CALL TO ORDER
President Patricia Preiner called the meeting to order, a quorum being present, at 9:00 a.m.

ROLL CALL
Present: President Patricia Preiner, 1st Vice-Pres. Barbara Haake, 2nd Vice-Pres. John Waller, Treasurer Steven Wagamon, and Secretary Michael Bradley.

Absent: None.

Staff Present: Administrator Phil Belfiori, Permit Coordinator/Wetland Specialist Nick Tomczik, Technician Samantha Berger, Regulatory Assistance Patrick Hughes, Water Resource Specialist Kyle Axtell, Office Manager Theresa Stasica.

Consultants: District Engineer Chris Otterness from Houston Engineering, Inc. (HEI); and, District Attorney Louis Smith from Smith Partners.

Visitors: None.

SETTING OF THE AGENDA
Motion by Manager Haake, seconded by Manager Wagamon, to adopt the agenda as presented. Motion carried 5-0.

READING OF THE MINUTES AND THEIR APPROVAL
Minutes of the September 11, 2017 Board of Managers Workshop. Motion by Manager Wagamon, seconded by Manager Bradley to approve the minutes as presented. Motion carried 5-0.

Minutes of the September 13, 2017 Board of Managers Meeting. Motion by Manager Wagamon, seconded by Manager Bradley to approve the minutes as presented. Motion carried 5-0.
CONSENT AGENDA
The following items will be acted upon without discussion in accordance with the staff recommendation and associated documentation unless a Manager or another interested person requests opportunity for discussion:

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Permit Applications Requiring Board Action

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CAPROC= Conditional Approval Pending Receipt of Changes

Permit Coordinator/Wetland Specialist Tomczik noted this is the permit application that was pulled from last meetings Consent Agenda as the DNR had requested that the applicant conduct a Threatened or Endangered Species survey. The applicant’s consultant completed the survey and found no endangered species, which is reflected in the District’s Engineer’s Report.

It was moved by Manager Waller and seconded by Manager Haake to approve the consent agenda as outlined in the above Table of Contents in accordance with RCWD District Engineer’s Findings and Recommendations for permit 17-032, dated September 20, 2017.

Motion carried 5-0.

OPEN MIKE – LIMIT 12 MINUTES. Any RCWD resident may address the Board in his or her individual capacity, for up to three minutes, on any matter not on the agenda. Speakers are requested to come to the podium, state their name and address for the record. Additional comments may be solicited and accepted in writing. Generally, the Board of Managers will not take official action on items discussed at this time, but may refer the matter to staff for a future report or direct that the matter be scheduled on an upcoming agenda.

No comments.

ADDITIONAL ITEMS REQUIRING BOARD ACTION

1. Consider Pay Request #10 from Rachel Contracting, Inc. for the Hansen Park Project. (Kyle Axtell).

   Water Resource Specialist Kyle Axtell referred to the memo on page 32 of the agenda packet. He reported the iron-enhanced sand filter (IESF) is fully installed at the project site. They will keep the four beds surrounded by a silt fence until the vegetation establishes. He provided photos of the site and pointed out the small piles of rocks are the bubblers. As the pump pushes the water into the filter beds, the rock keeps the water from shooting out and distributes it more evenly into the filter beds. The white cap is the cleanout for the drain tile. He reported there is still some work to be done around the control panels and they are waiting for Xcel Energy to provide an electric meter and connection to an existing transformer at New Brighton’s Water Treatment Plant. They will do a system test this fall and will truck water in to the manhole with the pump. After they determine it is working properly, they will winterize the system until
next season. District staff recommends that $221,633.25 be issued to Rachel Contracting, Inc. as detailed in Pay Request #10.

Motion by Manager Haake, seconded by Manager Bradley, to approve Rachel Contracting, Inc.’s pay request as submitted and certified by the District Engineer, and direct staff to issue a payment in the amount of $221,633.25. Motion carried 5-0.

Manager Haake inquired if the neighborhood meeting took place.

Water Resource Specialist Axtell responded they have not had the meeting yet. They mailed a letter to the six residents on the southwest side of the project area that had expressed concern. The letter contained answers to their questions, and invited them to meet with himself, Craig Schlichting from New Brighton, and the City Forester. There are some options to consider that include modifying the grade of that area and tree removal. They hope to have these meetings scheduled in early October and will then determine if the outcome will impact the final grading plan.

2. Consider Revision to Maintenance Agreement for Water Quality Grant Application A17-05 Neeb, Curb-Cut Rain Garden, Columbia Heights.

