

**CITY OF EAGLE LAKE  
CITY COUNCIL SPECIAL MEETING  
JUNE 28, 2022**

**CALL TO ORDER**

- Mayor Auringer called the meeting to order at 6:00 p.m.

**ROLL CALL**

- Council Members present: Garrett Steinberg, Beth Rohrich, Anthony White, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, and Deputy Clerk Kerry Rausch.

**NEW BUSINESS**

1. Presentation of Supplemental EAW for Mankato Motorsports Park Project by Bradford Development

- Mayor Auringer explained the purpose of this meeting is to review the supplemental EAW that was received from Bradford Development for the Mankato Motorsports Park project. Mr. Brad Bass is presented to answer questions. He also stated that this meeting is not a public hearing and that if members of the audience have questions, they should limit them to those relating directly to the supplemental EAW. It will be the Council's job to make a determination of the next step.
- Brad Bass, 4336 Linder Bay Lane, Madison Lake, stated that Bolton and Menk have compiled a response to the appeal and put together a report. The Kopachek property has been included as a component of the project.
- Jason Femrite with Bolton and Menk presented finding for the supplemental EAW. He stated the area around the buildings and track will be turf grass, with the remainder of land within road course will be short grass, native grasses and forbs, the area between the noise barriers and tree line along Eagle Lake will be tall prairie grass. He also stated that Eagle Lake is a MN DNR wildlife lake with no control of the outlet structure. The lake drawdown is not utilized as an active management tool at Lake Eagle. The 2022 Noise Analysis included five additional receptors concentrating on the shores of Eagle Lake and in the middle of the lake. Greenhouse Gas (GHG) levels for Highway 14 for one mile is 9.51 tons of CO2 per day, the road course will increase CO2 by 0.03 tons per day. There are no Minnesota or National Ambient Air Quality Standards for GHGs. The use of native grasses and plants within the site will facilitate carbon uptake.
- Mr. Femrite also presented information relating to the filing with the Court of Appeals on the following topics:
  - A. The City lacks substantial evidence to support its determination that the project has no potential to significantly affect wildlife as a whole, the record contains no evidence about the project's effect on wildlife because there was no attempt to identify, survey, or catalog the wildlife in the project area. The response addressed in the supplemental EAW can be found on pages 12-18. A summary of these responses include the MN DNR Eagle Lake Survey data from 1953-2011 have been provided and are discussed with the 2022 noise analysis. USFWS Information for Planning and Consultation (IPac) has been included. The Bald Eagle is present January through mid-April and Lesser Yellowlegs present mid-March and October. The park is open seasonally, April – October.
  - B. DNR commented that Eagle Lake's value as a "designated wildlife lake" in fact "would be damaged by the proposed project, which would generate noise, heavy vehicular traffic, automobile exhaust fumes, and the creation ...of turf lawn." The city did not address the potential harm to wildlife or the lake's recreational value from the project's vehicular and human traffic or automobile exhaust fumes, even

though the DNR and the county identified these harms. The response addresses this on pages 12-18 of the supplemental EAW. A summary of these responses include that some impacts are anticipated due to fumes, vehicle and human traffic, and turf lawn, the proposed course conditions: 20 cars operating for 50-minutes per hour at two minutes per lap during daylight hours, MPCA and FHWA provided little published data on calculating and analyzing noise effects on wildlife from non-highway focused projects, additional noise analysis was completed in 2022, the increase in GHG emissions is negligible and should not have negative effects on wildlife or surrounding residences, the driving track will not be lighted at night, no lights will be located along the course of the track. Lighting is not anticipated to affect wildlife, and turf lawn around buildings and track, short prairie grasses within course area, long prairie grasses between noise walls/barriers and trees along lake.

