

**CITY OF EAGLE LAKE  
TUESDAY, JUNE 28, 2022  
SPECIAL CITY COUNCIL MEETING  
6:00 P.M.  
CITY HALL, 705 PARKWAY AVENUE  
AGENDA**

City Council meetings are held the first Monday of every month at 6 p.m. All meetings are open to the public. If you wish to address the City Council in person, please contact City Hall at 507-257-3218 or email [krausch@eaglelakemn.com](mailto:krausch@eaglelakemn.com) or [jbromeland@eaglelakemn.com](mailto:jbromeland@eaglelakemn.com). Written comments or questions for the City Council can be submitted via USPS, email, or dropped off at City Hall. City Council meetings are now live streamed to the City of Eagle Lake's official YouTube Channel. If you are unable to attend a meeting, you can view meetings by visiting the City of Eagle Lake website at [eaglelakemn.com](http://eaglelakemn.com) and click on the "City of Eagle Lake MN City Council Meetings" icon on the home page of the website.

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

\_\_\_ Auringer    \_\_\_ White    \_\_\_ Steinberg    \_\_\_ Rohrich    \_\_\_ Whittington

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

**OTHER**

**ANNOUNCEMENT**

**ADJOURNMENT**



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June 28, 2022

To: Honorable Mayor Auringer and City Council  
From: Jennifer J. Bromeland, City Administrator  
Re: Mankato Motorsports Park Project

A Special City Council meeting has been scheduled for this evening to review the Supplement to the Environmental Assessment Worksheet (EAW) document that was received from Bradford Development for the Mankato Motorsports Park project. Bradford Development will be at the meeting to present the Supplemental EAW and answer any questions.

For purposes of providing background, a mandatory EAW was prepared in 2020 to determine if the proposed project would have significant environmental impacts requiring the need for an environmental impact statement (EIS).

The City of Eagle Lake is the Responsible Government Unit (RGU) charged with determining what environmental review is required for the project. Because the Mankato Motorsports Park project would convert 230 acres of land from agricultural to industrial use, it required an Environmental Assessment Worksheet (EAW). An EAW is required for projects that may convert 80 or more acres of agricultural land to a different use. An EAW is a brief document which is designed to set out the basic facts necessary to determine whether an Environmental Impact Statement (EIS) is required for a proposed project. When a project has potential for significant environmental effects, an EIS is required.

At its May 28, 2020 City Council meeting, the City determined that the project did not have potential for significant environmental effects and issued a negative EIS declaration.

Shortly thereafter, Citizens Against Motorsports Park (CAMP) and Michael and Erin Guentzel filed an appeal.

The Court of Appeals issued a decision on April 26, 2021, and remanded the matter back to the City for further review on two issues: the project's potential effects on wildlife and climate change. The Court did not order an EIS, but it directed that these two issues be addressed in more detail.

The Court held:

*To conclude, substantial evidence supports the city's determination that an EIS need not address noise impacts on humans, waste storage and disposal, land alterations, and wetlands. The city, however, failed to rely on substantial evidence to determine the project's potential effects on*

wildlife and failed to consider the project's cumulative effects on climate change. We conclude that the city's negative EIS declaration was arbitrary and capricious. Thus, we reverse and remand for a new EIS determination. In doing so, we express no opinion about whether an EIS is required.

The Court of Appeals remanded two specific issues for further review and did not mandate that the process start over.

The Court confirmed:

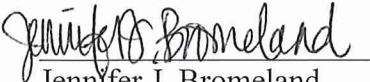
*We are aware of no authority providing that an RGU must prepare a new EAW or supplemental EAW in the event of project changes. The rules provide, however, for a supplemental EIS when "substantial changes" are made to a proposed project "that affect the potential significant adverse environmental effects of the project." Minn. R. 4410.3000, subp. 3(A)(1).*

While the City has discretion with how to proceed, it has been expressed since the supplement was received that the intent has been to use the same process as outlined in Minn. Rule 4410 but limited to the remand issues only. This is not an opportunity to revisit the entire EAW, but to focus on the two issues remanded for further environmental review.

