

The City shall pay the same water, sanitary sewer, and stormwater rates and charges for service to it as would be payable by a private customer for the same service. The City shall pay a charge of \$8.00 per year per fire hydrant. All such charges for service and fire hydrants shall be payable quarterly from the current funds of the City, or from the proceeds of taxes which the City, within constitutional limits, is hereby authorized and required to levy in amounts sufficient for that purpose.

(Ord. No. 18-07, § 1, 7-2-07)

## **2:71. Billing.**

Billing for water service, sanitary sewer service, and stormwater service shall be the responsibility of the public services area of the City, but the Council may, by resolution, transfer such responsibility to the City Treasurer. All water meters shall be read at least every third month and bills rendered thereafter. A discount of 10% will be allowed on all bills paid in full and in the City Treasurer's office or payment agencies on or before the due date shown on the bill.

(Ord. No. 18-07, § 1, 7-2-07)

## **2:72. Collection.**

The public services area is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to the premises and the payment of charges for sanitary sewer service and/or stormwater service to any premises may be enforced by discontinuing the water service, the sanitary sewer service or the stormwater service to the premises, or all 3, and a civil action may be instituted by the City against the customer. Where the water service to any premises is turned off to enforce the payment of water service charges, sanitary sewer charges, or stormwater charges, the water service shall not be reconnected until all delinquent charges have been paid, including any turn-on charges established by Council resolution.

The charges for water service, sanitary sewer service or stormwater charges, are hereby recognized to constitute a lien on the premises to which furnished; and the City Administrator shall annually, at the first meeting in April of the City Council, report to the Council, all unpaid charges for services furnished to any premises which, on the 31st day of March preceding, have remained unpaid for a period of 6 months. The City Council may thereupon, after due notice to the owners of the premises so served, assess the amount so found to be due as a tax against the premises, and the same shall be certified to the City Assessor who shall place the same on the next tax roll of the City. Charges so assessed shall be collected in the same manner as general City taxes. In cases where the City is properly notified in accordance with applicable statutory provisions, that a tenant is responsible for water, sanitary sewer, or stormwater service charges, no such service shall be commenced or continued to the premises until there has been deposited with the public services area, a sum sufficient to cover twice the average quarterly bill for such premises as estimated by the Public Services Area

Administrator, the deposit to be in no case less than \$18.00.

A similar deposit may also be required by the administrator in cases where the person applying for services has a delinquent utility account owing or has had services shut off in the last 180 days because of non-payment at another location. Such deposits shall be applied against any delinquent water, sanitary sewer, or stormwater service charges. If the application thereof satisfies the delinquency, such service shall not be discontinued.

No deposit shall bear interest and the deposit, or any remaining balance thereof shall be returned to the customer making the same, when he or she shall discontinue receiving water, sanitary sewer, and stormwater service or, except as to tenants as to whom notice of responsibility for such charges has been filed with the City, when any 8 successive quarterly bills shall have been paid by that customer with no delinquency.

(Ord. No. 18-07, § 1, 7-2-07)

## **2:73. Revision of sewer rates; notification.**

An annual audit shall be prepared. Based on said audit, rates for sewage services shall be reviewed annually and revised as necessary to meet system expenses and to insure that all user classes pay their proportionate share of operation, maintenance and equipment replacement cost. Each user shall be notified annually, in conjunction with a regular bill, of the rate and portion of charges attributable to wastewater operation, maintenance and replacement services.

(Ord. No. 18-07, § 1, 7-2-07)

## Chapter 33 STORMWATER SYSTEM\*

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**\*Editor's note:** Ord. No. 62-92, § 1, adopted Jan. 19, 1993, amended Ch. 33, in its entirety, to read as herein set out. Former Ch. 33 pertained to similar subject matter. Subsequently, Ord. No. 17-07, § 1, adopted July 2, 2007, effective July 18, 2007, repealed Ch. 33, §§ 2:200--2:214. Section 2 of said Ord. No. 17-07 enacted provisions designated as a new Ch. 33, §§ 2:200--2:222, to read as herein set out. See also the Code Comparative Table.

**Cross references:** Soil erosion and sedimentation control, Ch. 63.

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### 2:200. Title.

This chapter shall be known as the "Stormwater System Ordinance" of the City of Ann Arbor.  
(Ord. No. 17-07, § 2, 7-2-07)

### 2:201. Purpose.

This Chapter establishes a stormwater utility for the purpose of conducting the city's stormwater management program to protect public health, safety, and welfare; provides for the proportional allocation to property owners of the necessary costs of the stormwater utility; permits the establishment and collection of just and equitable rates and charges to fund the stormwater utility; provides for credits, adjustments, exemptions and appeals; establishes regulations for the use of the stormwater system, and prescribes the powers and duties of certain municipal agencies, departments and officials.

(Ord. No. 17-07, § 2, 7-2-07)

### 2:202. Findings.

The City Council finds all of the following:

- (1) The constitution and laws of the State of Michigan authorize local units of government to provide stormwater management services and systems that will contribute to the protection and preservation of the public health, safety and welfare, and to the protection of the state's natural resources.
- (2) Property owners influence the quantity, character and quality of stormwater from their property in relation to the nature of the alterations made to property.
- (3) Stormwater contributes to the diminution of water quality, adversely impacting the public health, safety and welfare, and endangering natural resources.
- (4) Control of the quantity and quality of stormwater from developed and undeveloped property is essential to protect and improve the quality of surface waters and groundwaters, thereby protecting natural resources and public health, safety and welfare.
- (5) The Federal Clean Water Act and rules and regulations promulgated thereunder place increased mandates on the city to develop, implement, conduct and make

available to its citizens and property owners stormwater management services which address water quality, velocity, and volume impacts of stormwater.

(6) Water quality is improved by stormwater management measures that control the quantity or quality, or both, of stormwater discharging directly or indirectly to receiving waters, that reduce the velocity of stormwater, or that divert stormwater from sanitary sewer systems.

(7) The city, having a responsibility to protect the public health, safety, and welfare, has a major role in ensuring appropriate water quality related to stormwater flow.

(8) Improper management of stormwater runoff causes erosion of lands, threatens businesses and residences and other facilities with water damage from flooding, adversely impact public health, safety, and welfare, and creates environmental damage to rivers, streams and other bodies of water in Michigan, including the Great Lakes.

(9) The public health, safety, and welfare is adversely affected by poor ambient water quality and flooding that results from inadequate management of both the quality and quantity of stormwater.

(10) It is appropriate for the city to establish user charges, fees, or rates to offset entirely or in part the cost of its stormwater management program.

(11) It is in the interest of protecting both the waters of the state from pollution and the public health, safety, and welfare for the city to fund stormwater management with a charge that allocates the costs of these services to property owners within the city based upon the extent to which each parcel of real property contributes to the need for stormwater management.

(Ord. No. 17-07, § 2, 7-2-07)

## 2:203. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings described in this section:

(1) [Reserved. ]

(2) *Administrator* is the public services area administrator or such other person as the city administrator may designate.

(3) *Customer charge* shall mean a monthly or quarterly base charge that recovers costs for billing, collection, customer service, and public involvement and public education activities.

(4) *Discharge permit* is as set forth in section 2:216 of this chapter.

(5) *Footing drain* is a pipe or conduit which is placed around the perimeter of a building foundation for the purpose of admitting ground water.

(6) *Impervious area* means a surface area which is compacted or covered with material that is resistant to or impedes permeation by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, or compacted surfaces.

(7) *Industrial sites* are those sites that contain industrial activities which require NPDES stormwater permits as set forth in regulations promulgated by U.S. EPA and Michigan Department of Environmental Quality.

(8) *Non-stormwater* is all flows to the stormwater system not defined as stormwater in paragraph 2:203(16) of this chapter or as determined by the administrator. This includes,

but is not limited to, cooling water, process water, ground water from a purge well and non-residential swimming pool discharge.

(9) *NPDES* means National Pollutant Discharge Elimination System, a program to issue permits for discharges to receiving waters, established under the Federal Clean Water Act, and administered by the Michigan Department of Environmental Quality.

(10) *Non-stormwater use charge* is the charge applicable to any non-stormwater use of the stormwater system, as defined by the Administrator.

(11) *Operation and maintenance* includes any component of a stormwater system expenditure for materials, labor, utilities and other items for the management and uninterrupted operation of the stormwater system in a manner for which the stormwater system was designed and constructed.

(12) *Operation and maintenance costs* include all costs, direct and indirect, of operation and maintenance of a stormwater system.

(13) *Pervious area* is all land area that is not impervious.

(14) *Pretreated non-stormwater* is non-stormwater that requires, under an NPDES permit or the permit provided by this chapter, pre-treatment (mechanical, physical or chemical) prior to being discharged into the stormwater system.

(15) *Property* means any land within the boundary of the City of Ann Arbor, both publicly and privately owned, including public and private rights of way, but excluding the Huron River.

(16) *Stormwater* means stormwater runoff, snowmelt runoff, footing drain discharges, surface runoff and drainage, and other discharges allowed by Administrative Regulations.

(17) *Stormwater discharge rate* means the portion of the stormwater utility charge proportionate to the quantity and representative of the quality of stormwater being discharged from a property, calculated based upon the impervious area of the property.

(18) *Stormwater utility charge* means a charge to property pursuant to this chapter and Chapter 29, intended to offset all or part of the cost incurred by city of preparing and conducting a stormwater management program, and operating and maintaining a stormwater system.

(19) *Stormwater management* means 1 or more of the following:

(a) The quantitative control achieved by the stormwater system of the increased volume and rate of surface runoff caused by alterations to the land;

(b) The qualitative control achieved by the stormwater system, pollution prevention activities, and ordinances to reduce, eliminate or treat pollutants that might otherwise be carried by stormwater; and

(c) Public education, information, and outreach programs designed to educate and inform the public on the potential impacts of stormwater.

(20) *Stormwater management program* means 1 or more aspects of stormwater management undertaken for the purpose of complying with applicable federal, state and local law and regulation or the protection of the public health, safety, and welfare related to stormwater runoff.

(21) *Stormwater system* means roads, streets, catch basins, curbs, gutters, ditches, storm sewers and appurtenant features, lakes, ponds, channels, swales, storm drains, canals, creeks, catch basins, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, pumping stations, and other like

facilities, and natural watercourses and features located within the geographic limits of the city which are designed or used for collecting, storing, treating or conveying stormwater or through which stormwater is collected, stored, treated or conveyed, or any other physical means by which stormwater management is achieved.

(22) *User* is a firm, person or property that directly or indirectly contributes stormwater or non-stormwater to the stormwater system.

(Ord. No. 17-07, § 2, 7-2-07)

## **2.204. Establishment of a Stormwater Utility.**

A stormwater utility is hereby established under the direction of the administrator to conduct the stormwater management program of the city. The stormwater management program shall include those activities necessary to protect public health, safety, and welfare from stormwater and fulfill the requirements of the City of Ann Arbor's stormwater NPDES permit, and all successor permits, including but not limited to the following activities:

- (1) Planning, engineering, acquisition, construction, operation, maintenance, installation and debt service costs to acquire, construct, finance, operate and maintain a stormwater system.
- (2) Administering the stormwater management program.
- (3) Acquiring, constructing, improving, enlarging, repairing, enhancing, replacing, financing, operating and maintaining the stormwater system, together with such indirect and overhead costs which are fairly chargeable to such activities pursuant to accepted accounting principles and practices applicable to the local unit government, including practices required under the Uniform Budgeting and Accounting Act, 1968 PA 2, as amended, MCL 141.421 through 141.440a, and rules and regulations promulgated thereunder.
- (4) Developing a stormwater management plan, as identified in section 2:205 of this chapter.
- (5) Undertaking activities required in order to comply with federal and state law and regulations related to stormwater and permits issued thereunder.
- (6) Paying drain assessments which are the obligation of the city.
- (7) Providing public education, or information, or outreach related to the stormwater management program or required by federal or state regulations, or required by permits issued to the local unit of government by federal or state regulatory bodies.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:205. Stormwater Management Plan.**

The Administrator may adopt, amend, or extend a stormwater management plan from time to time. Any such adoption, amendment, or extension shall be approved by resolution of the Council.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:206. Stormwater Utility Charges, General.**

- (1) Subject to the provisions of this chapter, all owners of property in the City of Ann Arbor shall be charged stormwater utility charges for their use of the stormwater system. The

stormwater utility charges shall be proportionate to the necessary cost of the stormwater management services provided to each property in the city. The basis for stormwater utility charges shall be computed by the Administrator.