- C. “The city lacks substantial evident for its determination that noise from the project has no potential to significantly affect wildlife.” and “The record should consider data on “noise on the shore of and on the water of the lake to determine noise impacts,” as well as consider use restraints on the track during important seasonal activities. Additional noise analysis was completed in 2022. The 2022 noise analysis compared current Highway 14 to proposed conditions and found modeled noise levels along the shore of Eagle Lake (areas of nesting and gathering) are negligible. Therefore, an in-depth wildlife study would not be warranted to this project due to noise.
- D. 2022 Noise Analysis: Five receptors were modeled, three along the lake shore by the track, one in the center of the lake, and one on the south side of the lake by Highway 14. Combining the proposed track noise with existing (2019) traffic volumes. Results showed existing maximum modeled noise levels from Highway 14 traffic at the Eagle Lake receptors are similar to (within 1 dBA) the maximum noise level impacts from the track predicted at these same locations during a daytime track event. The berm with proposed wall will meet the criteria of the noise study. The one change to track layout is the addition of two storage buildings by the berm to the proposed track. This area will have taller greases and short pollinator greases as well.
- Dan Donayre with Bolton and Menk provided more details as to how the noise study was conducted, stating three receptors were added along the lake shore in the location of nesting birds, one receptor was placed for Highway 14 noise, and the final receptor was placed in the middle of the lake to determine how noise travels over the lake. The sound study did not utilize the sound barriers which will be in place. The maximum noise level observed with receptor 3 was 63.1 decibels and the modeled noise for adding the track increased the noise level by 0.5 decibels. The existing decibels for receptor 4 was 58.4. With the track it would increase by 0.4 decibels. Receptor 5’s existing decibel level is 67.5 and would increase by .4 with the track. No noise makers were set in place. The receptors were utilized to provide background noise and modeling was used to determine the increase in decibels at each location. Anticipated car noise was calculated at 105 decibels. Council asked if there is modeling that could be done with actual noise maker to determine track noise, which could be done. The model that was used is the same as the model that MN DOT and counties uses for their noise studies.
  - Mr. Donayre explained they utilized the 2019 track study for the road by the cemetery and Highway 14 and determined the types of vehicles on Highway 14, they also took into consideration the future use of Highway 14. From there they used federal highway data on each vehicle. They also assumed there would be 20 cars on the track. The current CO2 ton is 9.51 and the track will generate .031 tons. There are not numbers available to how this would affect wildlife.
  - Brad Bass stated they are taking into consideration the use of electric vehicles on the track, that there are currently electric vehicles which would utilize the track, and that electric vehicles are the future. Mr. Bass also stated that his plans have not changed. There will be space for a hotel and restaurant for other developers to building to bring in their products. The component of the strip mall would be relevant to those that use the track and would not be intended for public use. If a developer would like to purchase one or

two parcels from this project, they would need to come to the City for approval. There will be 92 condos included in this project. The land owned by Mr. Tony Steffensmeier and the buildings he is proposing to construct would be outside of the track and berm.