Following the process in Minn. Rule 4410, if the City as the RGU determines that the supplement is complete, the supplement to the EAW will be submitted to the Environmental Quality Board (EQB) and the process for notification and publication started. (If it is determined incomplete, then the project proposer will have to resubmit with missing data.) This includes a review by the agencies listed in the Minn. Rules 4410.1500 as well as a public comment period. For reference purposes, attached are Minn. Rules 4410.1400-4410.1700.

Even though a 3<sup>rd</sup> party review is not required for an EAW, a review was completed on the original EAW and paid for by Bradford Development. Proposals were obtained to complete a 3<sup>rd</sup> party review of the supplement to be consistent with the same process followed with the original EAW, but no consensus has been reached between the City and Bradford Development as to which party would be responsible for the cost and whether a 3<sup>rd</sup> party review will be completed. A 3<sup>rd</sup> party review is not mandatory.

Due to the size of the Supplemental EAW, it is not attached to this memo, but can be accessed on the City's website: <https://eaglelakemn.com/city/stay-informed-about-privately-funded-motorsports-development-project-proposed-eagle-lake>.

  
Jennifer J. Bromeland  
City Administrator

**4410.1400 PREPARING EAW.**

A. The EAW shall be prepared as early as practicable in the development of the proposed project. The EAW shall be prepared by the RGU or its agents.

B. When an EAW is to be prepared, the proposer shall submit the completed data portions of the EAW to the RGU. The RGU shall determine whether the proposer's submittal is complete within 30 days or such other time period as agreed upon by the RGU and proposer. If the RGU determines that the submittal is incomplete, the RGU shall return the submittal to the proposer for completion of the missing data. If the RGU determines that the submittal is complete, the RGU shall notify the proposer of the acceptance of the submittal within five days. The RGU shall have 30 days from notification to add supplementary material to the EAW, if necessary, and to approve the EAW for distribution. The RGU shall be responsible for the completeness and accuracy of all information.

**Statutory Authority:** *MS s 116D.04; 116D.045*

**History:** *21 SR 1458; 31 SR 539*

**Published Electronically:** *August 20, 2018*



**4410.1500 PUBLISHING AND DISTRIBUTING EAW.**

A. The RGU shall provide one copy of the EAW to the EQB staff within five days after the RGU approves the EAW. This copy shall serve as notification to the EQB staff to publish the notice of availability of the EAW in the EQB Monitor. At the time of submission of the EAW to the EQB staff, the RGU shall also submit one copy of the EAW to:

- (1) each member of the EQB;
- (2) the proposer of the project;
- (3) the U.S. Corps of Engineers;
- (4) the U.S. Environmental Protection Agency;
- (5) the U.S. Fish and Wildlife Service;
- (6) the State Historical Society;
- (7) the state archaeologist;
- (8) the Indian Affairs Council;
- (9) the Environmental Conservation Library;
- (10) the regional development commission and regional development library for the region of the project site;
- (11) any local governmental unit within which the project will take place;
- (12) the representative of any petitioners pursuant to part 4410.1100; and
- (13) any other person upon written request.

B. The RGU shall promptly publish notice of the completion of an EAW by:

- (1) publishing the notice in at least one newspaper of general circulation in the geographic area where the project is proposed; or
- (2) posting the notice on a website that has been designated as the official publication site for publication of proceedings, public notices, and summaries of a political subdivision in which the project is proposed.

C. Within five days of the date of submission of the EAW to the EQB staff, the RGU shall provide a press release, containing notice of the availability of the EAW for public review, to at least one newspaper of general circulation within the area where the project is proposed. The press release shall include the name and location of the project, a brief description of the project, the location at which copies of the EAW are available for review, the date the comment period expires, and the procedures for commenting. The RGU shall publish legal notice or advertisement of the availability of the EAW if the proposer requests and agrees to pay for the notice or advertisement. The notice or advertisement shall contain the information required in the press release.

