



CITY OF MARSHALL AGENDA ITEM REPORT

Meeting Date:	Tuesday, September 27, 2022
Category:	CONSENT AGENDA
Type:	ACTION
Subject:	Project SWM-002: Legion Field Stormwater Improvements Project-Phase II - Parkway Basin - Consider Approval of BNSF Agreement.
Background Information:	<p>In 2019, Bolton & Menk completed the Legion Field Stormwater Study to identify solutions for the frequent flooding that occurs in the Legion Field Road area. The area is marked by significant development and land coverage with minimal stormwater management facilities and undersized piping. The study identified three different phases of improvements, including the 2020 Phase I Legion Field ponding improvement that included a detention basin between the homes on Legion Field Road and Buffalo Ridge Concrete and a basin in Legion Field Park.</p> <p>The proposed Phase II improvements include a new pipe crossing of the railroad tracks and a ponding improvement north of the tracks and south of the Parkway Addition to manage the stormwater runoff from the developed land south of the BNSF railroad tracks. The developed industrial area south of the railroad tracks has been nearly completely covered by impervious surfacing for many years, and the development pre-dated current requirements for on-site stormwater management. This resulted in development that sheds stormwater quickly without managing the volume of stormwater runoff that is generated.</p> <p>At the 12/14/2021 meeting, the Council awarded the proposal for the Phase II final design services for the creation of the project plan set for this project to Bolton & Menk.</p> <p>The project was intended to be bid and constructed in 2022, but due to delays associated with permitted a pipe crossing below BNSF railway right of way and rail tracks, the project is now delayed.</p> <p>We have recently received a proposed agreement from BNSF Railway. The agreement identifies that the City will be responsible for all costs associated with permitting, insurance, and rail spotter costs. Attached is a copy of the Pipeline License between BNSF Railway Company and the City of Marshall.</p>
Fiscal Impact:	The permit fee is \$1,647 and the BNSF Railroad Protective Liability Insurance fee is \$1,266. BNSF staffing cost for spotting and flagging operations are billed at \$1,350 per day with \$350 per mobilization. The BNSF fee schedule is the last page of the agreement.
Alternative/ Variations:	No alternative actions recommended.
Recommendation:	that the Council authorize execution of the attached Pipeline License between BNSF Railway Company and the City of Marshall.