(2) The stormwater utility charges shall be a quarterly or a regular interval service charge, shall be determined by the provisions of this chapter, and may be changed from time to time by Council.

(3) Revenue from the stormwater utility charge shall be used solely to defray the city's cost of conducting the stormwater management program defined in Section 2.204 and described in the stormwater management plan prepared according to criteria in Section 2:205.

(4) Stormwater utility charges are in addition to any special assessment, single lot assessment or public improvement charge that might be or become due for capital improvements to the stormwater system. Special assessments, single lot assessments and public improvement charges for improvements to the stormwater system that are financed in whole or in part by special assessments, single lot assessments or public improvement charges will be calculated and imposed as provided in Chapters 12 and 13.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:207. Customer Charge.**

Each property shall be charged a customer charge proportionate to the city's costs of administering the stormwater utility billing system, providing necessary public engagement services, and conducting other necessary services that are provided equitably to each customer, as defined by the stormwater management plan.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:208. Stormwater Discharge Rate.**

(1) Each property discharging stormwater into the city's stormwater system, either directly or indirectly, shall be charged an amount proportionate to the representative quantity of stormwater generated by that property. The principal stormwater generating characteristic of each property is its representative impervious area, which shall be used as the basis for the stormwater discharge rate. The stormwater discharge rate shall be used to fund those elements of the stormwater management program whose cost is directly related to the amount of stormwater managed.

(2) The representative impervious area of a property shall be the measured impervious area of the property except for single-family and 2-family residential properties or properties considered residential for storm and sanitary, which may be grouped into 1 or more representative impervious area rate categories based upon a statistical evaluation of the measured impervious area of a sample of all properties. Each property within a category shall be billed the same stormwater utility charge if such statistical similarity is demonstrated.

(3) The administrator may periodically change the representative impervious area of a property based upon information available to the city and/or provided by a property owner.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:209. Charges for Non-Stormwater Discharges.**

The Administrator may impose fees for the use of the stormwater system for non-stormwater

discharges permitted by the city under section 2.216 of this Chapter. Charges shall be proportionate to the capacity of the stormwater system that is used by the non-stormwater flow that would otherwise be available for stormwater, and any additional charges related to preparing, monitoring, and enforcing any permits related to non-stormwater discharges.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:210. Other Charges.**

Charges for other services provided by the City shall be on a time and materials basis, including direct and indirect costs, as established by the Administrator. The Administrator may also set charges for the fair share recovery of the cost, including direct and indirect costs, from users for the implementation and operation of any of the following:

- (a) Monitoring, inspection and surveillance procedures;
- (b) Reviewing accidental discharge procedures and construction;
- (c) Discharge permit applications for stormwater and non-stormwater;
- (d) Annual charges for multi-year permits, and
- (e) Other charges as the Administrator may deem necessary to carry out the requirements of this chapter.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:211. Credits.**

(1) The purpose of this section is to provide for each property owner's control over contributions of storm flows to the stormwater utility system and the related stormwater utility charges and to advance protection of the public health, safety, and welfare.

(2) The City shall offer credits that will enable any property owner, through voluntary action, to reduce the stormwater utility charges calculated for that property owner's property and will provide a meaningful reduction in the cost of service to the stormwater system, or that shall be reasonably related to a benefit to the stormwater system:

- (a) Credits will only be applied if requirements outlined in this Code are met, including, but not limited to: completion of on-going maintenance, guaranteed right-of-entry for inspections, and submittal of annual self-certification reports.
  - (b) Credits will be defined as either set charge reduction or percent (%) reductions applied as a Credit adjustment to the Charge calculation equation.
  - (c) Credits are additive for each Credit category.
  - (d) As long as the stormwater facilities or management practices are functioning as approved, the Credit reduction will be applied to the Charge. If the approved practice is not functioning as approved or is terminated, the Credit reduction will be cancelled and the Charge will return to the baseline calculation. Once the Credit reduction has been cancelled, a customer may not reapply for Credit for a period of 12 months and only then if the deficiency has been corrected, as determined by City inspection.
  - (e) Credits will be applied to the next complete billing cycle after the application has been approved.
- (3) The administrator shall define a method for applying and granting credits, as well as criteria for determining the credits a property owner may receive. The administrator may by regulation

establish credits for 1 or more of the following property owner actions:

- (a) Installation and maintenance of a stormwater control facility meeting the design standards referenced in Chapter 63.
  - (b) Installation and maintenance of rain barrels, rain gardens, cisterns, dry wells, bioswales, and other water quality controls in addition to those required of the property owner under Chapter 63.
  - (c) Property owners that satisfy the requirements of the RiverSafe Homes or the Partners for Clean Streams programs administered by the Washtenaw County Drain Commissioner.
  - (d) Providing a school-based education or information program which has obtained MDEQ approval related to stormwater management and its impacts, and
  - (e) Other actions of the property owner that, in the judgment of the administrator, result in a measurable reduction in stormwater runoff or pollutant loadings.
- (4) The administrator shall define criteria for determining additional credits that lands dedicated for public use may receive. Such credits are appropriate because most of the City's drainage system lies within public rights of way, sharing that property with public roads and other public and private utility systems. Public roads and other impervious surfaces within these rights of way discharge stormwater to the stormwater system and are subject to stormwater utility charges like every other property within the City. Lands dedicated for public use are eligible for credits if they provide 1 or more of the following services to the stormwater utility:
- (a) Use of the roadway for conveyance and storage of stormwater during major storm events that exceed the capacity of the underground storm drainage system.
  - (b) Use of right-of-way for retrofit of stormwater quality control systems required under NPDES permits issued to the City.
  - (c) Access to the stormwater system for operation and maintenance activities, often restricting traffic on the roadway.
  - (d) Reduced pavement life when stormwater system repairs require open cut excavation of the roadway.
  - (e) Education provided by storm inlet labeling, stream crossing signage, and other educational signs placed within the right-of-way.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:212. Exemptions.**

Except as provided in this section, no public or private property located in a stormwater district shall be exempt from stormwater utility charges.

- (1) Properties that do not utilize the public stormwater system shall be exempt from the portion of the charge for stormwater discharge if the property owner follows the procedure detailed by the administrator to qualify for such an exemption.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:213. Billing.**

The City shall bill property owners and authorized tenants for stormwater systems on a periodic basis under procedures defined in Chapter 29 and by regulations promulgated by the Administrator.

(Ord. No. 17-07, § 2, 7-2-07)

#### **2:214. Stormwater enterprise fund.**

(1) All revenues raised from stormwater utility rates, fees, and charges shall be placed in a stormwater enterprise fund together with such other revenues from any source or combinations of sources of revenues otherwise legally available which have been designated to be used for the stormwater management program.

(2) No part of the funds held in the stormwater enterprise fund may be transferred to the general operating fund or used for any purpose other than undertaking the stormwater management program, and operating and maintaining a stormwater system.

(Ord. No. 17-07, § 2, 7-2-07)

#### **2:215. Use of stormwater system.**

(1) The primary use of the stormwater collection system shall be the collection and transportation of stormwater. Non-stormwater use shall be considered a secondary use of the stormwater system.

(2) The discharge of non-stormwater to the stormwater system is prohibited except as allowed under this section. No person shall place or cause to be placed any substance into the stormwater system other than stormwater (except for placement of recreational equipment in the Huron River or its impoundments), except when authorized by a permit granted by the Administrator. The Administrator may refuse to permit the discharge of non-stormwater into the stormwater system for any reason or combination of reasons that is reasonable.

(3) The following non-stormwater discharges are exempt from discharge prohibitions established in paragraph 2:215(2): water line flushing or other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising groundwater (permitted after demonstration of acceptability), groundwater infiltration to storm drains, uncontaminated pumped groundwater, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, residual street washing waters, springs, non-commercial washing of vehicles, natural riparian habitat or wetland flows, non-residential swimming pools (if de-chlorinated/typically less than one PPM chlorine), fire fighting activities, and any other water source not containing pollutants.

(4) Except for natural runoff water or pursuant to agreement approved by the City Council, the City shall not furnish use of the stormwater system to users outside city limits.

(5) Generally, no person, property, or firm shall cause or permit the introduction of any substance into the stormwater system, whether solid, liquid or gaseous, that will cause:

- (a) Chemical reaction, either directly or indirectly with the materials of construction used in the stormwater system or that will impair the strength or durability of sewers or structures;
- (b) Mechanical action that will destroy or damage sewers or structures;
- (c) Restriction of the normal maintenance and inspection of sewers;
- (d) Danger to public health and safety or to the environment;
- (e) Conditions that create a public nuisance;
- (f) An oil sheen or unusual color;

- (g) Abnormal demand on the stormwater system capacity; or
  - (h) The stormwater system to violate its NPDES permit or applicable receiving water standards and all other federal, state, and local regulations.
- (6) No person shall discharge into the stormwater system any treated non-stormwater that is subject to a discharge prohibition unless the discharge is authorized under permits issued by MDEQ and the City.
- (7) No person shall use the storm water system for discharge from any environmental cleanup that is regulated under the Natural Resources and Environmental Protection Act, Chapter 7, Part 201 of Act 451, P.A. 1994, unless approved by city council. Approval by city council must be conditioned upon the discharge meeting all criteria for discharge under this chapter. Approval conditions may provide for measures appropriate to preventing harm due to possible exfiltration into the ground adjacent to the system or failure of any pretreatment system for the discharge.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:216. Discharge permits.**

- (1) A permit is required from the Administrator to discharge treated non-stormwater otherwise subject to a discharge prohibition under this Chapter into the stormwater system. The Administrator may require each person or firm that applies for use or uses of the stormwater system for non-stormwater purposes to obtain a discharge permit on the form prescribed by the administrator, to be subject to all provisions of this chapter. A permit may be issued for a period not to exceed 5 years. The permit shall be subject to modification or revocation for failure to comply or provide safe access or provide accurate reports of the discharge constituents and characteristics. Permits are issued to specific persons or firms for specific operations and are not assignable to another person or firm without the prior written approval of the Administrator. Permits are not transferable to another location. Anyone seeking a permit to discharge treated non-stormwater otherwise subject to a discharge prohibition into the stormwater system must do the following:
  - (a) File a written statement with the Administrator setting forth the nature of the enterprise, the amount of water to be discharged with its present or expected bacterial, physical, chemical, radioactive or other pertinent characteristics;
  - (b) Provide a plan map of the building, works or complex with each outfall to the surface waters, sanitary system, storm sewer, natural watercourse or ground waters noted, described and the discharge stream identified; and
  - (c) Sample, test and file reports with the Administrator and the appropriate federal, state, and county agencies on appropriate characteristics of discharges on a schedule, at locations, and according to methods approved by the Administrator.
- (2) Every permit to discharge into the stormwater system shall be conditioned upon the permittee providing insurance, security and/or indemnification satisfactory to the administrator protecting the City, City property and persons in the City from loss or damages associated with the permit or permit activities.
- (3) The Administrator or other authorized employees are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of the discharge to the stormwater system. The industrial user may withhold or restrict information if it can establish to the satisfaction of the administrator that release of the information would reveal trade secrets or would otherwise provide an advantage to competitors, except discharge constituents will not be recognized as confidential information.
- (4) At the permittee's expense, the Administrator shall carry out independent surveillance and

field monitoring, in addition to the self-monitoring required of certain users to ascertain whether the purpose of this chapter is being met and all requirements are being satisfied.

(5) The method of determining flow of discharge to the stormwater system shall be approved by the Administrator.

(6) The user shall acquire and be in full compliance with applicable federal (NPDES), state and county permits for discharge prior to being granted a permit from the Administrator.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:217. Regulations.**

(1) The Administrator may adopt regulations implementing this chapter. These regulations may include, but not be limited to, the following topics:

- (a) The design, operation, management, and maintenance of the stormwater system and for connections to that system.
- (b) Control of the quality and quantity of stormwater from industrial sites by establishing management practices, design and operating criteria.
- (c) Criteria used to determine whether the stormwater utility charge will be billed to the property owner or the occupant(s) of a property, including criteria that will be used to determine how to allocate the stormwater utility charge to multiple occupants of a single property.
- (d) Procedures for updating billing data based upon changes in property boundaries, ownership, and stormwater runoff characteristics.
- (e) Billing and payment procedures of the stormwater utility that define the billing period, and billing methodology.
- (f) Policies establishing the type and manner of service delivery that will be provided by the utility.
- (g) Regulations governing the resolution of stormwater management issues among several property owners within the district.
- (h) Procedures for establishing, evaluating, and refining any credits granted according to criteria in Section 2:211, and appeals as defined according to criteria in Section 2:219.
- (i) Enforcement policies and procedures.

