



CITY OF MARSHALL AGENDA ITEM REPORT

Presenter:	Jason Anderson
Meeting Date:	Tuesday, April 28, 2026
Category:	NEW BUSINESS
Type:	ACTION
Subject:	Project SWM-003: Legion Field Stormwater Improvements Project-Phase III - Consider Authorization to Execute Agreements with BNSF Railway Company – 1) Temporary Occupancy Permit; 2) Pipeline License
Background Information:	<p>In 2024, the MPCA solicited project proposals to distribute \$35M to communities for projects to prepare local stormwater infrastructure for the impacts of climate change. The intent of the funding is specifically identified to address water quantity and prevent localized flooding.</p> <p>Per the MPCA, extreme storms have pushed aging and undersized stormwater systems in communities across the state to the breaking point. Over the last 20 years, Minnesota has experienced 10 “mega-rain” events, when at least six inches of rain falls over an area of at least 1,000 square miles.</p> <p>At that time, City staff had identified the Legion Field Stormwater Improvements—Phase III project as an ideal candidate project for this funding. Phase III is the final project that was identified in the 2019 Legion Field Stormwater Study. Phase III will help remedy stormwater flooding in the areas of Kendall Street, Peltier Street, Glenn Street, and Simmons Street, as well as property east and north of the Nexus Apartments on Legion Field Road. The project includes a clearing and grading of approximately 1,100 FT of BNSF railroad ditch that conveys city stormwater from Legion Field Road to the north and east, a new stormwater pipe crossing of the BNSF railroad near Glenn Street, and new large diameter stormwater pipe to convey this water to a new stormwater pond to be constructed on City-owned land north of the Nexus Apartments.</p> <p>The Phase III project is currently identified for 2026 in our CIP and staff is proposing to advertise the project for bids soon. The request to advertise the project is on this Council agenda as a consent item.</p> <p>Staff has recently received our agreements from BNSF Railway to complete work within their right of way.</p> <p>Temporary Occupancy Permit: this permit allows for the City and its contractors to enter onto BNSF right of way with the purpose of tree removal/grubbing and completing grading work in their drainage ditch. The BNSF drainage ditch is an important drainageway for some City rights of way, and it is not functioning well today. The new grading plan will move the low point of the ditch to our new culvert crossing, but the resulting grade of the ditch will still be very flat. As a result of this flat ditch grade, City staff is proposing to install some drain tile beneath the ditch to assist with keeping the ditch bottom dry.</p> <p>Pipeline License: this license allows for the City and its contractors to construct and maintain a 42” concrete pipe crossing of the BNSF railway, and associated drainage intakes and drain tile.</p>

	<p>This new pipe crossing of the BNSF railway will replace an existing 48" culvert that is located to the north and east of this new pipe crossing location. The existing 48" culvert is nearly 90% plugged shut, and the BNSF Railroad will not allow the City to clean the existing culvert; this necessitated the installation of a new crossing, along with some ditch grading to make the new crossing work properly.</p>
Fiscal Impact:	<p>The cost of the Temporary Occupancy Permit is \$1,350. Additionally, the City will purchase insurance for the project through the railroad at a cost of \$1,221.</p> <p>The cost of the Pipeline License is \$5,265. Additionally, the City will purchase insurance for the project through the railroad at a cost of \$1,899.</p> <p>In addition to permit and insurance costs as identified above, the City will be required to pay for spotting and flagging operations that are billed in accordance with BNSF's fee structure. The latest figures show \$1,500 per day plus \$450 mobilization charge.</p>
Alternative/ Variations:	<p>No alternative actions recommended.</p>
Recommendations:	<p>Recommendation No. 1 that the City Council authorize the execution of the attached Temporary Occupancy Permit with BNSF Railway Company.</p> <p>Recommendation No. 2 that the City Council authorize the execution of the attached Pipeline License with BNSF Railway Company.</p>