District Technician Samantha Berger referred to the memo on page 44 of the agenda packet. She reported this project was previously approved with conditions at the June 14, 2017 Board meeting. The conditions included asking the city if they would take on part of the maintenance and investigating whether a maintenance declaration could be recorded on the property. The rain garden is located in Columbia Heights and takes up to 7.35 acres of contributing drainage area. After discussion with the City, they determined they typically do not take on the full maintenance of landowner raingardens. However, they have indicated they would maintain the drain tile that enters into the City catch basin. The landowner would be required to maintain the front inlet and District staff is confident in the landowner’s ability to do so.

District Technician Berger stated when a Declaration of Maintenance is done, they need to have a Consent and Subordination form filed on the property. The landowner has reached out to his mortgage company on three separate occasions, but has not heard back from them. He would like to get the project installed this fall and inquired if he could just use the typical maintenance agreement. Given the City’s willingness to maintain the drain tile and the landowner’s willingness to maintain the entirety of the basin, District staff recommends they utilize the typical maintenance agreement format for this project so that the project can continue to move forward.

District Technician Berger reported the Cost-Share Agreement has language that states if the owner were to sell the property he must explain the rain garden to the new owner and inform the RCWD. If the owner fails to maintain the rain garden, the Maintenance
Agreement reflects that the owner is liable to the RCWD for the amount up to 100 percent of the financial assistance received for installation.

Manager Haake commented District staff has covered a lot of bases in response to the lack of cooperation from the owner’s mortgage company.

President Preiner inquired if lack of cooperation from the mortgage company is a reason to not require what is required for others.

Manager Haake inquired if this will set a precedent with future applications from people with similar situations with their mortgage companies.

District Technician Berger clarified they typically just require a Maintenance Agreement with this type of project and with this project, they discussed actually having it recorded. They are requesting to forego recording and moving ahead with the typical process.

District Administrator Belfiori explained they do not routinely require either of these activities. This was previously requested by the Board because it exceeded $7,500. The City is willing to do part of the obligation and will provide curb cut construction along the street. The land owner has tried to get the mortgage company to help out and staff believes it is an excellent project.

Manager Waller inquired if this was a water quality project.

District Administrator Belfiori explained when rain gardens are done there are two types of outcomes depending on soil types and ground water elevation. One type is an infiltration which directs water into a rain garden and down through the soils, but does not direct water back into the storm sewer. In this case, it is called Biofiltration. The water goes into the rain garden, through an engineered soil and into a drain tile. The water will be cleaned and go back into the catch basin as clean water.

Manager Waller commented it is just a different way of doing an infiltration system and he does not see a problem with following the typical process. Manager Wagamon agreed.

**Motion by Manager Waller, seconded by Manager Bradley, to approve the use of the typical Operation and Maintenance Agreement for RCWD Water Quality Grant Program Contract A17-05 for the Neeb curb-cut raingarden, in accordance with established program guidelines. Motion carried 5-0.**

3. Consider Check Register dated September 27, 2017, in the amount of $362,179.34 prepared by Redpath and Company.
Motion by Manager Wagamon, seconded by Manager Haake, to approve check register dated September 27, 2017, in the amount of $362,179.34, prepared by Redpath and Company. Motion carried 5-0.

ITEMS FOR DISCUSSION AND INFORMATION

1. District Engineers Update and Timeline.
   District Administrator Belfiori referred to the memos provided to the Board members at the beginning of the meeting. He reported the Technical Memo from Houston Engineering dated September 22, 2017, provides an update on the Halls Marsh Outlet Repair Project. The second document is a response to this update.

   District Administrator Belfiori reported it was a challenging week with this project. He thanked staff for their extra time spent on this project, Houston Engineering and Rachel Construction who provided outstanding work, the City of Mahtomedi, and the landowners for their valuable insight and patience.

   District Engineer Otterness commented they were working in a constrained timeframe since this driveway was the only access for three property owners. He thanked everyone involved, and Rachel Contracting for getting the project completed in the short timeframe. However, with the challenges they faced, the project extended into an extra day. The District reimbursed the property owners served by the driveway a federal per diem for six days, which covered the duration of the project even with the extra day.

   District Engineer Otterness stated the project is not fully complete yet. The Contractor will have to complete pavement on site and monitor the stabilization of vegetation. They replaced segments of utilities, installed a low flow and high flow culvert, installed stabilization devices, and constructed a gravel pavement base.