(2) These regulations shall take effect 30 days after being filed with the City Clerk unless modified or disapproved by the City Council. Regulations which are modified by City Council take effect 30 days after the modification.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:218. Stormwater taps.**

(1) Except for public services area employees, only City of Ann Arbor registered plumbers, licensed sewer installers and bona fide homeowners, after first obtaining all necessary permits including but not limited to a plumbing permit, street cut permit and sewer tap permit, are authorized to uncover the stormwater system so that existing tees or deep sewer risers installed during public stormwater system construction may be utilized. The connection shall be made only by the public services area employees only upon payment of the required connection fee which shall be fixed by the public services area and shall not be less than the cost of materials,

installation and overhead attributable to the installation.

- (2) All costs and expense incidental to the installation, connection, and maintenance of the stormwater tap and lead shall be borne by the owner(s).
- (3) The public services area will furnish and install stormwater system taps of the size and at the location the applicant requests in writing, provided:
  - (a) The requests are reasonable;
  - (b) An adequate stormwater system fronts the premises;
  - (c) An adequate tee or deep stormwater system riser does not exist for required usage;
  - (d) A good and safe excavation is provided by the owner(s) or owner's agent for public services area tapping personnel;
  - (e) The maximum sized direct tapped connection shall not be larger than 1/2 the nominal diameter of the stormwater main (e.g., a 6-inch maximum tap into a 12-inch stormwater main). Connections greater than 1/2 the nominal diameter of the stormwater main shall be made in a minimum 3-foot diameter storm sewer structure or with a manufactured tee fitting.
  - (f) Existing tees and deep risers shall be utilized along with stormwater leads constructed (stubbed) to the property line at the time the stormwater system was constructed.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:219. Right of appeal.**

The Administrator shall establish a procedure for the submission of appeals and the adjustment of the customer's stormwater utility charges. This procedure shall provide the following:

- (1) A property owner or occupant liable for a stormwater utility fee shall be provided the right to appeal the stormwater utility charge. Appeals shall be considered on the grounds that the stormwater generated by the property and discharged into the stormwater system is less than estimated by the Administrator. No appeal may be brought with respect to a stormwater utility charge more than 1 year after the rendering of the bill for which an appeal is sought.
- (2) For an appeal to be successful, the property owner or occupant shall demonstrate that the stormwater generated by the property is less than the amount used by the administrator in the calculation of that property's stormwater utility charge. Factors that will be considered by the administrator include the impervious area of the property, the activities of the property owner or features of the property that are available for credits, the amount of direct discharge to the stormwater system, or other factors defined by the Administrator.
- (3) A property owner or occupant must comply with all rules and procedures adopted by the administrator when submitting a request for appeal or adjustment of the stormwater utility charge and must provide all information necessary to make a determination.
- (4) Upon a finding that the stormwater generated by a property is less than the amount used by the Administrator in the calculation of that property's stormwater utility charge, the sole remedy to the property owner shall be re-calculation of the stormwater utility charge based on the corrected level of stormwater.
- (5) A finding that the stormwater generated by a property is not less than the amount

used by the Administrator in the calculation of that property's stormwater utility charge shall be conclusive with respect to that property and shall remain effective for 7 years, unless the property owner changes the impervious area or the stormwater management practices of the property. The property owner shall remain eligible for credits and exemptions under this chapter.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:220. Landlord-tenant.**

The property owner may request, subject to the approval of the Administrator, that the stormwater utility charge be billed to the owner's designated tenant. The Administrator may direct billing to the tenants of a property if the tenants are currently billed for water or sanitary sewer service. The property owner shall be liable for payment even if the stormwater utility charges are billed to the tenant of the property.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:221. Enforcement.**

- (1) No person shall construct or maintain any property, residence or business not in compliance with the standards of this chapter.
- (2) The Administrator and other authorized employees of the city bearing proper credentials and identification shall be permitted to enter upon all properties for the purposes of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter.
- (3) No person shall fail to provide any report or other information or perform any duty required by this chapter.
- (4) The City Attorney is authorized to take appropriate legal action to require compliance with this chapter.
- (5) If, after reasonable notice, a person fails to comply with this chapter, the city may cause the work to be done to obtain compliance and shall charge the cost of that work to the person responsible.
- (6) If any person fails to pay any fees or charges required by this chapter, the amount may be assessed against the property involved in accordance with section 1:292 of Chapter 13 of this Code.
- (7) In addition to any other remedy, the administrator, after 5 calendar days notice posted on the affected property, is authorized to disconnect water service, sanitary sewer and stormwater sewer services to any property in violation of this chapter. The notice shall state that persons affected may, within 5 calendar days, provide the Administrator with any information or reasons as to why services should not be disconnected.
- (8) The Administrator is authorized to take all steps necessary to immediately halt any discharge of pollutants which reasonably appears to present an imminent danger to the health or welfare of persons or to the environment.
- (9) In case of an emergency involving private stormwater facilities, the Administrator may direct that immediate action be taken to correct or abate the condition causing the emergency. City personnel may perform the required work and charge the appropriate owner(s) all such related and provable costs. Such costs (if remaining unpaid for 30 days following a bill being sent for their reimbursement) shall constitute a lien on the real property.

(9) Persons aggrieved by any determination of the Administrator in enforcing this chapter may appeal that determination pursuant to section 1:16 of Chapter 1 of this Code. Prosecution shall be stayed pending such an appeal.

(10) A person who violates any provision of this Chapter shall be responsible for a civil infraction for which the court may impose a civil fine of not more than \$10,000.00 per day of violation plus all costs, direct or indirect, which the City has incurred in connection with the violation, including but not limited to fines paid by the City. Each day a violation occurs is a separate violation.

(Ord. No. 17-07, § 2, 7-2-07)

## **2:222. Conflict.**

In the event of a conflict between a provision of this chapter and any other portion of the City Code, the provisions of this chapter shall prevail.

(Ord. No. 17-07, § 2, 7-2-07)

# **Stormwater Utility Regulations**

**City of Ann Arbor, Michigan**



**August 6, 2007**

# **City Of Ann Arbor, Michigan Stormwater Utility Regulations**

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## **Section 1 – Introduction and Authorization**

The City of Ann Arbor established a Stormwater Management Utility on August 20, 1980. The utility provides the City with the authorization to establish and collect just and equitable rates, fees, and charges for the services and facilities provided by the utility system. The City is further authorized by the Michigan Statutes to construct, reconstruct, improve, and extend the Stormwater Management system.

The City's Stormwater Management Utility establishes a mechanism for billing the costs of operating and maintaining the City's stormwater management system and financing the necessary repairs, replacements, improvements, and extensions in a manner that protects the health, safety, and welfare of the citizens of the City of Ann Arbor. The City's ordinance, codified under Chapters 29 and 33 of the Code, City of Ann Arbor, Michigan, provides the mechanisms for billing and payment, accounting for capital contributions, and establishing the Stormwater Utility Fund.

Chapters 29 (section 2:69) and 33 (sections 2:213 and 2:217) of the City Code authorize the public services area administrator to adopt regulations implementing those chapters. These regulations were adopted in the manner provided in the city code and took effect July 18, 2007.

These Regulations outline the guidelines and framework under which the stormwater utility will operate, including procedures for credits, adjustments, and appeals to stormwater utility bills. It also establishes policies and procedures for the operation and maintenance of the City's stormwater utility system.

## **Section 2 – Definitions**

The following definitions shall apply in the use of these Regulations. Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive. Words not defined herein shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

**ADJUSTMENT.** The adjustment of the user charge assessed to a particular property based on the more detailed assessment of the impervious area on that property.

**ADMINISTRATOR** is the public services area administrator or such other person as the city administrator may designate.

**APPEAL.** The process of filing a dispute with the charge determination, charge adjustment or credit as recognized by the City.

**APPLICANT.** Any person, or a duly designated representative applying for a permit or other type of City, federal, or state regulatory approval to proceed with a project.

**CITY.** City of Ann Arbor, Michigan and its authorized agents.

**CLEARING.** The removal of trees, brush, and other ground cover from all or a part of a tract of land, but shall not include mowing.

**COUNCIL.** The City Council of City of Ann Arbor, Michigan.

**CUSTOMER.** The owner of any property that is receiving a stormwater utility service from City of Ann Arbor, Michigan.

**CUSTOMER CHARGE** shall mean a monthly or quarterly base charge that recovers costs for billing, collection, customer service, and public involvement and public education activities.

**DETENTION or TO DETAIN.** The prevention of, or to prevent, the discharge, directly or indirectly, of a given volume of stormwater runoff into the stormwater system by providing temporary on-site storage.

**DEVELOPMENT or DEVELOPMENT ACTIVITY.** The alteration, construction, installation, demolition or removal of a structure, impervious surface, pipe, conduit, cable or line, above or below ground, or the clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

**DISCHARGE.** The flow of water from a project, site, aquifer, drainage basin, or other drainage facility.

**DWELLING UNIT.** Any building or portion thereof designed or used exclusively as the residence or sleeping place of one or more families, but not including a tent, cabin, trailer or trailer coach, boarding or rooming house, hotel, or mobile home.

**EASEMENT.** A grant by a property owner for a specified use of all or a specified portion of land to a person or the public at large.

**EROSION.** The wearing or washing away of soil by the action of water.

**FREEBOARD.** The space from the top of an embankment to the highest water elevation expected for the largest design storm stored. The space is often required as a safety margin in a pond or detention basin.

**FREQUENCY YEAR STORM.** A rainfall event expressed as an exceedence probability with a specified chance of being equaled or exceeded in any given year, as follows:

One Year.....	100 percent
Two Year.....	50 percent
Ten Year.....	10 percent
Twenty-Five Year.....	4 percent
Fifty Year.....	2 percent
One-Hundred Year.....	1 percent

**IMPERVIOUS SURFACE.** means a surface which is compacted or covered with material that is resistant to or impedes permeation by water, including but not limited to, most conventionally surfaced streets, roofs, sidewalks, patios, driveways, parking lots, and any other oiled, graveled, graded, or compacted surfaces.

**NON-RESIDENTIAL DEVELOPED PROPERTY.** A developed property that is not utilized for dwelling units with the City.

**NON-STORMWATER** is all flows to the stormwater system not defined as stormwater, as determined by the administrator. This includes, but is not limited to, cooling water, process water, ground water from a purge well and non-residential swimming pool discharge.

**NON-STORMWATER DISCHARGE RATE** is the charge applicable to any non-stormwater use of the stormwater system, as defined by the Administrator.

**NOTICE.** A written or printed communication conveying information or warning.

**OPERATION AND MAINTENANCE** includes any component of a stormwater system requiring expenditure for materials, labor, utilities and other items for the management and uninterrupted operation of the stormwater system in a manner for which the stormwater system was designed and constructed.

**OPERATION AND MAINTENANCE COSTS** include all costs, direct and indirect, of operation and maintenance of a stormwater system.

**OWNER.** The person in whom the charge, ownership, dominion, or title of property (i.e., the proprietor) is vested. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

**PARCEL or PARCEL OF LAND.** A tract, or contiguous tracts, of land in the possession of, owned by, or recorded as property of the same claimant person.

**PERMITTEE.** Any person who has been granted a permit to proceed with a project.

**PERSON.** Any individual, firm, association, public or private corporation or public agency or instrumentality.

**PRIVATE.** Property or facilities owned by individuals, firms, entities, corporations, and other organizations and not by local, state or federal governments.

**PROFESSIONAL ENGINEER.** A professional engineer licensed by the State of Michigan, skilled in the practice of civil engineering and the engineer of record for the project under consideration.

**PROPERTY** means any land within the boundary of the City of Ann Arbor, both publicly and privately owned, including public and private rights of way, but excluding the Huron River.

**PUBLIC.** Property or facilities owned by local, state or federal governments.

**RETENTION or TO RETAIN.** The prevention of, or to prevent, the discharge, directly or indirectly, of any stormwater volume into the stormwater system.

