

Second Generation Plan TAG Meeting Minutes

Bassett Creek Water Management Commission

July 23, 2001

A. Attendance: Fred Moore (chair), Jim Larson, Terrie Christian, Carlton Moore, Bridget Jordell, Guy Johnson, Pat Wrase, Jeff Oliver, Ed Silberman, Connie Fortin, Joel Settles, Jennifer Posma, Tom Mathisen, Jason Westbrook, Len Kremer

B. Agenda

1. Review June Meeting Minutes
2. Q & A
3. Review TAG Recommendations
4. Discuss public ditches
5. Discuss stream restoration sites
6. Discuss fish and wildlife issues
7. Preview next meeting

C. Welcome and Introduction

Fred Moore welcomed the group and previewed the evening's meeting.

D. Review of June 25 Meeting Minutes

There were no comments or recommended corrections for the June minutes.

E. Review of TAG Recommendations

This agenda item was moved to the bottom of the list.

F. Public Ditches

History and background provided by Len Kremer and Joel Settles.

Most of the public ditches in the watershed were created between 1910 and 1930. The primary purpose of a public ditch is agricultural drainage. The County had authority over the ditches since it was a time before the member cities existed. Stretches of Bassett Creek were also declared public ditch. This gave the County a way to construct drainage improvements and assess the costs.

As the area urbanized, agricultural drainage became less of a function of the ditches and suburban drainage became the primary use. Because the drainage ways are still legally considered public ditches, certain problems and issues exist. Problems such as:

- State statutes still require approval from the ditch authority before any improvements, crossings or connections are made to the ditch.
- Abandonment of a county ditch requires a petition from 51% of the affected landowners. In order to determine which land owners had petition rights, the County would have to search back through deeds to determine whether a certain parcel was a

part of a larger tract of land that was originally assessed at the time the ditch was created.

- Property owners can petition to have the ditch returned to its original plan and profile and technically the ditch authority would have to do it.
- Potentially, an angry citizen could stop or slow a project by requiring that the project go through ditch law to get approval from the ditch authority.
- People have experienced problems getting financing on lands that have been assessed. The restriction on the deed prevents the financing.
- The County can turn public ditch responsibility over to WMOs if the WMO is willing to accept, but ditch law would still apply to alterations or improvements.

The County Board currently has legislation on its agenda to abandon ditches in urbanized areas and turn them over to local control. However, this issue is a low priority on their legislative agenda and it is not likely to move up anytime soon.

There is a chance that the BCWMC could get BWSR to help push legislation that would abandon public ditches and turn them over to local control in areas that do not have any land zoned for agricultural purposes.

Joel Settles recommended that the BCWMC support any legislation that would abandon the public ditches and allow all drainage to be managed by the latest adopted plan. Connie Fortin agreed saying that the Commission should not take the initiative to push the legislation, but should support it if anyone wants to take the lead.

Can improvements to public ditches still be assessed to landowners? Yes, but the projects would have to improve the agricultural use of the land.

G. Stream Restoration Sites

Len Kremer showed the group a map of stream reaches that have been identified by the member cities as problem areas for either erosion or sedimentation. Because of the nature of a creek, often times fixing a problem in one area leads to a new problem downstream.

Has Bassett Creek been classified based on physical characteristics (Connie Fortin)? A physical classification of the creek would help to recognize stream reaches that can be repaired and those that are damaged beyond repair. Bassett Creek has not been classified in such a manner.

What is the difference between regular maintenance and stream restoration (Fred Moore)? On an individual basis, the Commission may correct a problem if enough damage was caused by either sedimentation or erosion. Otherwise, maintenance projects are the responsibility of the cities.

What is the advantage of the Commission managing just the main channel of the creek? Because the creek runs through several communities, the advantage is that similar issues

get uniform treatment regardless of what city the problem is in. The disadvantage is in determining the financial responsibility.

Comment – the Commission should do a physical classification of Bassett Creek so they know where to focus efforts.

We have many erosion -related problems and we should be spending our money on projects that fix these problems, not on a document that tells us how to restore the creek if we should decide it needs restoration. We need a policy to guide how we deal with the problems we have.

The overall plan should give directive to the member cities to look for problems in the tributaries to the creek and to estimate sediment loads from the creek.

The Commission should inventory the worst erosion problems in the watershed and create an annual budget for these specific projects.

The group decided that many of the issues relating to stream restoration have policy implications and should be addressed by the Policy Advisory Group.

H. Fish & Wildlife

Neither the Commission nor the city staff has the expertise to address this issue. The Commission should take a position to react to the recommendations made by other agencies (Ed Silberman).

The Commission could reference the Hennepin County biological survey done by the DNR in its plan and just recognize what wildlife and habitat is present in the watershed. They could encourage the cities to use the resources in their land use decision making process (Joel Settles).

The plan should include a sentence about zebra mussels and the plan should encourage bigger buffers along shoreline to reduce goose habitat (Connie Fortin).

Minnehaha Creek addressed fish and wildlife by requiring critter crossings at the culvert crossings under roads (Joel Settles).

I. Next Meeting

The next TAG meeting will be Monday, August 27th. The only item on the agenda is to discuss the ongoing list of recommendations made by the group.