

**TO:** The Honorable Mayor and City Council Members

**FROM:** Michael C. Van Milligen, City Manager

**SUBJECT:** Upper Bee Branch Creek Railroad Culverts Project, Property Acquisition, Canadian Pacific Railway [CIP 2642769, Project No. 1X0004]

**DATE:** December 12, 2018

City Engineer Gus Psihoyos recommends City Council adoption of resolutions approving the terms of the Construction Agreement, Easement Agreements, and Environmental Right of Entry Agreement related to the acquisition and use of easements through property owned by Canadian Pacific Railway at 506 Garfield Avenue for the purpose of constructing and maintaining the improvements associated with the Upper Bee Branch Creek Railroad Culverts Project.

After 11 years of negotiations with the railroad by Senior Counsel Barry Lindahl, City Attorney Crenna Brumwell, City Engineer Gus Psihoyos, Civil Engineer Deron Muehring and Project Manager Steve Sampson Brown, with assistance from James Wainwright of Ahlers & Cooney law firm in Des Moines, a satisfactory resolution has been reached with the Canadian Pacific Railroad to allow the City to take the next step in providing flood protection as part of the Bee Branch Flood Mitigation Project by placing stormwater culverts under the Canadian Pacific Railroad tracks. This will remove the damming effect created by the railroad tracks that now obstructs the ability of water to quickly move to the Mississippi River, further minimizing the possibility of flooding in the Bee Branch Creek Watershed.

The Bee Branch Creek Watershed is where over 50% of Dubuque residents live or work and it has experienced 6 Presidential Disaster Declarations from rainstorms since 1999. The State of Iowa recently released a map (attached) detailing by County the number of Presidential Disaster Declarations Related to Flooding by County from 1965-2017. Of the 99 counties in Iowa, Dubuque with 16 Disaster Declarations, is ranked 8th, or in the top 8%.

The Des Moines Register reports:

- Quoting a University of Iowa study, “Flooding already has taken a heavy toll on Iowa, costing residents, businesses and farmers about \$18 billion over nearly three decades.”
- Describing the recently released Fourth National Climate Assessment, “Urban areas could see more damaging floods, especially in the Spring.”

- Quoting Taylorville Assistant Operations Project Manager Dayne Magneson, “We used to see 33 inches of rain a year. Now it’s close to 50 inches certain years.”

This component of the Bee Branch Creek Watershed Flood Mitigation Project will increase the flood protection from a 75-year storm to a 500-year storm.

City Engineer Gus Psihoyos is recommending approval of the Construction Agreement, Easement Agreement and an Environmental Right of Entry Agreement. Senior Counsel Barry Lindahl has provided details related to the major issues that were resolved through these agreements.

I concur with the recommendation and respectfully request Mayor and City Council approval.

  
Michael C. Van Milligen

MCVM:jh  
Attachment

cc: Crenna Brumwell, City Attorney  
Barry Lindahl, Senior Counsel  
Teri Goodmann, Assistant City Manager  
Cori Burbach, Assistant City Manager  
Gus Psihoyos, City Engineer  
Deron Muehring, Civil Engineer  
Steve Sampson Brown, Project Manager