**SEDIMENT.** Solid material, whether mineral or organic, that is in suspension, is being transported, or has been moved from its place of origin by water.

**SITE.** Any tract, lot, or parcel of land or contiguous combination of tracts, lots, or parcels of land that is in one ownership, or contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or project.

**SITE STORMWATER MANAGEMENT PLAN.** Refers to the approved, detailed analysis, design, and drawings of the stormwater management system required for all construction.

**STORM EVENT.** A storm of a specific duration, intensity, and frequency.

**STORMWATER** means stormwater runoff, snowmelt runoff, footing drain discharges, surface runoff and drainage, and other discharges allowed by Administrative Regulations.

**STORMWATER DESIGN STANDARDS.** *Rules of the Washtenaw County Drain Commissioner, Procedures and Design Criteria for Storm Water Management Systems*, and such other standards that may be adopted by the City from time to time.

**STORMWATER DISCHARGE RATE** means the portion of the stormwater utility charge proportionate to the quantity and representative of the quality of stormwater being discharged from a property, calculated based upon the impervious area of the property.

**STORMWATER MANAGEMENT** means one or more of the following:

- The quantitative control achieved by the stormwater system of the increased volume and rate of surface runoff caused by alterations to the land;
- The qualitative control achieved by the stormwater system, pollution prevention activities, and ordinances to reduce, eliminate or treat pollutants that might otherwise be carried by stormwater; and
- Public education, information, and outreach programs designed to educate and inform the public on the potential impacts of stormwater.

**STORMWATER MANAGEMENT PROGRAM** means one or more aspects of stormwater management undertaken for the purpose of complying with applicable federal and state law and regulation or the protection of the public health, safety, and welfare related to stormwater runoff.

**STORMWATER MANAGEMENT PLAN.** The technical and policy manuals, plans, regulations and/or calculations, and any subsequent updates or amendments thereto, used by the City Engineer to administer the stormwater regulations.

**STORMWATER SYSTEM** means roads, streets, catch basins, curbs, gutters, ditches, storm sewers and appurtenant features, lakes, ponds, channels, swales, storm drains, canals, creeks, catch basins, streams, gulches, gullies, flumes, culverts, siphons, retention or detention basins, dams, floodwalls, levees, pumping stations, and other like facilities, and natural watercourses and features located within the geographic limits of the City which are designed or used for collecting, storing, treating or conveying stormwater or through which stormwater is collected, stored, treated or conveyed, or any other physical means by which stormwater management is achieved.

**STORMWATER UTILITY CHARGE** means a charge to property pursuant to Chapters 29 and 33 of the Code: City of Ann Arbor, Michigan, intended to offset all or part of the cost incurred by City of preparing and conducting a stormwater management program, and operating and maintaining a stormwater system.

**STRUCTURE.** Anything constructed or installed with a fixed location on or in the ground.

**USER** is a firm, person or property which directly or indirectly contributes stormwater or non-stormwater to the stormwater system.

**UTILITY.** The stormwater management utility provided for in Chapter 33 of the Code, City of Ann Arbor.

**WATER QUALITY.** Those characteristics that relate to the physical, chemical, biological or radiological integrity of water.

**WATER QUANTITY.** Those characteristics that relate to the rate and volume of the stormwater runoff to downstream areas.

**WATERSHED.** Drainage area contributing stormwater runoff to a single point.

## **Section 3 – Stormwater Utility Charge Adjustments**

All customers shall report their changes in impervious area and submit these measurements to the City. The City also grants charge adjustments when customers identify incorrect information contained in the City's billing database. Adjustments typically occur when the City has incorrectly delineated the impervious area within a nonresidential property, when residential customers are assigned the incorrect stormwater billing category, or when some or all of the stormwater discharge from the property does not enter the City's stormwater system, either because it discharges directly to the Huron River, discharges across the City limit, or is completely retained on-site. Charge adjustment forms are available online at [www.a2gov.org/storm](http://www.a2gov.org/storm) or by calling 994-2666. The Administrator, or designee, will review adjustment requests within a 6-month period from the date of filing of the request.

The Administrator has authority to administer the procedures and standards, and review criteria for the adjustment of charges as established herein. All requests shall be judged on the basis of the amount of impervious area on the site, topography, and/or site drainage characteristics.

Any customer who has paid stormwater utility charges, and who believes the charge to be incorrect, may submit an adjustment request .Based on the information provided, the Administrator may grant an adjustment if one or more of the following situations exist:

- Owner demonstrates that the City has incorrectly interpreted and/or calculated the impervious area of the property.
- Owner demonstrates that some or all of the impervious area does not discharge into the City's stormwater system, including discharges directly to the Huron River as well as discharges to systems outside the City limits that do not subsequently re-enter the City limits.
- Owner demonstrates rainfall that occurs on property does not generate runoff as per WCDC code (has no outlet), is completely watertight, and has at least 18 inches of freeboard. This adjustment is for unusual structures, such as swimming pools, hazardous material storage areas, quarries, etc. For these specific cases, a customer's billable impervious area will be adjusted by removing the amount of impervious area that does not generate runoff.
- Owner demonstrates that on-site gravel is not compacted, not used for vehicular traffic, and not impervious. The City may grant adjustments for non-compacted gravel areas used for landscaping or other purposes. The City considers all compacted gravel areas (drives, storage areas, etc.) as impervious areas, and as such, no adjustment will be granted. The Administrator will make the decision regarding the intended purpose of gravel areas and the degree of imperviousness.

The City may request that the customer provide supplemental information to the Administrator including, but not limited to, survey data prepared by a registered Professional Land Surveyor (P.L.S.) that represents the amount of impervious area and compacted gravel area on a property and/or engineering reports prepared by a registered Professional Engineer (P.E.). Failure to provide such information may result in the denial of the adjustment request.

The Adminstrator shall respond in writing to all adjustment requests. The response shall provide an explanation of adjustment approval or denial. Adjustment denials may be appealed according to the process presented in Section 5.

## **Section 4 – Stormwater Utility Charge Credits**

Any customer may qualify for stormwater credits when they can demonstrate that their existing or proposed stormwater facilities and management practices provide the City with a quantifiable cost savings in managing their stormwater system. The reduction available for each type of credit will be established by City Council in Chapter 29 of the

Code, City of Ann Arbor, Michigan, with the actual credit reduction for a specific property determined by the Administrator based on the characteristics of the actual facility or management practice employed by the customer.

Stormwater utility credits are associated with the construction, operation, and maintenance of privately owned stormwater facilities and/or actions by property owners that provide benefit to the City in the cost of providing stormwater services. Credit applications are available online at [www.a2gov.org/storm](http://www.a2gov.org/storm) or by calling 994-2666. The Administrator, or designee, will review credit requests within a 6-month period from the date of filing of the request.

## **4.1 Restrictions**

- No public or private property shall receive Credit to offset Charges for any condition or activity unrelated to the City's cost of providing stormwater management services.
- No Credit will be applied to any property that reduces the Charge to an amount less than zero.
- Credits will not apply to Stormwater Pollution Prevention Plan (SWP) Review and Inspection fees attributable to new development or redevelopment projects.
- Credit shall only be given to the property..

## **4.2 Credits for Single Family and Two-Family Residential Properties**

Credit may be issued to a single-family or two-family residential property where the property owner has implemented one or more of the following stormwater facilities or management practices. The application form will be posted online at [www.a2gov.org/storm](http://www.a2gov.org/storm) or may be obtained by calling 994-2666.

### **4.2.1 Credit for On-Site Stormwater Management Practices**

A single-family or two-family resident may receive a credit for physical stormwater management practices installed on their property. Credit will be granted to both the stormwater discharge rate (proportionate to the reduction in stormwater discharges achieved by these practices) and to the customer charge (proportionate to the public education benefits provided to the City by citizen involvement in such practices). The following types of practices are eligible to receive credits based upon a complete application to the City and subject to review and inspection by the Administrator. More detailed information on each of these practices is available online at [a2gov.org/storm](http://a2gov.org/storm) or by calling 994-2666.

- Install rain barrel(s), totaling 35 gallons or more, onto the downspouts from structures on the property. Between storm events, owner shall direct discharges from rain barrels either directly or indirectly to pervious areas of the property.

- Install one or more cisterns or dry wells able to capture a total stormwater volume of at least 500 gallons or 66 cubic feet and drain the captured volume to soil in less than 24 hours. Facilities designed according to these criteria should accept runoff from at least 50 percent of the roof area of the property. In no event may the discharge from the facility cause an increase in the runoff to an adjoining property.
- Install one or more rain gardens at least 130 square feet in area, and at least 3 to 6 inches deep. The rain garden should be able to drain the captured volume to soil in less than 24 hours, and should accept runoff from at least 50 percent of the roof area of the property. In no event may the discharge from the facility cause an increase in the runoff to an adjoining property.

#### **4.2.2 Credits for Off-Site Stormwater Management Practices**

Most properties within the City developed since 1978 are served by stormwater detention facilities built as a condition of development. Design criteria for these facilities have evolved since then:

- **1978:** Detention of the 100-year storm event for new impervious surfaces exceeding 15,000 square feet. Outlet rate restricted to 0.2 cfs/acre (also referred to as the agricultural runoff rate for the 10 year storm event)
- **1994:** Washtenaw County Drain Commissioner adopts new design standards requiring control of the First Flush, Bankfull, and 100-year storm events. City staff requests voluntary compliance with WCDC design standards as developments are proposed.
- **2000:** WCDC revises design rules. Lowers outlet restriction rate to 0.15 cfs. City adopts new stormwater management requirements. Eliminates the "grandfather clause". Requires compliance with the rules of the WCDC.
- **2002:** City makes minor revisions to its stormwater management standards to provide an exception of minor projects that do not increase impervious area.

Generally, these facilities are owned and maintained by a homeowners association or similar organizations. The City maintains records of these facilities, their design criteria, and the properties served by these facilities. The City also periodically inspects these facilities to determine if they are properly maintained and operating as designed.

Single-family and two-family residential properties that completely drain into one or more stormwater management facilities designed according to criteria in Chapter 63 of the Code, City of Ann Arbor in effect at the time the facility was constructed are eligible for a credit to their stormwater discharge rate. To receive this credit, the facility must be fully maintained to preserve the intended functionality of the facility. . Credits will be granted based upon the design criteria of the facility, which determines the amount of stormwater discharged into the City's stormwater system. Credits will be granted to qualifying property owners based upon information available to the City. No application is required.

### **4.2.3 Credits for RiverSafe Home Participants**

In 2007, the Washtenaw County Drain Commissioner initiated the RiverSafe Home program, which provides recognition to home owners or occupants who employ best stormwater management practices in the maintenance of their property. Information about this program and an on-line survey to determine if property owners are eligible can be found at the Drain Commissioner's web site:

[http://www.ewashtenaw.org/government/drain\\_commissioner/dcRiverSafeHomes2](http://www.ewashtenaw.org/government/drain_commissioner/dcRiverSafeHomes2)

The City is supporting this program by providing customer credits as additional recognition to participating property owners and tenants who are in full compliance with the most current criteria of the RiverSafe Home program published by the Washtenaw County Drain Commissioner. Ann Arbor Stormwater Utility Customers must apply directly to the City for this credit by filling out the credit application online at [a2gov.org/storm](http://a2gov.org/storm) or by calling 994-2666. The City will periodically verify that the properties receiving this credit are in good standing with the WCDC's RiverSafe Home program.

## **4.3 Credits for Other Residential and Non-Residential Properties**

Property owners or eligible tenants can apply for these credits, and may be required to submit supporting documentation with their credit application to allow the Administrator to properly determine the value of the credit to be granted. The following credits 4.3.1 through 4.3.4 are included as part of the program. The Application Form for other residential and non-residential properties can be found online at [www.a2gov.org/storm](http://www.a2gov.org/storm) or by calling 994-2666.

### **4.3.1 School-Based Education Credit**

Those schools, public or private, that perform public education and outreach practices in full compliance with an NPDES stormwater discharge permit issued by the Michigan Department of Environmental Quality (MDEQ) may receive a Credit for educating students and employees in the area of water quality awareness and protection. To be considered for this credit, the school must submit a copy of the NPDES permit, with the permit number, the latest stormwater management plan and annual report prepared under this permit, and the estimated number of residents of the City of Ann Arbor who received or participated in each educational practice.