D. The EQB staff shall maintain an official EAW distribution list containing the names and addresses of agencies designated to receive EAW's.

**Statutory Authority:** *MS s 14.388; 116D.04; 116D.045*

**History:** *31 SR 539; 37 SR 820*

**Published Electronically:** *September 7, 2018*

**4410.1600 EAW COMMENT PERIOD.**

A. A 30-day period for review and comment on the EAW shall begin the day the EAW availability notice is published in the EQB Monitor.

B. Written comments shall be submitted to the RGU during the 30-day review period. The comments shall address the accuracy and completeness of the material contained in the EAW, potential impacts that may warrant further investigation before the project is commenced, and the need for an EIS on the proposed project.

C. The RGU may hold one or more public meetings to gather comments on the EAW if it determines that a meeting is necessary or useful. Reasonable public notice of the meetings shall be given prior to the meetings. All meetings shall be open to the public.

**Statutory Authority:** *MS s 116D.04*

**Published Electronically:** *August 20, 2018*

**4410.1700 DECISION ON NEED FOR EIS.**

Subpart 1. **Standard for decision on need for EIS.** An EIS shall be ordered for projects that have the potential for significant environmental effects.

Subp. 2. **Decision-making process.** The decision on the need for an EIS shall be made in compliance with one of the following time schedules:

A. if the decision is to be made by a board, council, or other body which meets only on a periodic basis, the decision shall be made between three and 30 days after the close of the review period; or

B. for all other RGU's the decision shall be made no later than 15 days after the close of the 30-day review period. This 15-day period shall be extended by the EQB chair by no more than 15 additional days upon request of the RGU.

Subp. 2a. **Insufficient information.** If the RGU determines that information necessary to a reasoned decision about the potential for, or significance of, one or more possible environmental impacts is lacking, but could be reasonably obtained, the RGU shall either:

A. make a positive declaration and include within the scope of the EIS appropriate studies to obtain the lacking information; or

B. postpone the decision on the need for an EIS, for not more than 30 days or such other period of time as agreed upon by the RGU and proposer, in order to obtain the lacking information. If the RGU postpones the decision, it shall provide written notice of its action, including a brief description of the lacking information, within five days to the project proposer, the EQB staff, and any person who submitted substantive comments on the EAW.

Subp. 3. **Form and basis for decision.** The RGU's decision shall be either a negative declaration or a positive declaration. The RGU shall base its decision regarding the need for an EIS on the information gathered during the EAW process and the comments received on the EAW.

Subp. 4. **Record of findings supporting decision.** The RGU shall maintain a record, including specific findings of fact, supporting its decision. The record must include specific responses to all substantive and timely comments on the EAW. This record shall either be a separately prepared document or contained within the records of the governmental unit.

Subp. 5. **Distributing decision.** The RGU's decision shall be provided, within five days, to all persons on the EAW distribution list pursuant to part 4410.1500, to all persons that commented in writing during the 30-day review period, and to any person upon written request. All persons who submitted timely and substantive comments on the EAW shall be sent a copy of the RGU's response to those comments prepared under subpart 4. Upon notification, the EQB staff shall publish the RGU's decision in the EQB Monitor.

Subp. 6. **Standard.** In deciding whether a project has the potential for significant environmental effects the RGU shall compare the impacts that may be reasonably expected to occur from the project with the criteria in this part.



Subp. 7. **Criteria.** In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

A. type, extent, and reversibility of environmental effects;

B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;

C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and

D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

Subp. 8. [Repealed, 13 SR 1437]

Subp. 9. **Connected actions and phased actions.** Connected actions and phased actions shall be considered a single project for purposes of the determination of need for an EIS.

**Statutory Authority:** *MS s 116D.04; 116D.045*

**History:** *13 SR 1437; 21 SR 1458; 31 SR 539; 34 SR 721*

**Published Electronically:** *August 20, 2018*