- Discussion included asking what the carbon output is for agricultural use of the land; this was not looked at.
- Attorney Chris Kennedy asked about emissions and if the track as a whole, including buildings was looked at, stating the court of appeals asked that the cumulative affect be determined.
- Mayor Auringer restated that there is not a public hearing tonight so any questions from the public need to address the following two questions relating to the supplemental EAW: noise/wildlife and climate change impact.
- Mike Guentzel, 60374 224<sup>th</sup> Lane, Madison Lake, stated his concern for vehicle decibels used for calculations was only 62. It was clarified that the study used a decibel level of 105. He asked for clarification of what track hours would be. Mr. Bass stated normal track hours would be from 9 a.m. to 5 p.m., unless there is a rented event, which could extend the hours. The track will not have lighting. Mr. Guentzel also stated he does not understand why this is not being sent to a third party for review and also stated that Bolton and Menk was hired by the developer and that he feels Bolton and Menk will make the findings fit the needs. The staff from Bolton and Menk stated they are professionals within the industry and have ethical standards to adhere to and that their work is their reputation. He expressed concern on the traffic study stating that the design of the highway design has changed. Mr. Guentzel asked about a public hearing because he has four pages of information he would like to read. Mayor Auringer stated a public hearing is not required and Attorney Kennedy stated he does not know a city who would allow someone to read four pages at a public hearing. Mr. Guentzel asked about a picture of the new layout and stated it has changed from the original. Mayor Auringer explained that when doing EAW projects, they don't normally get to this level of scrutiny and that the EAW does allow for minor changes to data. Attorney Kennedy explained that plans can be modified throughout the process and that the question is, do the changes affect what is being look at.
- Nicole Davros, 101 Valley Lane, stated that as a citizen she likes to recreate on the state trail (which is heavily used) and that she is a birder. The wildlife on the list is anecdotal. She stated that early on it was stated that the reason the developer was interested in this land is because it is flat farm ground. She stated that nature calms blood pressure. She stated that by changing ag land to prairie planting will result in butterflies being smacked by windshields. She stated noise data and studies to compute impact on wildlife can be found through google searches. She asked if the noise study is cumulative or synergistic. Ms. Davros asked for clarification asked about cumulative impacted and if HAVA has been included, which it was not. She also asked where the receptors were placed, in the wetlands or in the buffer. Receptors were placed in gathering, nesting areas.
- Erin Guentzel, 60374 224<sup>th</sup> Lane, Madison Lake, asked for clarification: Will there be a drag strip? Mr. Bass stated a drag strip has never been considered and that he is willing to put that in writing. She also stated that the lake does have a controlled outlet. It was explained that the DNR does not have control of this, that it is on private property.
- Nikki Hanson, 23721 583<sup>rd</sup> Ave., Mankato, stated she feels the City Council has already made up their minds and that they need to represent the community. She has three colleagues that live in Eagle Lake and that none of them know about this development and that it would be beneficial to ask for residents input. It was explained that information about this project has been on the City's website for three years and that agendas for council meetings are also on the website and are emailed to residents. City Attorney Chris Kennedy stated the agendas are published and the City does not have the resources to send out notices to residents. Mayor Auringer stated that community members need to take interest to find out what is happening in the community and that information

about this project has been in city newsletters. Council Member Rohrich asked if a public hearing is truly needed for this. She stated residents in her neighborhood have had general discussions on this topic. Ms. Hanson stated it is disappointing that no council members are taking notes on what is being said. Council Member Rohrich stated that she and Council Member White have been taking notes so that comment is not valid. Council Member Rohrich also asked what do people know about, how should the City get information out to the residents, other than going door to door. Council Member Whitington stated there have been plenty of opportunities for people to attend meetings and ask questions. He also stated the City does publish the agenda. Administrator Bromeland clarified that the City has added the extra step of sending out the agenda by email as well as post and extra reminder on Facebook.