The Administrator will review the application, and determine a credit amount based on the estimated cost-reduction in the City's public education programs provided by the school-based educational activities.

### **4.3.2 Credits for Stormwater Management Practices Required under Chapter 63**

Most properties within the City developed since 1978 are served by stormwater detention facilities built as a condition of development. Design criteria for these facilities have evolved since then:

- **1978:** Detention of the 100-year storm event for new impervious surfaces exceeding 15,000 square feet. Outlet rate restricted to 0.2 cfs/acre (also referred to as the agricultural runoff rate for the 10 year storm event)
- **1994:** Washtenaw County Drain Commissioner adopts new design standards requiring control of the First Flush, Bankfull, and 100-year storm events. City staff requests voluntary compliance with WCDC design standards as developments are proposed.
- **2000:** WCDC revises design rules. Lowers outlet restriction rate to 0.15 cfs. City adopts new stormwater management requirements. Eliminates the "grandfather clause". Requires compliance with the rules of the WCDC.
- **2002:** City makes minor revisions to its stormwater management standards to provide an exception of minor projects that do not increase impervious area.

The City maintains records of these facilities, their design criteria, and the properties served by these facilities. The City also periodically inspects these facilities to determine if they are properly maintained and operating as designed.

Other residential or non-residential properties that completely drain into one or more stormwater management facilities designed according to criteria in Chapter 63 of the Code, City of Ann Arbor in effect at the time the facility was constructed are eligible for a credit to their stormwater discharge rate. To receive this credit, the facility must be fully maintained according to criteria established by the Administrator. Credits will be granted based upon the design criteria of the facility, which determines the amount of stormwater discharged into the City's stormwater system. Properly designed and maintained facilities that receive stormwater from off-site sources may be eligible for an additional credit, subject to Administrator review. Credits will be granted to qualifying property owners based upon information available to the City. No application is required for facilities that were approved by the City prior to their construction.

#### **4.3.3 Stormwater Quality Control Structural BMP Credit**

Stormwater quality control structures that do not fully satisfy the criteria of Chapter 63 of the Code, City of Ann Arbor may be eligible for a credit. In order to qualify for this credit, one or more facilities must be able to capture runoff from the first one-half inch of rain and at least 50 percent of the impervious area of the property, release the captured volume to the City drainage system in no less than 24 hours, and otherwise be designed and maintained according to criteria in the Stormwater Design Standards, low impact design fact sheets available from the Washtenaw County Drain Commissioner, or generally accepted engineering practice. The City will determine whether to provide this Credit based upon a complete application including necessary hydrologic data, water quality data, design specifications, and other pertinent data supplied by qualified, licensed professionals on behalf of property owners. Structural stormwater quality management facilities that are eligible for credits include, but are not limited to the following:

- Vegetated Swales and Filter Strips,
- Infiltration and Percolation Basins,
- Percolation Trenches,
- Buffer Strips and Swales,
- Porous Pavement,
- Extended (Dry) Detention Basins,
- Retention (Wet) Ponds,
- Constructed Wetlands
- Media Filtration, and
- Other Stormwater Treatment System.

Credits for on-site stormwater facilities shall be generally proportional to the benefit that such systems have on complementing or enhancing the water quality benefit to the City's stormwater management system. Property access, adequate and routine facility maintenance, and self-reporting must be provided by the property owner to the City to verify that the facility is providing its intended benefit. Properly designed and maintained facilities that receive stormwater from off-site sources may be eligible for an additional credit, subject to Administrator review. In all cases, the facility must be designed to fully meet criteria in the Stormwater Design Standards based upon the total drainage area of the facility.

#### **4.3.4 Credits for Community Partners for Clean Streams Participants**

The Washtenaw County Drain Commissioner administers the Community Partners for Clean Streams program, which provides recognition to businesses that employ best stormwater management practices in the maintenance of their property. Information about this program can be found at the Drain Commissioner's web site:

[http://www.ewashtenaw.org/government/drain\\_commissioner/dc\\_cpcs.html](http://www.ewashtenaw.org/government/drain_commissioner/dc_cpcs.html)

The City is supporting this program by providing customer credits as additional recognition to participating businesses that are in full compliance with the latest criteria of the Community Partners for Clean Streams program published by the Washtenaw County Drain Commissioner. Ann Arbor Stormwater Utility Customers must apply directly to the City for this credit by filling out the credit application and attaching a copy of the letter of recognition provided by the Drain Commissioner. The City will periodically verify that the properties receiving this credit are in good standing with the WCDC's Community Partners for Clean Streams program.

### **4.4 Credits for Stormwater Systems within Public Rights of Way**

Most of the City's drainage system lies within public rights of way, sharing that property with public roads and other public and private utility systems. Public roads and other impervious surfaces within these rights of way discharge stormwater to the stormwater system and are subject to stormwater utility charges like every other property within the City. However, the public ROW also provides service to the stormwater utility (and all of its other customers) by serving as a conduit for stormwater drainage that augments the utility's other assets - and that the Utility would have to construct independently but for the existence of the public ROW.

In this light, the Administrator shall periodically determine the value of the services provided by the public ROW to the stormwater utility compared with the stormwater utility charge for runoff from impervious areas within the public ROW.

## **4.5 Application Procedures**

A property owner seeking a Stormwater Credit must comply with the procedures outlined in these Regulations and must submit the appropriate credit application. All information necessary for the Administrator to make a determination must be supplied as outlined in these Regulations and the Credit application. Failure to comply with the procedures outlined in these Regulations will result in a denial of the Credit application.

In cases requiring a hydrologic analysis, a qualified professional engineer registered in the State of Michigan must prepare and certify the documentation provided to verify the hydrologic benefit.

## **4.6 Enforcement Policy**

The Administrator reserves the right to review a credit application for accuracy and/or inspect and review documentation confirming the provision of the stormwater facility or management practice at any time. If, after its review or inspection, the Administrator finds the application to be inaccurate or the projected level of service is not being provided or continued, the customer will be notified in writing and given 45 days to correct the deficiency. The property owner must provide written documentation to the Administrator within 45 days of the original notice by the Administrator that the stormwater facility or management practice is being provided or continued as agreed in addition to such evidence as the Administrator reasonably requires showing that the deficiency has been corrected. If, in the opinion of the Administrator, the deficiency is not satisfactorily corrected, the Credit attributable to the deficiency will be terminated on the following billing cycle and will remain in effect for a minimum of 12 months. Reapplication for Credit will not be reviewed until the delinquent stormwater facility or management practice has been adequately reinstated for three continuous months and evidence of the corrections has been provided with the reapplication.

Once the Credit reduction has been canceled, a customer may not reapply for that particular Credit for a period of 12 months and then only if the deficiency has been corrected, as determined by the City inspection. It will be the responsibility of the customer to prove the stormwater management goals are met prior to the Credit being reissued.

All structural water quality control systems that are not listed in the Stormwater Design Standards may require, at the request of the City and at no cost to the City, periodic certified laboratory water quality sampling and reporting to insure that the water quality standards are being met.

## **Section 5 – Appeals**

Any person disagreeing with the interpretation or application of a provision of Chapters 33, 29 (as related to Stormwater), or the regulations in these Regulations may appeal in writing by using Stormwater Utility Petition to Appeal found online at [www.a2gov.org/storm](http://www.a2gov.org/storm) or by calling 995-2666.

All appeals will be processed first through the Administrator, for a recommendation, and then to the City of Ann Arbor, City Administrator for final decision. Any person still aggrieved may appeal the City Administrator's decision to a court of competent jurisdiction.

# **Stormwater Utility Policies and Procedures Manual**

**City of Ann Arbor, Michigan**



**Final  
September 15, 2008**

# **City Of Ann Arbor, Michigan**

## **Stormwater Utility**

### **Policies And Procedures Manual**

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## **Section 1 – Introduction and Authorization**

The City of Ann Arbor established a Stormwater Management Utility on August 20, 1980. The utility provides the City with the authorization to establish and collect just and equitable rates, fees, and charges for the services and facilities provided by the utility system. The City is further authorized by the Michigan Statutes to construct, reconstruct, improve, and extend the Stormwater Management system.

The City's Stormwater Management Utility establishes a mechanism for billing the costs of operating and maintaining the City's stormwater management system and financing the necessary repairs, replacements, improvements, and extensions in a manner that protects the health, safety, and welfare of the citizens of the City of Ann Arbor. The City's ordinance, codified under Chapters 29 and 33 of the Code, City of Ann Arbor, Michigan, provides the mechanisms for billing and payment, accounting for capital contributions, and establishing the Stormwater Utility Fund.

This Policies and Procedures Manual outlines the guidelines and framework under which the stormwater utility will operate. The Policies and Procedures Manual is intended to identify and clarify the City's procedures for billing the charges and updating the billing data file. It also establishes policies and procedures for the operation and maintenance of the City's stormwater utility system.

## **Section 2 - Responsibility**

The stormwater utility is administered by the City's Public Services Area. The Public Services Area Administrator (Administrator) is responsible for the operation and maintenance of the stormwater facilities. The Administrator is also responsible for the organization of the operation and maintenance staff, the planning and assessment of stormwater utility facilities, fiscal management, and the management of capital improvements programs. The responsibility for billing and collection of stormwater utility charges is that of the Customer Service Unit of the Public Services Area.

The Administrator is also responsible for ensuring that an accurate record of all properties using the services and facilities of said stormwater management system of the City is kept, and changes are made to update the record and keep it current in accordance with Chapter 33 of the Municipal Code of the City of Ann Arbor.

## **Section 3 – Stormwater Enterprise Fund**

All revenues raised from stormwater utility rates, fees, and charges are placed in a stormwater enterprise fund together with such other revenues from any source or combinations of sources of revenues otherwise legally available which have been designated to be used for the stormwater management program. No part of the funds held in the stormwater enterprise fund may be transferred to any other operating fund or used for any purpose other than payment of direct and indirect services for undertaking the stormwater management program, and operating and maintaining a stormwater system.

## **Section 4 – Stormwater Utility Charge**

A stormwater utility charge shall be charged to each property within the City for their use of the stormwater system. The Administrator shall be responsible for maintaining a list of lots and properties within the incorporated City limits and assigning them to an appropriate customer classification as defined in Chapter 33 of the Code: City of Ann Arbor Michigan. The Administrator shall also recommend the specific rates and charges that will be charged to customers based upon an assessment of the actual services provided, and City Council shall approve the charge. This charge shall be composed of three components whose charge is proportionate to the cost of service received by each property:

- A *Customer Charge* to every customer covering the cost of public education, public involvement, and utility billing administration, operation, and updates.
- A *Stormwater Discharge Rate* proportionate to the amount of stormwater discharged into the public stormwater system, based upon the impervious area of the property and charged at a rate per impervious acre per quarter established by City Council.
- *Specific Charges* to those subsets of customers receiving specialized services from the City. One category of specific charges are those for non-stormwater discharges. Under current standards, a storm sewer in the City of Ann Arbor is designed to convey the peak flow from a 10-year, 1-hour design storm, equal to 1.6 cfs for one acre of impervious area. Therefore, the rate for permitted non-stormwater discharges in \$ per cfs shall equal the stormwater discharge rate in \$ per impervious acre divided by 1.6 cfs per impervious acre.

## **Section 5 – Billing, Payment, Delinquent Charges and Non-Payment Penalties**

Billing and payment of stormwater utility charges is to be done pursuant to Section 2:69 of the Code, City of Ann Arbor, Michigan. The stormwater utility charge shall be billed and paid under the same terms and conditions established for other utility services (water, sanitary sewer, etc.) and Sections 2:71 and 2:72 of the Code, City of Ann Arbor Michigan.

## **Section 6 -- Maintenance of Utility Billing Data**

The Administrator shall be responsible for maintaining the measurements of the impervious area based on data supplied by the City, or by the property owner, tenant, or developer. The Administrator may require additional information as necessary to make the determination. The Administrator shall update the billing amount based on any additions to the impervious area as approved through the building permit process.

The stormwater utility billing system data file shall be updated periodically to include new stormwater utility customers who construct new developments or make modifications or improvements to existing developed property. It shall be necessary to obtain sufficient information regarding the new utility customers to determine the impervious area and the corresponding monthly utility charge.

