

TO: Michael C. Van Milligen, City Manager

FROM: Gus Psihoyos, City Engineer 

DATE: June 24, 2015

SUBJECT: Bee Branch Creek Restoration project, Utility Occupancy License for the Installation of Sanitary Sewer & Fiber Conduit (CIP#7221654)

INTRODUCTION

The purpose of this memorandum is to present for consideration a Utility Occupancy License (License) between Dakota, Minnesota, & Eastern Railroad Corporation, a corporation doing business as Canadian Pacific (CP), and the City of Dubuque (City) that would allow the City to construction a sanitary sewer and fiber optic cable via trenchless tunneling under the CP tracks at 506 Garfield Avenue as part of the Bee Branch Creek Restoration Project.

BACKGROUND

On May 18, 2015 the City Council adopted Resolution 176-15 awarding the construction contract for the Upper Bee Branch Creek — Channel, Streets, & Utilities Project. The project represents the first of multiple construction contracts associated with the Upper Bee Branch Creek Restoration Project.

On May 18, 2015 the City Council adopted Resolution 177-15 awarding the construction contract for the Upper Bee Branch Creek — Structures Project. The project represents the second of multiple construction contracts associated with the Upper Bee Branch Creek Restoration Project.

DISCUSSION

The improvements associated with the Upper Bee Branch Creek Restoration Project are to be constructed through multiple contracts. One such contract involves the installation of a 36-inch diameter sanitary sewer and fiber optic conduit from the Lower Bee Branch Creek to the Upper Bee Branch Creek through the Canadian Pacific railroad tracks at 506 Garfield Avenue. The 60-inch diameter casing pipe that will house both the sewer and fiber will be installed via a trenchless/tunneling method to avoid the costs associated with providing temporary tracks and other measures that would otherwise be required to minimize the impacts to the operation of the railroad.

CP typically issues a utility license to install, maintain, and operate utility lines under its railroad corridor. CP provided a draft Utility Occupancy License (License) that appears

to be commonly used by CP for utility crossings. The proposed license agreement was subsequently reviewed and edited by the Engineering and Legal Departments to reflect the specifics of the City's project.

The City continues to work towards a separate easement agreement with CP relating to the installation of the storm sewer culverts that will pass flow through CP property from the Upper Bee Branch currently under construction to the Lower Bee Branch which was completed in 2011.

Executing the License will allow the City to proceed with the bidding and construction of the 36-inch diameter sanitary sewer and fiber optic conduit from the Lower Bee Branch Creek to the Upper Bee Branch Creek through the Canadian Pacific railroad tracks at 506 Garfield Avenue.

RECOMMENDATION

I recommend executing the attached Utility Occupancy License agreement with Dakota, Minnesota, & Eastern Railroad Corporation, a corporation doing business as Canadian Pacific in order to proceed with the construction the proposed sanitary sewer and fiber optic conduit under the railroad tracks at 506 Garfield Avenue as part of the Bee Branch Creek Restoration Project.

BUDGET IMPACT

Per the License, the City would pay CP \$11,500.00 for the right to install the sanitary sewer and fiber optic conduit. In addition, there is a license fee of \$4,000.00 for a total payment from the City of \$15,500.00. The payment will be made using funding set aside in the Fiscal Year 2014 Capital Improvement Program Budget for property and right-of-way acquisition related to the Bee Branch Creek Restoration Project (CIP#7201654).

REQUESTED ACTION

I respectfully request adoption of the attached resolution authorizing the execution of the attached Utility Occupancy License agreement with Dakota, Minnesota, & Eastern Railroad Corporation, a corporation doing business as Canadian Pacific in order to proceed with the construction the proposed sanitary sewer and fiber optic conduit under the railroad tracks at 506 Garfield Avenue as part of the Bee Branch Creek Restoration Project.

Encl.

Prepared by Deron Muehring

Cc: Barry Lindahl, City Attorney
Teri Goodmann, Assistant City Manager
Jenny Larson, Budget Director
Steve Brown, Project Manager
Deron Muehring, Civil Engineer II