- Cindy Guentzel, 22083 604<sup>th</sup> Ave, Eagle Lake, stated they used to farm out by the airport when this project was first proposed and that it is hard to understand Bolton and Menk findings when there is a house in the middle of the property and adjoining acreage. She stated that combines only run for 2-3 hours in a year, and not every day for six months. She offered to stuff envelopes to mail residents a survey relating to this development.
- Daryl Guentzel, 22083 604<sup>th</sup> Ave, Eagle Lake, stated the supplemental EAW has inaccuracies, what is termed as wetland is not wetland. Mr. Guentzel handed council a picture of a lot parcel, it was determined that Mr. Guentzel was referring to the parcel in Lime Valley Township and that it was not relevant to tonight's meeting. Mr. Guentzel stated he has talked to residents who were walking in Eagle Lake about this development and encouraged them to attend tonight's city council meeting. He invited about 20 people and none of them are present at the meeting.
- Dennis Terrell, 60604 211<sup>th</sup> Street, Eagle Lake, stated he did a decibel test inside of a combine which registered between 98-100 decibels and when come down by bank could hear it, once moving away from bank could not hear it.
- Jason with Bolton and Menk explained that sound travels through open areas and that berms and walls will dampen noise.
- Gary Borchardt, 21402 598<sup>th</sup> Street, asked if property and layout has changed since other parcel was bought. It has not. He also stated that the wildlife data is 11 years old. Bolton and Menk explained they used the DNR wildlife data and this gives a snapshot only. Greenhouse and CO2 effects are negligible. These results will be reviewed by the DNR and other agencies. He also stated that it is not their belief that Eagles will be affected. When Mr. Borchardt asked why they did not get base data from other tracks, it was expensed that every track has geographic area differences. Mayor Auringer stated that when he drove to Hastings, NB to visit their track, when vehicles were driving away from him, he could not hear them. When cars came near him, he was 85 decibels. Jason with Bolton and Menk stated the original noise study showed the impact in town.
- Lyle Groskreutz, 22298 604 Ave., Eagle Lake, stated the only reason he knows about this project is through a mutual friend. He receives the city's newsletter, and the track has only been mentioned one time and has not seen an update to the public. He also stated that he does not use a computer. He asked about the building on the site and if this would need to follow county or city code. Since this has been annexed into the City, the City is responsible for the building code. His concern is to protect the neighborhood and asked if a row of trees could be considered. It was explained that the buildings on the adjacent property would be for storage.
- Brad Bass stated that at the beginning of this process he sent fliers to every home and held an open where he and other professionals met with Mike Guentzel and others about the proposed development. He stated that the Guentzel's have known that there is no drag strip planned and that

nothing about the project has changed. The development has been downsized due to Mike Guentzel and others from the public's input.

- Mayor Auringer stated the City Council needs to determine if the information presented tonight meets the court's request and that the original EAW passed except for the two items: climate change and noise impact to wildlife.
- Dennis Wendland, 112 N. 3<sup>rd</sup> St, Eagle Lake, asked if the noise study was done for the south side of the highway and how much extra noise would be generated above Highway 14. Jason with Bolton Menk stated the noise levels were within the MN Department of Health's guidelines.
- Jim Sohler, 101 Creekside Drive, Eagle Lake, asked for clarification that all vehicles on the track would be street legal, which they would be. He also stated that when he served on Mankato Township's board, they looked at the highest and best use tax wise and service wise when making decisions.
- Mayor Auringer and Council Member Steinberg stated his biggest concern tonight is the cumulative effect of the entire project on climate change and asked if there is a way to calculating the climate change impact of buildings and what the current use of the land generates. Dan with Bolton and Menk stated this may be possible and that there are good studies. Jason with Bolton and Menk explained vehicles were the focus since they are the major use.
- Attorney Chris Kennedy stated the court remanded substantiation of cumulative effects and that if Council does not feel the study meets requirements, they should ask for more findings.
- Mayor Auringer explained two options before council; one would be to determine that the EAW is complete and to distribute the decision to the EQB. The other would be to request additional study for the two items and declare the EAW is incomplete.
- Council Member Whittington moved, seconded by Mayor Auringer, to request additional study and declare the EAW incomplete. Motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor. Council Member Steinberg voted in opposition.
- City Council requested that more study on cumulative effects on climate change be studied and to include all aspects of the project.
- Don with Bolton and Menk stated they are employed by Bradford Development, and it is their job to look at all angles. Once complete, this study will go to the DNR and other agencies for review.

#### **UPDATE**

- Administrator Bromeland asked to update the Council on Police Department staffing and stated that since the last Council meeting a full-time police officer has turned in his resignation. Staff is following past practice and has posted this opening internally. If there is not internal interest it will be posted externally.

#### **ADJOURN**

- Council Member Steinberg moved, seconded by Council Member Rohrich, to adjourn the meeting at 7:58 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

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Tim Auringer, Mayor

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Kerry Rausch, Deputy Clerk