

AURORA COUNTY COMMISSIONER PROCEEDINGS

September 5, 2024

A special meeting was called to order at 6:30 PM by Chairman Clyde Dethlefsen, with Roger Hanten, John Paul Studeny, Randy Niles, and Travis Clark present. The purpose of the meeting is to present information to citizens of the county regarding the Firesteel Watershed Project.

The Pledge of Allegiance was recited.

A motion was made by Studeny, seconded by Clark to approve the agenda. Motion carried all voting aye.

Jim Reedy, Daniel Ostrem, and Jeff Hyett from USDA/NRCS and Joe Schroeder from the City of Mitchell were present to provide information to the group in attendance. Mr. Ostrem said the program they are looking to help with the watershed is PL-566 and it has 7 purposes: 1) Flood Prevention, 2) Watershed Protection, 3) Public Recreation, 4) Fisheries, 5) Ag Water Management, 6) Municipal & Industrial Water Supply, and 7) Water Quality. The City of Mitchell is looking for ways to help clean up Lake Mitchell and asked NRCS for assistance with this program.

Ostrem said the entire watershed for Firesteel Creek needs to be studied and a sponsorship obtained before they can proceed with the project. He also noted that Horseshoe Lake is included in the Firesteel Watershed. Right now, we are looking for potential sponsors, said Ostrem. Potential sponsors can be water districts, cities, drainage districts, counties, or irrigation districts. Ostrem told the group that the criteria for a sponsor is that it has to have the ability to tax and eminent domain.

Schroeder said the City of Mitchell's goal for the project is more about water quality than watershed management. The program is funded in four phases. The first phase is the legal requirement of getting sponsors for the project. The second phase is to submit for funding for the planning stage, which would be to evaluate/study the entire watershed. The third phase is to apply for additional funding for the design of the project and the fourth phase would be the construction of the project. Ostrem said the evaluation of the watershed can be fully funded by the NRCS even if we do not want to do anything after the study is completed. If the county chooses to do something with the plan, the construction costs will vary between the NRCS and the sponsors. The sponsors requirements include the

power of eminent domain, the ability to issue permits and licenses, authority to tax, financial ability, and operation and maintenance of the project.

The project for the watershed in Aurora County could look like ponding water for water quality. In the past there have been projects that had structural options such as dikes, levees, dams, etc. Funding is not a guarantee for the construction part of it, said Ostrem, but there are other avenues to get funding.

Discussion was held on eminent domain. Ostrem said it is a federal requirement to have it in the agreement. NRCS does not want to use eminent domain and will not force it on a landowner. Eminent domain is for public use and is used only if it would benefit the safety of the public and to protect people. This project would have no need to use it said Ostrem. The City of Mitchell is not necessarily looking at large dams, mainly holding ponds and wetlands, said Ostrem. If the county wants to become a sponsor and has concerns about eminent domain, the Commissioners can approve it with a motion stating the Board must be unanimous in order for eminent domain to be used.

Commissioner Studeny asked if the County agrees to become a sponsor, does the entire process take place or can we only do the study. Joe Schroeder said the project does not move forward unless a property owner, etc., wants to participate. The projects are property and producer specific. A tax payer asked if their plan was to back up water on property in Aurora County. It was noted that was not the case. Joe Schroeder informed the group on how the discussion for this project got started. He noted the key thing in this is to protect the water quality in Lake Mitchell. Something similar was done in Nebraska to control phosphorus levels and the City of Mitchell was encouraged to try it, said Schroeder.

Scott Ziebart asked what the City of Mitchell is doing to stop the contamination from the operation across the road from Lake Mitchell. He asked if they tried to do something with them since it is right across the road. Schroeder said this program is all on a voluntary basis, so if they choose not to help us out, there is nothing we can do.

Commissioner Clark asked if there is some type of program that will pay the producers to use their land as a holding pond. It's not really a fair deal if they are tying up some of their land for ponding and not being able to farm it, etc., said Clark. I think they should be compensated for it. It was noted that there may be easement programs to help with that, but again it is on a volunteer basis to use their land for ponding.

Commissioner Studeny expressed his concerns about the EPA coming in and telling us what we have to do. He stated he has concerns about the project eventually being out of the county's hands because we took federal funds to do this. Mr. Reedy said this would not happen as they are two separate things.

Commissioner Dethlefsen said Aurora County is not really worried about water quality, but more concerned about flood control. Mr. Schroeder told the group if we want to add flood control to the project we certainly can. Flood control is one of the projects the PL-566 can help with, said Schroeder and once we get all the sponsors, we will meet with each of them to see what they want. Right now, we are just looking at getting sponsors so we can get a study done, stated Schroeder.

Commissioner Hanten asked whose responsibility and expense would it be to clean the sludge ponds. It was noted that the agreement will have something in there about cost share and who will maintain it.

Steve Bucher asked if the sludge could be removed from Fish Lake. He told the Commission there has got to be a large amount of sludge in the bottom of the lake. If we are able to get it cleaned out, Fish Lake should hold a lot more water and will be able to retain it longer, stated Bucher. He also said Fish Lake would become a better recreational lake if this could be a potential project. Bucher stated Game, Fish and Parks may have an interest to make it better as well. Alan Schuldt said he has tried to work with Game, Fish & Parks, but they will not do anything to help. Crystal Lake Township has asked for help several times, but they are just not willing.

It was asked what the role of Aurora County would be verses the City of Mitchell for this project. Mr. Schroeder said the City of Mitchell will do all of the administrative work.

Emergency Manager Kehn mentioned that we are getting ahead of things and we should be focusing only on the study. Commissioner Dethlefsen disagreed, stating that we need to know what we want the study to be done for, because we are not really interested in the quality of the water. We need the study to be done to fit our needs such as flood control, said Dethlefsen. A member of the group noted that water quality is important. She said it's important for wildlife, etc., as it all ties in with many other small things. She also told the group that we need to do something now, rather than look back later and wish we would have done something. Kehn said the study may benefit Aurora County because it may show more information on the flooding problem down south by Crystal Lake and Pleasant Lake that the Skunk Creek Hydrology Study did not show.

With no further questions or comments, the Chairman thanked everyone for coming and for their input.

Meeting adjourned subject to call.

Clyde Dethlefsen, Chairman
Aurora County Commission

Attest: _____
Susan Urban, Auditor

Published once at the total approximate cost of _____.