## **6.1 Site Plan Review and Building Permit Application Procedures**

Upon issuance of a Certificate of Occupancy, the Customer Service Unit will begin billing the new location a stormwater utility charge. New single-family and two-family residential customers shall be placed into the .07 acre impervious area category until such time as measured impervious area data becomes available for the property. All customers shall report their changes in impervious area and submit these measurements to the City.

## **6.2 Utility Billing Data File Update**

Receipt of a copy of the Certificate of Occupancy for a property signifies a request for service from the City's stormwater utility. The Customer Service Unit initiates stormwater utility billing with the first billing cycle after the receipt of the Certificate of Occupancy. The System Planning Unit is responsible for the assignment of impervious area to the new customer and furnishing this impervious area to the Customer Service Unit. The Customer Service Unit is responsible for keeping the billing system data file current.

# **Section 7 - Requests for New Service and Change of Service**

A stormwater account should remain active and chargeable regardless of occupant status. Requests by new tenants, owners, residents, or other persons or a request for discontinuation of utility service at an existing, developed property is handled by the Customer Service Unit.

- 1) For a **new request for utility service**, the Customer Service Unit will update the stormwater utility billing system data file with the new customer's name, billing address, and other pertinent information; and check to ensure that the account is active and chargeable.
- 2) For a **bill paying tenant moving out**, the Customer Service Unit will transfer the current customer information from the account and replace it with information regarding the owner of the property (unless a replacement tenant has already moved in).
- 3) A request for **change of service** resulting from a demolition or other reduction in impervious area will follow the adjustment procedure outlined in Section 3 of the Regulations.

# **Section 8 – Stormwater Utility Billing Guidelines**

The stormwater utility billing is provided as a line item on the City's utility billing statement. The customer identification number is used to bill the stormwater utility charge. General billing guidelines are described as follows:

- Residential multifamily such as condominiums, apartment complexes, trailer parks, etc., are generally served by utility accounts in the name of the owner or the property association. In these cases, the stormwater charge is assigned to the utility account for the master water meter and billed to the property owner / association.
- Residential condominiums that are serviced by multiple utility accounts will have the stormwater charge for each land parcel within that condominium divided equally among the utility accounts that are within that land parcel.

- Where multiple utility accounts exist on a single property and the accounts have the same customer name, the stormwater discharge rate and the customer charge shall be billed to one account, with the other accounts designated as zero charge for stormwater billing.
- Where multiple utility accounts exist on a single property and the accounts have different customer names and separate customer accounts (i.e., retail shopping center), the stormwater discharge rate is billed to property owners based on the percentage allocation of the total impervious area to that customer and the customer charge is charged to each customer. For these stormwater utility customers, the amount of impervious area is determined and assigned to each customer account based on the percentage of the total impervious area that can be attributed to the individual customer. The percentage allocation is determined on the basis of the ratio of the customer's building area to the total building area. The area of impervious surface assigned to the customer is determined by multiplying the customer's percentage allocation of total building area by the property's total impervious area.
- A property that is not receiving other utility services (i.e. water, sanitary sewer, or solid waste) from the City of Ann Arbor is designated as a "stormwater only" account, and billed based on the procedures mentioned previously. The Administrator may designate a less frequent billing cycle for stormwater only accounts.

## **Section 9 - Multiple Fund Projects**

The City may participate in stormwater management projects with individual property owners or other political jurisdictions if, in the opinion of the City, the project provides stormwater control. The City will allocate project costs on an equitable basis. The City should evaluate the allocation methodology to parallel the stormwater utility concept: the amount of flow/volume/pollution discharged from varying areas should provide the basis for equitably distributing the costs of the required facilities to these areas.

## **Section 10 - Ancillary Improvements**

The Administrator may authorize the construction of curbs, pavements, channels, watercourses, conduits, culverts, or other structures necessary to properly operate and maintain new and existing stormwater facilities within the City's right of way and other environs, and as adjuncts to stormwater facilities within the City's jurisdictional boundaries.

## **Section 11 - Routine and Remedial Maintenance**

The Administrator will provide for inspection and routine maintenance of facilities owned by the City, within a right of way or drainage easement, or causing stormwater problems. Maintenance may include, but not be limited to, catch-basin cleaning, grating and casting repair, inlet and outlet structure repair, channel clearing, and erosion repair. The Administrator will provide for remedial maintenance of facilities based upon the severity of stormwater problems and potential hazard to the public health, safety, and welfare.

# Appendix B

## Public Engagement Plan

**City of Ann Arbor, Michigan  
Stormwater Utility Update**

# **Public Engagement Plan**

**Submitted December 16, 2005**

**Prepared By  
CDM Michigan Inc.  
Ann Arbor Michigan**

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## Purpose and Objectives

The Public Engagement Plan for the City of Ann Arbor Stormwater Utility Update Project establishes mechanisms for communication between the public, City Council, City staff, and the consultant team during the project. Objectives of this communication are to:

- Confirm community values regarding stormwater issues and opportunities.
- Define the desired level of stormwater service necessary to address critical stormwater issues within Ann Arbor
- Communicate identified stormwater needs to the entire community.
- Educate stakeholders about alternative funding sources for desired level of stormwater services.
- Explain basis for future stormwater utility user fees
- Resolve issues related to the stormwater level of service and the funding mechanism(s) selected to provide this service level.

The following mechanisms have been identified to provide public education and involvement during the project:

- Stormwater Rates Citizen Advisory Group (SRCAG)
- Two articles in the WaterMatters Newsletter and/or as press releases
- Up to three public meetings and/or presentations of project findings at existing civic, professional, or business organization meetings.
- Text and layout for a brochure or an advertisement in a format suitable for publication in the Ann Arbor News or the Ann Arbor Observer (City to provide printing and distribution)
- Briefings at up to two City Council meetings

At the City's request, several optional public engagement activities could be conducted depending on available budget:

- Assistance in planning and/or production of a cable television presentation
- Additional meetings with specific businesses, organizations, or institutions (e.g., U of M, Pfizer).
- Maintain a project website to disseminate materials being prepped for the advisory task force and assist task force members to educate their constituents.
- Conduct an on-line community survey on value of possible options relative to cost and disseminate findings via task force members.
- Assist City staff prepare for and participate in an interview on WEMU

# Stormwater Rates Citizen Advisory Group

## *Purpose*

Ann Arbor's Stormwater Rates Citizen Advisory Group (SRCAG) provides a structured forum to involve representatives of various segments of the community in defining the desired level of stormwater services in Ann Arbor and update the current stormwater utility so that it provides a fair, equitable method of financing these services that is consistent with state and local statutes. The SRCAG structure will facilitate informed discussion about the stormwater needs in Ann Arbor, the costs to meet these needs, and appropriate methods of financing these costs. SRCAG members will provide a conduit between the project team and the various segments of the community on these issues.

## *Membership*

The SRCAG will consist of up to 20 members, as needed to represent a broad cross-section of interests in the community. The Public Services Area Administrator is responsible for soliciting nominations for SRCAG membership and appointing SRCAG members by January, 2006. The following interest groups should be represented on the SRCAG:

- MDEQ (representing regulatory interests) – 1 representative
- Washtenaw County Drain Commissioner – 1 representative
- University of Michigan – 2 representatives
- Ann Arbor Public Schools – 1 or 2 representatives
- Pfizer (representing theirs and other large industrial interests) – 1 representative
- Downtown Development Association (representing commercial interests) – 1 to 2 representatives
- Chamber of Commerce (Includes representation of large shopping malls) – 1 to 2 representatives
- Ann Arbor Apartment Association (Representing multi-unit residential) – 1 representative
- Interfaith Council (Representing religious organizations; churches and mosques) – 1 representative
- Huron River Watershed Council – 1 representative
- Ecology Center – 1 representative
- Environmental Commission (Representing creek organizations) – 2 representatives
- Citizens (representing different residential impacts) – 3 representatives

## **Responsibilities of SRCAG Members**

Each SRCAG member is intended to represent a specific segment of the community as a whole. Therefore, the active participation of each SRCAG member is imperative.

Specific responsibilities for SRCAG members include the following:

- ***Attend SRCAG meetings.*** Evening or afternoon meetings are planned every 4 to 6 weeks and should last about 2 hours each. A regular meeting time will be established during the first meeting.
- ***Attend other SRCAG-sponsored events.*** Events may include a tour of stormwater problem areas and recent stormwater projects, and community forum meetings.
- ***Review materials.*** Brief written documents about stormwater problems, activities required to address these problems, and alternative financing methods will be provided to SRCAG members approximately one week prior to most SRCAG meetings. In addition, presentations about these topics will be given at many meetings.
- ***Provide informed opinions about stormwater issues.*** SRCAG members should interact with the community segment they represent and bring informed opinions from these segments to facilitated discussions about stormwater issues. In turn, members should brief others within the community about SRCAG business and solicit opinions. The SRCAG member is responsible for determining if formal or informal methods of soliciting community opinion are most appropriate.
- ***Coordinate briefings for interest groups.*** If critical unresolved issues emerge during SRCAG meetings, members of the project team will hold briefings about the stormwater program for particular interest groups on a limited basis. SRCAG members representing these groups should inform the SRCAG about these issues and work with City staff to identify an appropriate forum for a briefing.
- ***Help review recommendations.*** The SRCAG will review the recommendations that will be the basis of a brief report on how to address critical stormwater issues in Ann Arbor. The consultant team will prepare drafts of this report based on discussions at SRCAG meetings, distribute these drafts before SRCAG meetings, facilitate discussions oriented at reaching as much consensus as possible on these issues, and consolidate SRCAG comments into the report. Ultimately, this report will be delivered to the City Council and City Administrator for their consideration while developing stormwater policy for the City of Ann Arbor.
- ***Attend and/or participate in briefings for City Council.*** From time to time, the consultant team will provide briefings for City Council. SRCAG members are encouraged to participate in these briefings to afford Council with a comprehensive vision of priority stormwater issues facing the community.

## *Preliminary Meeting Agenda*

SRGAG meetings are scheduled to begin in February. The initial term of SRGAG members is approximately one year, with meetings held about every 4 to 6 weeks. The following six meetings are scheduled to occur during the project:

- Meeting 1. Orientation and Overview of Stormwater Problems
- Meeting 2. Issue Identification
- Meeting 3. Cost of Service Analysis
- Meeting 4. Financing Options
- Meeting 5. Utility Rate Structure and Policies
- Meeting 6. Finalize Utility Implementation Report to City Council

Two additional meetings may be held if additional deliberations are required to address the subject matter covered during these meetings. A description of the agenda and objectives of each meeting is included in Appendix A of this report.

## **WaterMatters Articles**

The City publishes the WaterMatters quarterly and provides it to every utility billing address in Ann Arbor. Articles highlight significant issues in Ann Arbor, and responses are encouraged to allow citizens to share their ideas, concerns and suggestions with the City. The stormwater utility update will provide three articles to WaterMatters during the project:

- Winter 2006: Ann Arbor Updates the Stormwater Management Utility, including a request to provide citizen input on stormwater problems in Ann Arbor
- Spring 2006: Critical Stormwater Issues in Ann Arbor (summary of the nature and severity of stormwater issues in Ann Arbor).
- Fall 2006: Methods of Funding Stormwater Programs

## **City Council Briefings**

CDM, with the support of the SRGAG, will provide a briefing for City Council on the findings of the project. SRGAG recommendations will be a highlight of the City Council briefing.

## Appendix A

### Proposed Agenda

### Stormwater Rates Citizen Advisory Group Meetings

**City of Ann Arbor**  
**Stormwater Utility Development Plan**  
**Agenda for Stormwater Rates Citizen Advisory Group**

**Meeting 1 - Orientation and Overview of Stormwater Problems**

**Objective:** Introduce subject of stormwater policy, organize task force, and review stormwater problems

**Description:** CDM will assist the SRCAG in discussing the City's stormwater policy development and provide task force members with information addressing:

- typical stormwater problems in Ann Arbor
- Ann Arbor's proposed stormwater utility program,
- SRCAG operation,
- objectives of the SRCAG,
- goals of the SRCAG, and
- the schedule for bringing recommendations to council.

CDM will prepare the necessary graphic aids and handouts for the meeting and will provide a summary of the meeting to be included in notebooks furnished to the advisory task force members and representatives of the city. These notebooks will be updated at each meeting with new materials developed for that presentation.