   District Engineer Otterness reported on the challenges they encountered. There was thicker pavement on the driveway than what was expected and as a result, damages were not observed resulting from equipment access. The water main was not located horizontally where it was marked out prior to construction. It was found four feet away, a segment of it was lower than they had anticipated, and it was a four-inch water main instead of a six-inch water main. The sanitary sewer was an eight inch instead of a six inch as previously documented. The District was aware of a sag in sanitary sewer, which caused freezing and capacity problems. When the sewer was unearthed, they found the sag had continued farther than what they were anticipating. Additional excavation was required until they found a point where they could connect back up to a positive grade. They came to an agreement with the City Engineer to decrease the slope down to a flatter grade to accomplish the connection. These challenges added an estimated additional cost of $16,500 to the project, which is less than the contingency authorized for the project.
Manager Haake inquired how much the City of Mahtomedi contributed to this project.

District Administrator Belfiori responded they have been working in partnership with Mahtomedi on this and the City has agreed to pay half the additional project cost related to the sewer.

Manager Haake complimented staff on negotiating the cost with Mahtomedi.

District Engineer Otterness noted during the project, Mahtomedi had a City representative on site to make sure the construction was being done to their standards. They were conscious of coordinating with Mahtomedi as the project progressed.

Manager Haake inquire if they now have proper drawings as to where the utilities are located.

District Engineer Otterness stated they are documenting utility locations and will share it with Mahtomedi. He provided a photo of one area of the project that showed how tight the area was that they worked in. The technical challenge of getting vehicles in and out is what made this project difficult. He provided another photo of the finished project, and is pleased with how quickly the vegetation has been established. The Contractor will be repaving the gravel driveway and will make sure they get it back to the correct width.

District Administrator Belfiori referred to the memo provided to Board members that provides an update on the Halls Marsh Outlet repair project and responses to comments from the landowners. The two main concerns were issues related to the slope on the Marsh side of the project and the width of the driveway. Regarding the slope, the District Engineer has identified that slopes provided on both sides of the driveway are consistent with the plans and are no steeper than pre-project conditions. This has been verified with survey equipment, and in many spots grades were softened by reducing the fluctuation in steepness from top to bottom.

Regarding the comments relating to the driveway, District Administrator Belfiori stated that the District Engineer recorded the geometry and condition of the driveway prior to construction using both the drone video and survey equipment. It was staked by the engineer yesterday. In a couple of weeks, the paving work is anticipated to begin.

The Board agreed the memo was sufficient.

Manager Waller stated he talked two of the three landowners after construction and they had no complaints. The project went well and he complimented staff on their hard work. They need to work with Birchwood on their stormwater plan and build in a
maintenance and inspection schedule. They should look at what to do with other landowners along the marsh to prevent other damage.

President Preiner inquired how long they have been working on this project.

Manager Waller commented he thought it was a few years ago, Mr. Jensen contacted the District in 2015. In 2008, then Administrator Thomas did an inventory of district facilities including Halls Marsh and at that time it was inspected.

District Administrator Belfiori stated they have previously provided the Board the chronology of the project, but he does not have that with him. He provided a summary of how the project unfolded from the beginning, and stated although it has been a challenge and it has always been a priority for them. He will provide an updated detailed chronology to the Board, and stated they have been working on the project since about 2015.

Manager Bradley stated they need to discuss how they managed to get behind on this project and how they can do a better job going forward. This project became a crisis and it would have been nice to prevent that.

District Engineer Otterness clarified they investigated this location in 2008 and did not have a full record of what had occurred until 2009. The conditions and water levels then were much different than what occurred in 2015. District staff had been doing inspections and were aware of the conditions. It is a concern for the District to be able to have an understanding of its obligations and the conditions of the District’s facilities. It will be important to articulate how to maintain these structures and facilities in the 10-year Watershed Plan.

Manager Waller commented he supports what both Manager Bradley and District Engineer Otterness have stated.

2. **Managers Update.**

Manager Haake’s commented they have a transition committee at MAWD to determine who would take an Executive Director position since Ray Bohn is looking toward retirement. They have interviewed finalists for this position. The MAWD Board has approved a contract with Maddie Bohn to be the Program Coordinator for the services that MAWD provides, along with assisting the Executive Director and they will also need office space. They are preparing a budget to be mailed out to the membership within the November 30, 2017 MAWD annual meeting packet sometime around the end of October.

Manager Waller stated he attended a water quality meeting at White Bear Lake City Hall. It was well attended and the presentations were very good. The Mayor of
Mahtomedi spoke with him about flooding concerns in the area and he encouraged the Mayors to use their local water plans and make it a building block for the engineers and consultants.

ADJOURNMENT

Motion by Manager Haake, seconded by Manager Wagamon, to adjourn the meeting at 9:58 a.m. Motion carried 5-0.