**Deliverables:**

- Notebooks with background information
- Presentation materials for Meeting 1

**Schedule:**

- Draft presentation material seven days prior to Meeting 1
- Preliminary date for Meeting 1 is February, 2006

**City of Ann Arbor**  
**Stormwater Utility Development Plan**  
**Agenda for Stormwater Rates Citizen Advisory Group**

**Meeting 2 – Issue Identification**

**Objective:** Identify stormwater policy issues

**Description:** CDM will review with the advisory task force the following stormwater policy issues:

- what drainage features are the responsibility of the City to operate and maintain
- what are acceptable drainage operation and maintenance practices compatible with the City, County, State, and Federal goals, policies and objectives
- what level of service should the City provide in different sections of the drainage system
- what are the property owner's responsibilities for drainage from/through their property, and what is the City's role in seeing these responsibilities are met
- what mechanisms should the City consider to raise revenue for drainage improvements that is fair and equitable
- other issues defined by the task force

CDM will prepare the necessary graphic aids and handouts for the meeting.

**Deliverables:**

- Meeting 2 inserts for notebooks
- Presentation materials for Meeting 2

**Schedule:**

- Draft presentation material seven days prior to Meeting 2
- Preliminary date for Meeting 2 is March 2006

**City of Ann Arbor**  
**Stormwater Utility Development Plan**  
**Agenda for Stormwater Rates Citizen Advisory Group**

**Meeting 3- Cost of Service Analysis**

**Objective:** Define cost of desired level of service

**Description:** CDM will use a matrix to describe a range of services and service levels that address critical policy issues identified in Meeting 2, will facilitate the advisory task force in discussion of the costs and benefits of the various services, and will seek to build consensus around a desired level of service.

**Deliverables:**

- Meeting 3 inserts for notebooks
- Presentation materials for Meeting 3

**Schedule:**

- Draft presentation material seven days prior to Meeting 3
- Preliminary date for Meeting 3 is May 2006

**City of Ann Arbor**  
**Stormwater Utility Development Plan**  
**Agenda for Stormwater Rates Citizen Advisory Group**

**Meeting 4 -Financing Options**

**Objective:** Determine a fair and equitable method to finance necessary stormwater management activities.

**Description:** CDM will present information to assist the advisory task force understand municipal financing principles, how municipal funds are operated, how they are burdened, the available financing options for stormwater management programs and the proposed stormwater utility rate structure. CDM will also present a five-year plan for financing the stormwater program under alternative combinations of these options and will facilitate a discussion oriented at reaching consensus on the preferred financing approach. CDM will prepare the necessary graphic aids and handouts for the meeting.

**Deliverables:**

- Meeting 4 inserts for notebooks
- Presentation materials for Meeting 4

**Schedule:**

- Draft presentation material seven days prior to Meeting 4
- Preliminary date for Meeting 4 is June 2006

**City of Ann Arbor**  
**Stormwater Utility Development Plan**  
**Agenda for Stormwater Rates Citizen Advisory Group**

**Meeting 5 – Utility Rate Structure and Policies**

**Objective:** Determine Required Stormwater Fee and Credit Policy

**Description:** CDM will present a required stormwater fee necessary to fund the desired level of services and accommodate/anticipate adjustments. CDM will facilitate the advisory task force in a discussion of concerns regarding the fee and credit policy.

CDM will prepare the necessary graphic aids and handouts for the meeting.

**Deliverables:**

- Meeting 5 inserts for notebooks
- Presentation materials for Meeting 5

**Schedule:**

- Draft presentation material seven days prior to Meeting 5
- Preliminary date for Meeting 5 is August 2006

**City of Ann Arbor**  
**Stormwater Utility Development Plan**  
**Agenda for Stormwater Rates Citizen Advisory Group**

**Meeting 6 – Finalize Utility Implementation Report to City Council**

**Objective:** Finalize report to City Council

**Description:** CDM will assist the advisory task force in preparing a summary document that addresses the task force's conclusions. This document should be brief and provide limited historical information, but concentrate on issues that were key to the advisory task force's recommendation.

Whether one meeting will be sufficient to develop consensus support is difficult to forecast. Previous experience has shown that one meeting is successful if proper information has been displayed and consensus developed progressively through previous meetings.

**Deliverables:**

- CDM will assist the City in developing the draft report for the meeting
- Meeting 6 inserts for notebooks

**Schedule:**

- Draft presentation material seven days prior to Meeting 6
- Preliminary date for Meeting 6 is September 2006

## Appendix C

### Summary of Existing Functional Stormwater Services

**Attachment 1**  
**Current Roles/Funding of City Departments in Stormwater Management**

Functional Stormwater Service Area	Current Stormwater Management Role	FY 2005/06 Expenditures from SW Fund		Expenditure Category in Current SW Budget	Current Expenditures, Other Departments	Work Currently Performed By:		Potential Future Funding from SW Fund	
		Annual Amount	Notes			Department	Division	Annual Amount	Notes
Administrative Services	Administration by Public Services Department	\$215,000		Administration		Public Services	Administration	\$40,000	May increase if level of service increases
	Municipal Service Charge for equitable share of City administrative services	\$39,000		Administration		Public Services	Administration		May increase if level of service increases
	Coordinate with/support WCDC and major stakeholders re: capital investments, IDEP, grants	\$30,000	City pays WCDC ~ \$30k/yr towards Harry Sheehan's salary	Administration		Public Services	Systems Planning		Additional coordination may be needed to support additional County Ditch improvement projects
	MS4 Storm water permit -- Annual reporting, administration, and coordination	\$12,000	Administered by Craig Hupy	Systems Planning		Public Services	Systems Planning		
	Coordinate with University of Michigan	\$2,000	Wendy Rampson - 4 hrs/wk on UM related issues, very little stormwater related, suggest using 2 hr/mo at hourly rate	Systems Planning		Public Services	Systems Planning		
	Customer Service Requests (taken by phone); initiate work orders; answer questions	\$209,000	Stormwater share estimated at 20% of Customer Service budget	Administration		Public Services	Customer Service Center		
<b>Subtotal for Administrative Services</b>		<b>\$507,000</b>			<b>\$0</b>			<b>\$40,000</b>	
Public Engagement	Public education (e.g., direct mail, advertising, storm drain stenciling)	\$100,000	For all permit-required Pub. Ed. Performed under contract	Systems Planning		Public Services	Systems Planning		
	Support watershed, environmental, and "resource user" groups	\$24,000	Jerry Hancock currently spends ~22 hrs/month on this	Administration		Public Services	Systems Planning	\$12,000	50% increase in Jerry's time
	Public education, publications, web oversight	\$0	Currently none, future services	NOT CHARGING TO SW		Community Services	Communications (Lisa)	\$15,000	
	Source water protection including well head protection and river water.	\$0	Will share public education with Water Treatment in future	NOT CHARGING TO SW	\$75,000	Public Services	Water Treatment Plant	\$75,000	Watershed protection recommendation from Janice Skadsen
	Education coordinator (Nancy Stone) - developing outreach to schools (Dexter 5th grade)	\$0	10% of Ecology Center \$35k contract (\$3500), plus 30 hrs of Nancy Stone (\$900), plus 30 hrs of Mickey (\$336), plus hand outs (\$150)	NOT CHARGING TO SW	\$5,000	Public Services	Administration	\$30,000	Should budget for 30% of Nancy Stone's time in the future
	Dues - Huron River Watershed Council	\$11,400		Administration		Public Services	Administration		
	Leslie Science Center - water resources education	\$0		NOT CHARGING TO SW	\$10,000	Community Services	Parks & Recreation Department	\$15,000	
	Environmental programming	\$0		NOT CHARGING TO SW	\$10,000	Community Services	Parks & Recreation Department	\$15,000	
<b>Subtotal for Public Engagement</b>		<b>\$135,400</b>			<b>\$100,000</b>			<b>\$162,000</b>	
Regulation and Enforcement	Site plan reviews for SESC and post-construction SW controls	\$30,000	Regulation of Natural Features/Wetlands/Floodplains/Steep Slopes/Trees, SESC with WCDC (Ch. 63 -- Jerry Hancock)	Administration		Public Services	Systems Planning		
	Floodplain management	\$10,000	Jerry Hancock, 4-6 hrs/wk	Administration		Public Services	Systems Planning	\$15,000	Double Jerry Hancock's time when implementation of Flood Mitigation Plan begins
	Miss Dig - locating utilities	\$0	20% of the Miss Dig services budget of \$120,000	NOT CHARGING TO SW	\$24,000	Public Services	Field Operations	\$24,000	20% of total Miss Dig budget (\$120,000 in FY 05/06)
	Plan review for private projects. Examples include: subdivisions via Ch. 33 (not Ch. 63); projects to become donated to the public system (typically underground pipes and ponds in ROW, or extension of mains)	\$35,000	Jerry Hancock 16 - 20 hrs/wk; Brad Ruppel 4 hrs/wk	???????		Public Services	Project Management		Future: Add long range natural resource planning/implementation
	Site plan coordination with WCDC; SESC - 2 positions; compliance inspections - related to private property (Ch. 63) and floodplain mgmt (enforce bldg code Ch. 98)	\$142,800	Roland and Brad	???????		Community Services	Planning & Development Services		
	Illicit Discharge Detection and Elimination	\$109,000	Historically done under contract using grant funds.	Field Storm Sewer Operation		Public Services	Field Operations	\$30,000	Future grants can not be assured -- City may need to allocate staff to conduct this work
	Spill response with WCDC and Field Operations	\$0	4 incidents over the past 2 years, average of 6 hrs/incident. Average hourly rate of personnel involved = \$45 per hour	NOT CHARGING TO SW	\$1,000	Safety Services	Emergency Management	\$1,000	
	Natural Area Preservation (has a SW impact)	\$0	Call Dave Borneman	NOT CHARGING TO SW	\$5,000	Public Services	Field Operations	\$5,000	CDM to call Dave Borneman (994-4834)
<b>Subtotal for Regulation and Enforcement</b>		<b>\$326,800</b>			<b>\$30,000</b>			<b>\$75,000</b>	
Operations and Maintenance	Storm sewer inspection and cleaning	\$346,000	\$15K for merchandising & jobbing, \$5K for rodding, \$57k for CCTV, \$53k for ditches, and \$216 for jetting.	Field Storm Sewer Operation		Public Services	Field Operations	\$119,000	
	Curb inlet and catch basin cleaning	\$165,000		Field Storm Sewer Operation		Public Services	Field Operations		
	SW treatment devices, swirl type, maintenance/repairs	\$5,000	Cleaning to remove accumulated material every 5 years	Field Stormwater Capital		Public Services	Field Operations		
	Issue and track work orders based on customer calls	\$248,000		Field Storm Sewer Operation		Public Services	Field Operations		
	Equipment Costs	\$27,000		Field Storm Sewer Operation		Public Services	Field Operations		
	Street sweeping	\$0	Starting in 2006/07, SW fund pays for only one of two Fall sweeping per year - right after leaves are down.	Administration		Public Services	Field Operations	\$125,000	
	General housekeeping at maintenance yards,	\$21,000	Sump cleaning, SESC compliance for stockpiled materials	Field Storm Sewer Operation		Public Services	Field Operations		
	Leaf removal	\$0	\$90k/yr for Mallet only, for lease of high efficiency sweepers	NOT CHARGING TO SW	\$90,000	Public Services	Field Operations	\$90,000	Mallets Creek Restoration plan recommends use of high efficiency sweepers
	Open channel maintenance	\$20,000	Estimated annual effort: 50 staff/days (2 staff, 25 days each). For roadside ditches & county drains - not for private property or where benefit is to single property owner	Field Storm Sewer Operation		Public Services	Field Operations	\$505,000	Suggest increasing budget to \$60k
	Mosquito control	\$100,000	\$40k for materials, \$40k for temporary staff, and \$20k for equipment	Field Storm Sewer Operation		Public Services	Field Operations	\$68,000	Additional mosquito control may be needed in the future
	Capital Outlays	\$789,000	Budgeted under Field Operations, with administration of some projects by Project Management	Field Storm Sewer Operation		Public Services	Field Operations		
	Capital Outlays -- Manholes	\$254,000	Budgeted under Field Operations, with administration of some projects by Project Management	Field Storm Sewer Operation		Public Services	Field Operations		
<b>Subtotal for Operations and Maintenance</b>		<b>\$1,975,000</b>			<b>\$90,000</b>			<b>\$907,000</b>	

**Attachment 1**  
**Current Roles/Funding of City Departments in Stormwater Management**

Functional Stormwater Service Area	Current Stormwater Management Role	FY 2005/06 Expenditures from SW Fund		Expenditure Category in Current SW Budget	Current Expenditures, Other Departments	Work Currently Performed By:		Potential Future Funding from SW Fund	
		Annual Amount	Notes			Department	Division	Annual Amount	Notes
<b>System Planning</b>	Stormwater GIS and Drainage System Data		\$1 M budgeted to establish GIS under capital improvement funding, \$40K annual maintenance and software	Systems Planning		Public Services	Systems Planning	\$290,000	Assumes 4 year implementation plus annual maintenance
	Stormwater Model and System Evaluation		\$1.2 M budgeted to establish model and evaluation system under capital improvement funding, \$35K annual maintenance and software, \$600K for system re-evaluation study in 2013/14	Systems Planning		Public Services	Systems Planning	\$335,000	Assumes 4 year implementation plus annual maintenance
	Flood mitigation planning via state grant	Jerry Hancock		Administration		Public Services	Systems Planning		
	Capital planning and Asset management (future) - plans for infrastructure replacement	\$55,000	Planning estimated at 3% of CIP budget (\$1.4 million replacement; \$200,000 expansion; \$200,000 ditch maintenance)	Systems Planning		Public Services	Systems Planning	\$150,000	5% of estimated future CIP budget of \$2 to \$3 million
	Fund/maintain stream gages	\$11,900	stream gage on Malletts Creek	Administration		Public Services	Systems Planning	\$25,000	Add 20% of Wall St gage + add \$12K for another gage in 2-3 years
	Fund/maintain rain gages	\$2,000	50% of \$4,000 for operation of 3 rain gages	Systems Planning		Public Services	Systems Planning	\$10,000	Incr. funding to upgrade/maintain exist gages + add 1 at City Hall
<b>Subtotal for System Planning</b>		<b>\$68,900</b>						<b>\$810,000</b>	
<b>Capital Improvements</b>	Incorporate SW controls into public roads projects whenever possible			Field Stormwater Capital		Public Services	Systems Planning		
	Design, contract administration, and construction management for SW capital projects		Stormwater CIP needs estimated at \$1.4 million replacement; \$200,000 expansion; \$200,000 ditch maintenanceand studies	Capital Expenditures		Public Services	Project Management		Per input from Pete Perala, will be bond funded
	o Easy St. Design			Capital Expenditures		Public Services	Project Management	\$454,000	
	o Bond Revenue for Capital Improvements			Capital Expenditures		Public Services	Project Management	\$2,227,000	
	Develop capital projects to address miscellaneous drainage issues in response to customer complaints (in addition to CIP projects).			Not sure if currently charging to SW		Public Services	Project Management	\$100,000	equivalent to \$50,000 in 1988 budget
	Principal and interest for County Drain Project	\$211,000							
	Principal and Interest for the Depot Street outlet project	\$155,000							
	Depreciation of assets	\$52,000	2003 Asset Listing Provided	Fund Depreciation		Public Services	Administration		
	Parks planning including SW improvements on public land	\$0		NOT CHARGING TO SW		Community Services	Parks & Recreation Department		
	<b>Subtotal for Capital Improvements</b>	<b>\$418,000</b>						<b>\$2,781,000</b>	
<b>Organization and Finance</b>	Rate structures	\$8,700	10% of Karen Fletcher's time (Tom's time for this project not included)	Administration		Public Services	Systems Planning		
	Calculations for SW utility billings for non-residential sites	\$36,900	0.5 FTEs are dedicated to this activity, at an estimated cost of approximately \$37,000	Systems Planning		Public Services	Project Management		Budget needs will change in future through acquisition, use of IR Imagery
	Financial planning including rate projections	\$25,000	0.3 FTEs are dedicated to this activity, at an estimated cost of approximately \$25,000	Administration		Public Services	Administration		
	<b>Subtotal for Organization and Finance</b>	<b>\$70,600</b>							
<b>Total Annual Existing Stormwater Management Program Costs</b>		<b>\$3,501,700</b>							

Abbreviations

SESC = Soil Erosion and Sedimentation Control  
WCDC = Washtenaw County Drain Commissioner  
HRWC = Huron River Watershed Council

# Appendix D

## SCATF Level of Service Objectives

### Questionnaire

**City of Ann Arbor**  
**Residential and Commercial Stormwater Rate Structure Project**  
**Level of Service Principles**  
10/31/06

## **Introduction**

The Rate Structure approach to defining the stormwater revenue requirements involves defining and analyzing various Level of Service (LOS) options based on several factors:

- Technical feasibility and reliability based on current technology.
- Acceptability to the public and compliance with regulatory agency guidelines.
- A reasonable degree of public protection for the public funds expended.
- Consistency with known environmental goals.
- Financial feasibility.

The Stormwater Citizens Advisory Task Force (SCATF) is tasked with recommending the Level of Service objectives for City stormwater management programs. A questionnaire was used to assist with establishing consensus around preferred objectives. Level of service objectives were established for the following nine types of issues:

- Flooding of dwelling, business, industrial, and institutional structures
- Flooding of private property
- Flooding of roadways
- Preservation of floodplains, stream buffer, and wetland areas
- Stream bank erosion control and stream restoration
- Repair / renewal of deteriorated infrastructure (maintenance)
- Removal of sediment, debris and excessive vegetation
- Mosquito control
- Control of pollution in stormwater discharges

## **Recommended Principles**

Addressing flooding of structures, repair of deteriorated infrastructure, and control of pollution in stormwater discharges were considered to be the most important issues for the SCATF members. In developing level of service objectives related to these issues, SCATF members suggested applying the following guiding principles to the City's stormwater management program:

- **Protect public health, safety, and welfare.** Extensive, frequent flooding should be addressed when it prevents long term access or causes property damage. Structures should also be protected from erosion based on priorities established through comprehensive planning. Control of vectors (such as mosquitoes) must be provided in a way that does not have significant side effects.
- **Protect ecological health.** The quality of the streams and water bodies in and downstream of Ann Arbor, including the Huron River, should meet regulatory and community goals. These goals should be achieved by controlling runoff and providing a healthy and diverse aquatic and riparian habitat. Maintenance of streams and open channels must provide both effective drainage and habitat enhancement in the methods that are employed.
- **Conduct comprehensive planning to determine priorities.** Comprehensive planning, supported by new planning tools developed by the City, is needed to understand impacts, set priorities, develop corrective options, define City responsibilities, assign resources, and recognize impacts of upstream new development. Opportunities to resolve priority stormwater problems should be incorporated into development and public improvement projects where possible. In addition, floodplain regulations should incorporate requirements to "recover" from past unregulated encroachments into the floodplain.
- **Offer incentives to guide desired behaviors.** Credits and incentives should be used to guide and reward behaviors that minimize negative effects on the stormwater system and water quality (e.g., encourage storage on private property). These incentives must be self enforcing and must account for changes in property ownership.
- **Encourage shared responsibility.** Every class of stormwater user should be treated equitably in terms of the protection and services that are provided, and the required property owner responsibilities for stormwater management. Owners in the floodplain share in the responsibility to prevent flooding issues. Property owners must also have responsibility for identifying (and possibly correcting) localized flooding issues.
- **Educate stormwater system users.** There needs to be broad education on how stormwater control is performed, and how management and pollution control is accomplished. Diverse methods and media must be used in order to engage and educate the varied property owners in the community.
- **Provide an understandable, equitable rate structure.** The rate structure must be equitable and include credits for "green" behaviors. The intent is to create an equitable structure that is understandable to the users of the system. All rate classes should be clearly tied to the use of the stormwater system, and the structure should reward positive behaviors that reduce use of the stormwater system.

**City of Ann Arbor  
Stormwater Citizens Advisory Task Force**

**Meeting 2  
Level of Service Questionnaire**

The desired level of service for stormwater services provided by the City of Ann Arbor will be determined based on a consensus of the committee about the following issues:

**Note: The City's primary drainage system drains areas of 1 square mile or more.  
Channels, roadside ditches and storm sewer pipes not included in the primary system are considered to be part of the secondary drainage system.**

**1. Rank the following stormwater issues from 1 (most important) to 8 (least important):**

<b>Issue</b>	<b>Rank within Primary System</b>	<b>Rank within Secondary System</b>
A. Flooding of dwelling, business, industrial, and institutional structures		
B. Flooding of private property		
C. Flooding of roadways		
D. Preservation of floodplains and stream buffer areas		
E. Streambank erosion control		
F. Repair of deteriorated infrastructure		
G. Removal of sediment, debris and excessive vegetation		
H. Mosquito control		
I. Water quality impairment		

**2. For each stormwater issue (A through I) listed in item 1, select the level of service option that best matches your expectations:**

A. How should the City address flooding of dwelling, business, industrial, and institutional structures?	Rank within Primary System	Rank within Secondary System
Prevent flooding through capital projects and system maintenance		
Purchase flood prone property		
Require owners to floodproof structures		
Require owners to purchase flood insurance		
Other:		
B. How should the City address property flooding?	Rank within Primary System	Rank within Secondary System
Prevent all flooding of private property		
Prevent all flooding outside of public right of way and drainage easements		
Prevent all flooding within ___ feet of occupied structures.		
Other:		
C. How should the City address roadway flooding?	Rank within Primary System	Rank within Secondary System
Prevent all roadway flooding		
Keep all streets passable (flood depths no more than 8 inches)		
Keep primary roads passable (flood depths no more than 8 inches), allow additional flooding on secondary roads.		
Other:		
D. Should the City allow fill/clearing within floodplains and stream buffer areas?	Rank within Primary System	Rank within Secondary System
Never		
Only if compensated by an equal amount adjacent to floodplain		
Only if the fill will not impact flooding or erosion		
Other:		

<b>E. How should the City address streambank erosion?</b>	<b>Rank within Primary System</b>	<b>Rank within Secondary System</b>
Repair/prevent all erosion along stream		
Repair/prevent all erosion of private property, allow erosion within public right-of-ways and easements		
Repair/prevent erosion near structures/roadways, allow other erosion		
Other:		
<b>F. How should the City repair deteriorated infrastructure?</b>	<b>Rank within Primary System</b>	<b>Rank within Secondary System</b>
Conduct preventive maintenance to extend life of infrastructure		
Only repair/replace inoperative infrastructure		
Other:		
<b>G. How should the City address removal of vegetation, sediment and debris?</b>	<b>Rank within Primary System</b>	<b>Rank within Secondary System</b>
Conduct preventive maintenance to prevent drainage problems		
Remove only if material causes flooding/erosion		
Require property owner to remove if material causes flooding/erosion on adjacent properties		
Do not remove any vegetation, sediment, or debris		
Other:		
<b>H. What methods of mosquito control should the City utilize?</b>	<b>Rank within Primary System</b>	<b>Rank within Secondary System</b>
Prohibit sources of standing water where mosquitos may breed.		
Utilize natural mosquito control methods		
Apply EPA-approved pesticides at known mosquito-breeding sites		
Aerial spray entire City		
Other:		

I. How should the City address stormwater pollution causing water quality degradation?	Rank within Primary System	Rank within Secondary System
City retrofits entire drainage system		
Require all property owners to install quality controls		
City requires developers and drainage improvement projects to incorporate stormwater quality controls, establishes incentives for existing properties		
Implement stormwater controls at minimum Phase II levels (i.e., through education, regulation, and maintenance)		
Other:		

**3. What other uses of the drainage system and floodplain should the City allow?**

Primary System	Secondary System
	None: fence off system
	None: discourage entry to system
	Wildlife habitat
	Passive Recreation
	Any use that does not flood other properties
	Any use the property owner desires
	Other

**4. When should the City obtain drainage easements or public right-of-ways along the drainage system (pick one or more)?**

Primary System	Secondary System
	Along public roads and streets
	Along stormwater infrastructure installed during land development
	Prior to conducting a capital improvement project for the drainage system
	Prior to conducting maintenance activities along the drainage system
	Along the entire primary drainage system
	Other

**5. Should the City take actions outside of a drainage easement or public right-of-way along the drainage system:**

Primary System	Secondary System
	Never
	Yes, City requires property owners to take necessary actions to remediate problems
	Yes, City conducts necessary actions to remediate problems and bill the property owner
	Yes, City shares the cost of necessary actions with the property owner
	Yes, City remediates all problems affecting adjacent property owners
	Other: