

CITY OF EAGLE LAKE
SEPTEMBER 12, 2022
CITY COUNCIL MEETING AGENDA
705 Parkway Avenue at 6:00 P.M.

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 or 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. To view meetings, please visit the City of Eagle Lake website at eaglelakemn.com and click on the "City of Eagle Lake MN City Council Meetings" icon on the home page of the website.

The City Council is provided with background information for agenda items in advance by staff, committees, and boards. Many decisions regarding agenda items are based upon this information, as well as: city policy and practices, input from constituents and a Council Members personal judgment. If you have any comments, questions or information that has not yet been presented or discussed regarding an agenda item, please ask to be recognized by the mayor during the "Open Public Comments" section on the agenda. Please state your name and address for the record. All comments are appreciated.

CALL TO ORDER

ROLL CALL

_____ **Auringer** _____ **Steinberg** _____ **Rohrich** _____ **White** _____ **Whittington**

OPEN PUBLIC COMMENTS

Persons may take one opportunity to address the council for **three minutes** on a topic not on the agenda. Persons commenting on consent agenda may use this opportunity to speak. There will be no discussion or action taken at that time. This is merely to inform the City Council of your issue(s) or concern(s) and for City Staff to do further research.

APPROVAL OF THE AGENDA

APPROVAL OF MEETING MINUTES

- City Council Meeting Minutes from August 1 and August 22, 2022 Pg. 3

CONSENT AGENDA

- | | | | |
|--|--------|----------------------------------|--------|
| 1. Monthly Bills | Pg. 18 | 2. Treasurer's Report | Pg. |
| 3. Police Report | Pg. 71 | 4. Fire Report | Pg. |
| 5. Public Works Report | Pg. 75 | 6. Building and Zoning Permits | Pg. 76 |
| 7. Gambling Report | Pg. 77 | 8. WEX Agreement-H.S.A. Provider | Pg. 78 |
| 9. Resignation of Amy McGuire from Police Dept | Pg. 82 | 10. | |
| 11. | | 12. | |

PRESENTATIONS

- | | |
|--|---------|
| 1. Supplemental EAW for Mankato Motorsports Park Project: Jason Femrite and Dan Donayre with Bolton and Menk | Pg. 82 |
| 2. Sewer and Water Extension Project Update and Next Steps: Brian Sarff with Bolton and Menk | Pg. 257 |

If you have any questions, please feel free to contact City Hall at 507.257.3218 or email at jbromeland@eaglelakemn.com.

PUBLIC HEARING

OLD BUSINESS

NEW BUSINESS

1. Hazardous Buildings Report from Building Inspector for Eagle Lake Regency Manufactured Home Park Pg. 264
2. Copier Proposal from Loffler Pg. 272
3. Sale of 2006 Leaf Collector Pg. 277
4. Electronic Funds and Wire Transfer Policy Pg. 278
5. Utility Rate Discussion and Recommendations – Water, Sewer, and Stormwater Rate Analysis Pg. 284
6. Drug and Alcohol Testing and Drug-Free Workplace Act Policy Pg. 291
7. Fire Department Policy Pg. 303

OTHER

CITY ADMINISTRATOR REPORT

Pg. 332

1. Storm Drain Stenciling Activity on 9/14 from 5:30 p.m.-7:30 p.m., Eagle Heights Park
2. Fall Clean Up: Saturday, October 15th from 8:00 a.m.-Noon, Lake Eagle Park
3. Status of Fox Meadows Development (Public Hearings for Re-Zoning and Preliminary Plat Scheduled for September 19th Planning Commission Meeting)
4. Road Inquiry from Mankato Township
5. Fall Newsletter
6. Upcoming Mandatory Staff Trainings in September

COUNCIL MEMBER’S REPORT

ANNOUNCEMENTS

- Next Regular **City Council** Meeting -October 3, 2022 at 6:00 p.m., City Hall – Council Chambers, 705 Parkway Avenue
- Next Regular **EDA** Meeting – September 22, 2022 at 6:45 AM, City Hall-Council Chambers, 705 Parkway Ave
- Next Regular **Park Board** Meeting – October 13, 2022 at 6:45 AM, City Hall-Council Chambers, 705 Parkway Ave
- Next Regular **Planning Commission** Meeting – September 19, 2022 at 6:00 PM, City Hall-Council Chambers, 705 Parkway Ave

ADJOURNMENT

**CITY OF EAGLE LAKE
CITY COUNCIL MEETING
AUGUST 1, 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, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Director Brian Goettl, Fire Chief Vern Simpson, and Deputy Clerk Kerry Rausch.

PUBLIC COMMENTS

- None

APPROVAL OF THE AGENDA

- All Seasons Arena Agreement was added to New Business.
- Council Member Rohrich moved, seconded by Council Member White to approve the amended agenda. The motion carried with Council Members Steinberg, Rohrich, and Mayor Auringer voting in favor.

APPROVAL OF MEETING MINUTES

- Council Member White moved, seconded by Council Member Rohrich, to approve the July 11, 2022 City Council meeting minutes. The motion carried with Council Members Steinberg, Rohrich, and Mayor Auringer voting in favor.

CONSENT AGENDA

- Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the consent agenda.

Monthly Bills	Treasurer's Report	Police Report
Fire Report	Public Works Report	Building & Zoning Permits
Gambling Report		
- The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

PRESENTATIONS

1. Cody Christianson with Bolton and Menk: MAPO Pedestrian Connectivity Study
 - Mr. Christianson stated there was an open house on July 26th and that Bolton and Menk is working with MAPO, Eagle Lake and Blue Earth County on a bike and pedestrian connectivity study for a crossing for 211th Street and Thomas Drive. At the open house four options were presented. Option 1 included a sidewalk on the west side of Agency Street with a crossing at 211th and urbanizing the west side of Agency Street with curb and gutter. Consideration for the wetlands in this area need to be considered. Option 2 included a sidewalk on the east side, urbanizing the east side with curb and gutter. Some draining concerns were noted on this side with the existing ditch and two openings into the mobile home park. Option 3 would include a shared use path which would keep the rural function of the roadway with just the paved shoulder and the trail constructed down the slope on the east side. Option 4 would include a shared use path outside of the county road right of way, to be placed on the north side of the mobile home park, then going

east between the mobile home park and the townhomes. This option would require right of way acquisitions.

- Comments heard at the open house included the need for a larger sidewalk/trail plan for the city and the possible need for traffic control at the intersection of Agency and Thomas Drive. Details for each option will be looked into while additional feedback is accepted.
- Input from the public will be taken for the next three weeks and information can be located on the MAPO website.
- Discussion included if information could be provided at the Music on Parkway event on August 18th.

2. John Graupman with Bolton and Menk: Water Tower Rehab and SCADA System

- Brian Sarff with Bolton and Menk filled in for Mr. Graupman stating the current SCADA system is in need of upgrades. This is a system which provides communication between the water tower and lift stations and provides staff with alerts. The next step in this process would be to engage an electrical engineer for biddable plans and to create contract documents. The goal would be to consider bids at the October City Council meeting. If approved, it would take one year for full implementation and to be up and running. This is a communication system and allows staff to control infrastructure remotely.
- Discussion included the needs for this system to be expandable with future growth of the City, with the need for a water filtration system and a second water tower. Mr. Sarff stated he will verify with Mr. Graupman that this system would be expandable.
- Administrator Bromeland contacted the city's auditor who indicated this project could be used with America Rescue Plan Act (ARPA) funds under the clean water and drinking water program. MN PFA's revolving loan funds could also be used for this project. The City has received \$337,354.26 in ARPA funds which need to be expended by December 31, 2024.
- City staff as begun obtaining pricing for a SCADA system.
- Council Member Steinberg moved, seconded by Council Member Rohrich, to direct Bolton and Menk to prepare specifications and bid documents for the SCADA system. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.
- Discussion included asking if the SCADA system and the water tower rehab project could be combined. It was recommended that these projects be kept separate due to separate contracts.
- Brian Sarff explained that on a biannual basis the city receives a report on the water tower and that the last report indicated the need for the tower to be recoated. The life expectancy of recoating is 20 years and the cost to recoat the interior and exterior is between \$415,000 - \$500,000.
- Administrator Bromeland explained that KLM did the last inspection in 2021 and that the City has a contract with them for inspecting and cleaning the water tower.
- Public Works Director Brian Goetl explained that there are a few interior sections which need to be cleaned and repaired.
- If the Council chooses to proceed, it was recommended that bid documents and specifications are needed and it was recommended that it go out to bid in December 2022 or January 2023. Bolton and Menk needs to climb the tower to do an inspection in the next month or so and review KLM's report. The current recommendation is based off KLM's report. It is anticipated this project could take place in 2023.
- Discussion included that this project does include painting of the exterior of the water tower and that it is an opportunity to select new colors and design.
- Council Member Rohrich moved, seconded by Council Member Steinberg, authorizing Bolton and Menk to inspect the water tower and to obtain bids. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

PUBLIC HEARING

1. EAW for Fox Meadows

- Administrator Bromeland stated that Travis Fristed and Troy Schrom are not able to be at tonight's meeting but that any public comments or questions received will be relayed onto them. She also explained that a public hearing is not required but is an option to gather comments.
- Council discussion included that the EAW has been submitted to the EQB. Agencies are reviewing the EAW and looking at what it means for the community. The TIF agreement can be amended for correct construction dates.
- Administrator Bromeland stated she has spoken with Bolton and Menk relating to current city utilities and has confirmed that the existing utilities have the capacity to serve this project.
- The public hearing was opened and closed with no comments being offered.
- Troy Schrom requested a special council meeting after the 30-day public comment period closes. Council set a special meeting for Tuesday, August 30th at 6:00 p.m.

OLD BUSINESS

- None

NEW BUSINESS

1. South Agency Street Project – Tree Opinions Obtained for 212 S. Agency Street

- Administrator Bromeland explained that discussion took place at the July 11th City Council meeting about a tree at 212 S. Agency Street and whether it was damaged before or during the Agency Street (CSAH 27) project. The consensus at that time was for Brian Sarff with Bolton and Menk to obtain an opinion from a tree expert. Since that time, Mr. Sarff has obtained two opinions. One from Dan Donayre, a Natural Resource Project Manager with Bolton and Menk, and one from Seumnick's Final Cut Tree Service, LLC. Both indicated that based on the pictures of the tree prior to construction, there was already early stages of die back or some type of disease present.
- Tom Hager, 212 S. Agency, stated it is his hope that he and the City could share in the cost of the tree removal. He stated he has received two other bids of \$870 and \$900. This would remove the tree at ground level, but not remove the roots. Mr. Hager also asked if anyone is certain if this tree is on his property, with Brian Sarff stating it is his belief that the tree is outside of the alley right of way by 2-4 feet.
- Council discussion included the need to determine liability, with Mayor Auringer stating he does not see liability for the city.
- Council Member White moved, seconded by Council Member Rohrich, to pay one half of the \$875 bid. The motion carried with Council Members Rohrich, White, and Mayor Auringer voting in favor. Council Member Steinberg voted in opposition.

2. Advance Resignation Notice Program

- Administrator Bromeland explained that the purpose of the proposed program is to improve the efficiency and stability of the City's workforce by encouraging employees to give advance notice of their intent to resign. This allows for the process of replacing an employee who is leaving the city to begin as soon as possible after notice is received and will hopefully reduce the time that the position remains unfilled. Included in the policy is a one-time payment for advance notice. The payment is made after the employment termination date and is subject to taxation and required deductions.
- Discussion included that the policy before council is a sample proposal from the League of MN Cities and that employees would have this as an option, it is not required.

- Council Member Rohrich moved, seconded by Council Member Steinberg, to approve the Advance Resignation Notice Program as presented. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

3. Compensation of Mayor and Council

- Administrator Bromeland explained that the last increase to mayor and city council compensation was in 2013 to \$325 per month for mayor and \$225 per month for city council. If there is interest in increasing the compensation for mayor and city council, a public hearing could be set for the September 12th City Council meeting to amend Section 2.020 of City Code. No salary change shall take effect until after the next regular city election. An ordinance changing council salaries should specify the date when the changes will take effect.
- Discussion included Mayor Auringer stating the current salaries seem to be in line with other communities, Council Member Rohrich stating she has no strong opinion on this, Council Member White stating he is fine with the current salaries and Council Member Steinberg stating that with inflation he feels staff and council members should receive a cost-of-living adjustment.
- Council Member White moved, seconded by Council Member Steinberg, to set a public hearing for September 12th to consider mayor and council member salaries. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

4. Sidewalk and Concrete Curb Street Repair

- Public Works Director Brian Goettl stated he requested three bids for sidewalk and curb repairs and only received one. There are capital outlay funds for sidewalk repairs and the curb repairs would be paid out of general street repairs.
- Discussion included that some of the sidewalk repair will include installation of ADA pads.
- Council asked if in the future such bids could be received earlier.
- Council Member Rohrich moved, seconded by Council Member White, to approve the bid from Clint Adams in the amount of \$30,174 for sidewalk and curb repairs. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

5. All Seasons Arena (ASA)

- Administrator Bromeland explained that a letter has been received from the city's attorney who reviewed documents regarding the management of All Seasons Arena (ASA) and responded with the following. The working arrangement has been in place in some fashion since 1979. The current All Season Arena Board by-laws as amended are dated July 31, 2015 and the City of Eagle Lake was not a party to the by-laws. The operating service agreement is dated July 21, 2021 (Mankato) to January 10, 2022 (Skyline, North Mankato) was signed on July 21, 2021. The agreement now lists Eagle Lake as an owner but there is no signed joint powers agreement. The agreement provides that the City of Mankato will operate the facility utilizing the payment of \$40,000 by all of the owners. Eagle Lake agreed to pay 4.524% of this amount for the years of 2021, 2022, 2023. It is not clear that there is any working agreement that is currently in effect for any party, but there certainly is no agreement in place for Eagle Lake. If Eagle Lake is to continue in this entity a new joint powers agreement is required. If the City determines this is no longer in the best interest of the City to participate in this agreement, then the City will need to give notice as there is no joint powers agreement that the city is part of. Eagle Lake is responsible for the payments on the Operating Service Agreement but that ends in 2023.
- Council Member White stated the ASA Board has now determined there are more improvements needed and no clear understanding of the costs. He expressed his desire to continue on with the ASA operations portion but does not agree with paying for the upgrades. The current cost for improvements is between \$5-\$6 million and Eagle Lake's portion would be 4.524% of this.

- Both Administrator Bromeland and Council Member White expressed that it would be difficult to justify this expense to taxpayers when other communities don't pay and can use the facilities. There are also questions that need to be answered, such as who owns the building.
- Council Member White moved, seconded by Council Member Steinberg, to deny paying 4.52% of upgrade to All Season Arena, but to continue with operational costs.
- Council Member White amended his original motion, seconded by Council Member Steinberg to read, to deny paying 4.52% of upgrades to All Season Arena, but to continue with operational costs if it is financially feasible. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

OTHER

- None

CITY ADMINISTRATOR REPORT

1. Budget Work Session
 - The work session is scheduled for August 22nd at 6:00 pm. Department heads are gathering information.
2. Recap of CGMC Summer Conference and Highlights
 - CGMC is advocating for LGA, PFA funding, environmental issues and childcare. The Coalition is requesting Governor Waltz to call for a special session and cities were asked for letters of support. Topics covered included PTSD liability claims, childcare, and employment issues.
3. National Night Out
 - National Night Out will be held at 2nd from 5-7 p.m. at Epiphany Lutheran Church.
4. Music on Parkway
 - The final event will be held August 18th from 6:00 – 9:00 p.m.
5. Storm Drain Stenciling Project
 - As part of MS\$ public outreach, the City will coordinate public education and stenciling storm drains in a portion of the community. The City will cover costs of paint and stencils. The Lions Club and Girl Scouts have been contacted as a possible community service project.
6. Congressionally Directed Spending
 - An email was received informing the City our request for congressionally directed spending was not approved and that the process is extremely competitive. Consideration with the State is still a possibility.

COUNCIL REPORTS

1. Upon request from Mayor Auringer, Chief Kopp provided an update on 317 LeRay Avenue. The Blue Earth County attorney has indicated this would be a civil matter, not a criminal matter. Council could consider abatement or civil proceedings. Formal complaints against this property have been received. Mayor Auringer stated action needs to be taken. Chief Kopp will prepare reports for the city attorney for his review.

ADJOURNMENT

- Council Member Rohrich moved, seconded by Council Member Steinberg, to adjourn the meeting at 7:36 p.m. The motion carried with Council Members Steinberg, Rohrich, White, and Mayor Auringer voting in favor.

Tim Auringer, Mayor

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE
CITY COUNCIL MEETING
AUGUST 22, 2022**

CALL TO ORDER

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

ROLL CALL

- Council Members present: Garrett Steinberg (arrived at 6:30 p.m.), Beth Rohrich, Anthony White, John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Supervisor Andrew Hartman, Fire Chief Vern Simpson, and Deputy Clerk Kerry Rausch.

APPROVAL OF THE AGENDA

- Council Member White moved, seconded by Council Member Rohrich, to approve the agenda. The motion carried with Council Members Rohrich, White, Whittington, and Mayor Auringer voting in favor.

NEW BUSINESS

1. Budget Work Session

- Department heads for fire, public works, and the police departments presented proposed changes to their 2023 departmental budgets and reviewed current and future capital outlay and staffing needs.
- Administrator Bromeland presented an in-depth report of the city's needs by stating that the community is experiencing growth and the growing pains and pressures that accompany growth, Council is faced with the increased difficult task this budget cycle with putting together a fiscally prudent budget that ensures both the continued delivery of quality services and planning for the future during a time when the economy is volatile and inflation is high.
- Eagle Lake's population has grown approximately 36% in the last decade while staffing levels have remained relatively the same even though the demand for services has increased because of development. Included in this year's budget requests are a 4th Full-Time Police Officer, a 4th Full-Time Public Works Worker, and a Full-Time Community Development Coordinator position.
- Eagle Lake is behind on updating some key planning documents such as the comprehensive plan (adopted in 1991) and land use plan (adopted in 2006), both of which are important for strategic planning as it relates to community development. Funding should be prioritized to update planning documents.
- With the upcoming retirement of the Public Works Director, City staff recommends that Bolton and Menk be consulted to assist with putting together an updated Capital Improvement Plan (CIP) as it relates to street and utility reconstruction projects. Included in the CIP could be other infrastructure needs such as the proposed water treatment plant project, street pavement evaluation and mapping (this is currently done in house as time allows), and a review of sewer televising records to identify problem areas around town.
- Coming up this fall, bidding will take place for a SCADA system for water and sewer. This system is estimated to cost around \$175,000. Then, in December or January, bidding is anticipated to take place for the water tower rehab project in 2023. It appears that American Rescue Plan Act (ARPA) funds can be used for a SCADA system, but more research is needed to determine if a water tower rehab project is an eligible use of the funding. Regardless, financing will need to be obtained for the rehab project which will likely cost approximately \$500,000. A total of \$337,354 was received in ARPA funding. Funds must be expended by December 31, 2024.

- Administrator Bromeland presented basic information about the budgeting process by stating cities must prepare and adopt a proposed budget and proposed property tax levy each year. By law in Minnesota, the fiscal year of a city and all its funds must be calendar year. A budget is one year of estimated money coming in or revenue, and expenditures or money going out. Cities over 500 in population that propose a property tax increase are required to provide notice of the proposed budget adoption and to allow public input on the proposed budget and property tax levy. The “truth-in-taxation” process (TNT) requires cities to certify proposed property tax levies to the county auditor on or before September 30th. The preliminary levy can be reduced once adopted but cannot be increased prior to the final levy being adopted. The levy is comprised of the general fund, EDA and debt service. A TNT public comment hearing must occur sometime between November 25th and December 28th. The final levy must be certified to the county auditor by or before December 28th. Cities must also file a certificate of compliance with the Department of Revenue by December 28th.
- Last year’s final tax levy was set at 10% or an increase of \$81,173. Property taxes should have remained relatively flat unless a property’s valuation increase.
- The preliminary levy can be reduced once adopted but cannot be increased prior to the final levy being adopted. The levy is comprised of the general fund, EDA, and debt service. Preliminary tax levy amounts for 2023 are General Fund: \$766,690, EDA \$51,000, and Debt Service \$152,310 for a total of \$969,904. This equates to a 8.6% increase or \$77,003. Proposed revenues are \$1,866,032 and proposed expenditures are \$1,917,456. This difference of (\$51,424) is due to planned deficit spending using capital outlay reserves. The budget would be balanced except for planned capital outlay expenditures drawing down previously set aside funding in general fund reserves. The expenditures are comprised of fire, police, streets, and parks capital outlay expenditures.
- Some items that are included in budget consideration include the net tax capacity estimate and levy impact, tax levy history, fund balances, certified local government aid for 2023, the cost-of-living adjustment of employee wages, step increases in employee wages, and health insurance rates. Per an inquiry to Blue Earth County, Eagle Lake’s average market value percent increase on residential homes was 8.44%. It should be noted that the City’s net tax capacity has increased recently due to new residential and commercial construction. This is important because with more taxpayers, the tax base has expanded and helps to spread the burden of taxes over more taxpayers. Taxation notices are sent to all property owners each November before local units of government finalize their budgets for the coming year. The notice is meant to help property owners understand how property taxes are determined and how they can get invoiced with local budgeting and taxation. Property owners cannot appeal their property’s market value or classification at the Truth in Taxation meeting. The Truth in Taxation meeting is tentatively schedule for Monday, December 5th at 6:00 p.m. at City Hall. The City consistently maintains a minimum unassigned general fund balance of 50% of the annual budget. A positive fund balance contributes to a favorable bond rating, provides a source of working capital to meet cash flow needs, and offers a cushion for unexpected expenditures or revenue short falls.
- Local Government Aid (LGA) for 2023 is certified at \$699,884, which is a \$13,962 increase from 2022. A cost-of-living adjustment (COLA) to wages is made to wages using the consumer price index. This is intended to counteract inflation and the average change over time in prices paid by consumers for goods and services. Discussion in 2021 included that the City retains discretion as to the actual adjustment to wages for cost of living and is not bound by the CPI. This year, the percent change for the Midwest region from June 2021 to June 2022 is 9.5%. Last year, it was 5.9% and the year before that it was 0.7%. Based on a survey of other area cities comparable in size, most are budgeting anywhere between 3% - 5% for a cost-of-living adjustment for 2023. A 3% COLA was factored into the 2023 budget.

- Health insurance rates for 2023 will not be known until October but the City has been advised by our agent to budget for a 12% increase at this time. It is anticipated that the renewal will be under 10% but budgeting higher until we know for sure.
 - Organization dues were also taken into consideration, as well as Music on Parkway budget of \$5,000, Park Board budget of \$50,000, and audit fees of \$26,500. Also considered were increases to worker's compensation and property and casualty insurance rate increases. Shannon Sweeney with DDA is assisting the City with a water, sewer, and storm utility rate analysis to ensure rates are commensurate with expenses.
 - A proposal will be presented at the September 12th City Council meeting to look at terminating the current copier lease and maintenance agreement with Metro Sales and instead moving to Loeffler to realize a significant monthly cost savings.
 - Council was asked to put together a list of their top 5 immediate and long-term goals for the City of Eagle Lake between now and the next budget work session.
 - Administrator Bromeland presented a possible new full-time position with the City, that of Community Development Coordinator. This position would work with Planning and Zoning and EDA and would relieve pressure on current staff and would work to bring businesses to Eagle Lake. Council discussion included seeing this position as a vital need for the City.
 - Council set the next budget session for September 26th to adopt a preliminary budget.
2. Resolution 2022-33: Accepting Resignation from Part-Time Public Works Worker Brian Shoemaker
 - Council Member White moved, seconded by Council Member Rohrich, to accept the resignation of Brian Shoemaker effective August 19, 2022. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
 3. Resolution 2022-34: Accepting Resignation/Notice of Retirement from Public Works Director Brian Goettl
 - Public Works Director Brian Goettl submitted his notice of resignation/retirement, effective February 10, 2023, and completed the Advance Resignation Notice form. Due to Mr. Goettl submitting a 180 days' notice, he will be eligible for a one-time payment of \$1,500 for providing advance notice as per the City's newly adopted Advance Resignation Notice Program.
 - Mr. Goettl began working for the City of Eagle Lake on May 3, 1994 as a Part-Time Public Works Maintenance employee and has moved throughout the ranks since that time to his current position as Public Works Director which he has held since April 16, 2018.
 - Council Member Steinberg moved, seconded by Council Member White, to accept the resignation of Brian Goettl, effective February 10, 2023. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
 4. Discuss Hiring Process and Next Steps for Public Works Positions
 - Administrator Bromeland stated the purpose for the advanced resignation notice is to allow for the transfer of knowledge to the new person and stated it would be beneficial to bring the new person on yet this fall.
 - Council Member Whittington moved, seconded by Council Member Rohrich, to authorize the advertisement of the Public Works Director through external advertisement. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
 - Administrator Bromeland stated Brian Shoemaker was a very dependable employee.
 - Council Member White moved, seconded by Council Member Steinberg, to authorize the advertisement of a Part-Time Public Works Worker. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
 5. Approval to Advertise and Sell Old Leaf Vac on Minn Bid
 - Administrator Bromeland explained that with the purchase of a new leaf vac in October of 2021, the 2006 leaf vac is no longer needed. The Public Works Department would like to advertise the sale of the

leaf vac on Minn Bid, which is the same site that was used to sell the 1986 plow truck in December of 2021.

- Andrew Hartman, Public Works Supervisor, stated that he is estimating the minimum bid price to be \$5,000 but that he is waiting to hear back from a sales rep. to get a recommendation on a minimum bid amount.
- Council Member Rohrich moved, seconded by Council Member Whittington, to authorize the sale of the 2006 leaf vac on the Minn Bid site with a minimum bid of \$5,000 or at the price the sale rep recommends. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

6. Resolution 2022-35: Resolution on Special Session

- Administrator Bromeland explained that the failure of the Legislature to pass a tax bill and a bonding bill before the session adjourned was a disappointment for many. The Coalition of Greater Minnesota Cities (CGMC) is asking cities to pass resolutions urging the Governor to call for a special session and the Legislature to pass a bonding bill and tax bill.
- The proposed resolution is from the CGMC and has been tailored to fit Eagle Lake. It includes a reference to the City of Eagle Lake's Water Treatment Plant Project, the Mankato Water Resource and Recovery Facility (WRRF), increasing the Local Government Aid (LGA) appropriation, and more. If adopted, the resolution will be sent to the Governor, local legislators, the Speaker of the House, the Senate Majority Leader, the House Minority Leader, and the Senate Minority Leader.
- Council Member Rohrich moved, seconded by Council Member White, to approve Resolution 2022-35: Resolution on Special Session. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

OTHER

- None

ADJOURNMENT

- Council Member White moved, seconded by Council Member Rohrich, to adjourn the meeting at 8:38 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

Tim Auringer, Mayor

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE
CITY COUNCIL MEETING
AUGUST 30, 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 (arrived at 6:10 p.m.), John Whittington, and Mayor Tim Auringer.
- Staff present: City Administrator Jennifer Bromeland, Police Chief John Kopp, Public Works Director Brian Goettl, and Deputy Clerk Kerry Rausch.

NEW BUSINESS

1. Fox Meadows Development and Environmental Assessment
 - a. Responses to Public Comments (Public Comment Period Ended 8/25/22)
 - b. EIS Need Decision
 - Administrator Bromeland explained that the public comment period for the Environmental Assessment Worksheet (EAW) for the Fox Meadows Development closed on August 25, 2022. All comments that are both substantive and timely must have a response prepared. Following review of the comments and responses to the comments, the City Council will need to determine whether an Environmental Impact Statement (EIS) will be necessary. The decision that an EIS is needed must be made within 30 days of the public comment period ending. An EIS shall be ordered for projects that have the potential for significant environmental effects. If it is determined that there is insufficient information, the EIS need decision can be postponed up to 30 days to obtain missing information.
 - Travis Fristed with Braun Intertec was present and explained that 30 comments were received, of which two were from residents, 13 were factual, 10 were acknowledgements, 5 were recommendations, and 2 were speculative. Substantive/factual comments have been responded to. Most comments were helpful in that they verified information. There were questions on storm water management which have since have received the geotechnical response. The State Historical Preservation Office found no findings with the archeological review. Revisions to the EAW were made based on information provided by Blue Earth County that there is no farmstead on the west side of the property and that when they did the well sealing in 1991 it was noted there are tanks in the area, and Table 9-1 was updated as to the status of some permits. The two resident comments relating to the traffic volumes has been addressed.
 - Mayor Auringer mentioned that comment 16 indicated that 87% of soil on the site have a very limited rating and asked if this land is buildable. These items will be taken care of during the building process. Mayor Auringer also asked if the plan is to have drainage run to the northeast. The storm water feature will drain to the dedicated area. The traffic questions in the EAW may result in a future road connection with 211th Street.
 - Mayor Auringer explained that if the City Council deems the submittal as complete, they would then need to determine if an EIS is required or if they negatively declare that an EIS is required, then make such a motion to accept the information that has been received.
 - City Attorney Chris Kennedy explained if the Council deems there is no need for additional studies or information they should then consider a motion to declare a negative declaration to the EIS.

- Council Member Steinberg moved, seconded by Council Member Whittington, to adopt a negative declaration to the EIS and to make a finding that the report is complete. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
- The next step would be for Council members to review the findings before the next meeting to determine if there are any changes needed or to decide to adopt as stated. If anyone sees anything in the next 5 days, they should alert City Hall, otherwise a notice will be published in the EQB Monitor after the five days.
- Troy Schrom stated he is finalizing the construction documents and is prepared to submit an application for rezoning and the preliminary plat for approval.
- It was explained that the Planning Commission would review the rezoning application and the preliminary plat and will make recommendations to the City Council.
- City Administrator Bromeland stated that Mr. Schrom is requesting to apply for rezoning and preliminary plat concurrently and explained that rezoning should be final or completed before the preliminary plat can be approved.
- City Attorney Chris Kennedy confirmed that rezoning and preliminary plat must be independent decisions and that it is his recommendation to act on the rezoning request first and then the preliminary plat could be addressed even if they are presented at the same meeting. He advised City Council against any involvement in the homeowner's association.
- Mayor Auringer stated that a Planned Unit Development (PUD) allows for flexibility with zoning and also the ability to work with the developer with unusual situations.

OTHER

- None

ADJOURNMENT

- Council Member Steinberg moved, seconded by Council Member White, to adjourn the meeting at 6:26 p.m. The motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.

Tim Auringer, Mayor

Kerry Rausch, Deputy Clerk

**CITY OF EAGLE LAKE
PARK BOARD MEETING
THURSDAY, AUGUST 11, 2022**

Call to Order

The meeting was called to order by Chair Horkey at 6:55 a.m.

Members Present: Ryan Short, Beth Rohrich, Jeremy Horkey, Tim Auringer, and Joan Back

Staff Present: Jennifer Bromeland, Andrew Hartman, and Kerry Rausch

Treasurer's Report

The treasurer's report was presented.

Business

1. Lake Eagle Park Master Planning Process

- The Park Survey will close August 15th. The survey was promoted in the City's newsletter, on Facebook and the City's website, during Music on Parkway, and by word of mouth.
- Preliminary survey results were reviewed with a final draft arriving after the survey period ends. Most respondents to date live within ¼ mile of the park, most have 5-12 age children, 96% indicated they visit the park, summer is the highest use of the park followed by fall, spring and then winter. 68% of the initial respondents indicated they walk to park, approximately 1/3 of the respondents indicated parking is sufficient, 1/3 state it is not sufficient and 1/3 state they don't use the parking lot. The most utilized existing facilities are the trails and playground. Most indicated opposition to moving the ballfield while the majority would like restrooms improvements. Safety concerns with the park were not an issue.
- Some general comments provided included elderly accessibility and mobility issues.
- The top requested new amenity was a splash pad and pool as well as a pavilion and picnic areas with grills. It was indicated that a new shelter with picnic tables, electric, and restrooms would be ideal.
- Park Board discussion included looking at communities that have splash pads to see their usage and maintenance trends, the desire to have the frisbee golf relocated within the park, as well as adding a "lazy river" for winter months where people could skate.
- Discussion included when is it appropriate to hire a recreation director to provide programming for the parks.
- Final results will be presented to City once they are compiled, hopefully at the next meeting.

2. Recap of Recent Ballfield Meeting with MAYBA and School Reps

- Administrator Bromeland and Public Works Supervisor Andrew Hartman met with East High School and MAYBA representatives at the ballfield to review ballfield needs. MAYBA would like to install an irrigation system which they would pay for. In return they would like the City to be responsible for the water used. MAYBA would like to install a 12 x 16 shed behind the dugout on north side for storage purposes. Signage for advertising was discussed but Council indicated a couple of years ago that they did not want to install advertising on the fence, feeling it takes away from the beauty of the park. MAYBA asked if ads could be placed on the dugouts instead. MAYBA would receive money from the advertising which would go back into the Eagle Lake field.
- The agreement with MAYBA will be brought to the City Council at the September meeting for review and renewal.

3. Recap of 3 on 3 Programming and Plans for Next Summer

- This will be provided at the next meeting.

4. Request for Placement of Bench and Doggie Waste Station along 598th Avenue or South Side of City Hall along Parkway Avenue

- This will be looked at when more benches are received.

5. Miscellaneous Updates from Public Works

- a. Timeline for Painting of Rink and Bathrooms – not done yet.

- b. Eagle Heights Park - Status of Grass Establishment, Planting of Trees, Etc.
 - Public Works is working to eliminate crab grass. Trees have not been planted yet and discussion included the need to be strategic on their placement so that pick up ball games can still be held. A possible location discussed was close to the playground.
 - c. Dogs on Leash Signs – An update will be provided at the next meeting.
 - d. Handicapped Parking – Feedback from Loss Control Consultant with LMC
 - The City is compliant with handicap parking requirements with the parking lot at Lake Eagle Park.
 - e. Girl Scout Project at Dog Park
 - An update will be provided at the next meeting.
 - f. Other – Administrator Bromeland explained that residents are asking about the naming of Lake Eagle Park. Beth Rohrich stated she will contact Blue Earth County Historical Society in an attempt to learn how this park was named.
6. 2023 Budget Request for Parks
- a. Capital Outlay Needs
 - b. Part-Time Parks and Recreation Director or Intern?
 - Administrator Bromeland explained that budget work is in process and the Park Board's input for budgeting was requested. Discussion included if the current amount of \$50,000 will be sufficient for 2023. Administrator Bromeland explained that if new restrooms are constructed it would be City project and not come out of the Park Board budget. Also discussed was that due to pricing and more modest pavilion would be acceptable, that a temporary structure, if installed, could be moved when a new pavilion is constructed, that it would be nice to have a pavilion at Lake Eagle Park and then continue on from there. Park Board consensus was to ask for a little more than \$50,000 but that they would like to consider \$50,000 as the minimum budget amount for the Park Board.
7. Fox Meadows Development - Future Park Needs Discussion
- Discussion included if the city can handle another park, that the developer is looking at a neighborhood pocket park. The City may want to consider another park or determine if Fox Meadows is close enough to Lake Eagle Park.
8. Other Items
- Mayor Auringer asked if the City would want to consider lights on the ballfield since it was included on the Park Survey. Consideration as to how this would affect the residential homes in this area, the frequency of ball field use and if other organizations would consider installing lighting was discussed.
 - Administrator Bromeland stated she has contacted a local golf course to determine how they maintain their ponds. Their recommendation was to use barley bales, which is a low-cost option to improve the aesthetics of the pond. Discussion included that the pond may need to be dredged. It was also asked if decoys be put out to keep geese out of the pond area.
 - Upcoming events include Rec on the Go! on Wednesdays and the Outdoor Movie Under the Stars-SING 2 will be shown on September 9th at 6:00 p.m. at the Eagle Lake Elementary School.

Kerry Rausch
Deputy Clerk

ECONOMIC DEVELOPMENT AUTHORITY
WEDNESDAY, AUGUST 25, 2022

Call to Order: The meeting was called to order by Chair Hughes at 6:45 a.m.

Members Present: Brooke Wach, Tony Dickmeyer, Christine Black-Hughes, Brian Hughes, and John Whittington

Staff Present: Jennifer Bromeland and Kerry Rausch

Approval of Agenda

Treasurer's Report

- The treasurer's report was presented.
- Administrator Bromeland stated that with the sale of Parkway Avenue properties and levying about \$50,000 each year to grow EDA funds, the EDA may want to consider looking at investing in a short-term CD or the 4M investment fund. Staff is looking for permission to invest now and to consider rates at both 6 month and longer. The EDA was asked to consider how they would like to utilize these funds.

New Business

1. Strategic Economic Development Planning Process with Region 9
 - a. Update and Next Steps
 - Alejandra Bejarano with Region 9 spoke with local business owners and Administrator Bromeland reached out to harder to reach business owners. Alejandra held four small group sessions, both in person and virtually, with 3-4 people in attendance at each one. Region 9 is currently working on drafting recommendations; the final report will be presented at the September 22nd EDA meeting and then will be brought to the City Council.
 - All entries for the drawing contest have been submitted to Region 9. The EDA has been asked to select a winner for each category.
2. Letter of Support for Main Street Economic Revitalization Program Grant Application from Freedom Security (Future Eagle Lake Business)
 - Administrator Bromeland reported that she and a couple of members of the EDA met with Mike Bales regarding the Main Street Economic Revitalization Program grant and explained the competitiveness of this grant process.
 - Also explained was the importance of growing Eagle Lake's business presence and how more businesses will increase the City's net tax capacity.
 - Mike Bales, Present and CEO of Freedom Security and Surveillance, was present and stated he currently has seven (7) full-time employees and expects this to increase to 12-14. Of these 50%-75% will report to the office daily.
 - If this grant is awarded, Mr. Bales indicated that the outside finishes would improve and the interior footprint may change. Originally the exterior of the office section was planned to be efface, but Mr. Bales is looking at faux brick, stone, and concrete as options. The remainder of the building will be aluminum. Ideally there would be a

covered entry way on the store front and would include natural lighting. The warehouse portion of the building will have 16-foot side walls. The estimated cost at this time for this project is \$400,000. Ideally, construction would begin yet this fall, otherwise in the spring of 2023.

- The application for this grant program is open and applications received by September 16th will be reviewed. This is a first come, first served program.
- Administrator Bromeland explained that as part of the grant process Mr. Bales is asking the City of Eagle Lake's EDA to write a letter of Support for this grant. Discussion included the need to match Mr. Bales grant information with the information contained in the letter of support. Christine Black-Hughes moved, seconded by Brian Hughes, authorizing Administrator Bromeland to write a letter of support to include in Mr. Bales grant application. The motion carried.

3. EDA Related 2023 Budget Requests

- Administrator Bromeland stated that a budget request of \$51,000 for the EDA's 2023 budget was requested. City Council is considering the addition of a full-time Community Development Coordinator in 2023 who would seek to bring businesses to Eagle Lake, work on updating the City's Comprehensive Plan and Land Use Plan. This position would also work with planning and zoning. This position would allow the City to be proactive and to work on grant opportunities and bring new businesses to Eagle Lake. Council expressed strong support for this.
- EDA discussion included the consideration of contracting out such a position.

4. Recap of SMIF Bus Tour

- Administrator Bromeland thanked the EDA members who were able to attend the SMIF Bus Tour event, stating they did a good job representing the community.

5. Other Items

- When asked about the Kitchen Baths and More space, Administrator Bromeland stated she has provided the owners with some ideas on filling their space.

Adjournment

The meeting adjourned at 7:48 a.m.

CITY OF EAGLE LAKE

08/30/22 10:43 AM

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*Check Summary Register©

August 2022

Name	Check Date	Check Amt	
10100 Cash			
1562e FURTHER	8/1/2022	\$387.09	BW 08-04-22
1563e PERA	8/1/2022	\$4,703.26	BW 08-04-22
1564e U.S. BANK	8/1/2022	\$7,120.00	BOND PMT-WIRE FEE TO REPLACE CHECK
1567e PSN	8/4/2022	\$570.17	JULY FEES
1568e AFLAC	8/4/2022	\$146.76	JULY PREMIUM
1569e MN DEPT OF REVENUE	8/5/2022	\$1,814.00	JULY SALES TAX
1570e PERA	8/16/2022	\$4,535.64	BW 08-18-22
1571e FURTHER	8/16/2022	\$387.09	BW 08-18-22
1572e PERA	8/23/2022	\$37.50	MO 08-22
1573e AFLAC	8/25/2022	\$220.14	AUGST PREMIUMS
44655 BADGER METER	8/1/2022	\$994.62	
44656 BHE COMMUNITY SOLAR LLC	8/1/2022	\$3,945.20	SOLAR GARDEN
44657 BROMELAND, JENNIFER	8/1/2022	\$401.45	CGMC CONFERENCE
44658 CENTER POINT ENERGY	8/1/2022	\$97.47	
44659 EAGLE EXPRESS	8/1/2022	\$2,670.38	FUEL
44660 MATHESON TRI GAS INC	8/1/2022	\$72.91	
44661 MENARDS	8/1/2022	\$205.96	
44662 STREICHERS	8/1/2022	\$1,002.96	GUILLEMETTE
44663 TAFT STETTINIUS & HOLLISTER	8/1/2022	\$1,700.00	TIF DISTRICT 3-2
44664 BCBS OF MN	8/4/2022	\$13,553.62	SEPTEMBER PREMIUM
44665 CHRISTOPHER KENNEDY	8/4/2022	\$1,179.00	JULY FEES
44666 CONSOLIDATED COMMUNICATI	8/4/2022	\$590.44	ACCT 507-150-0101
44667 MN RURAL WATER ASSOCIATIO	8/4/2022	\$300.00	HARTMAN-MRWA OPERATOR EXPO
44668 PRINCIPAL LIFE INSURANCE CO	8/4/2022	\$202.84	AUG-SEPT PREMIUM
44669 Verizon Wireless	8/4/2022	\$277.79	
44670 ADP, LLC	8/22/2022	\$454.05	
44671 ARAMARK	8/22/2022	\$157.41	
44672 CASEYS BUSINESS MASTERCA	8/22/2022	\$586.97	
44673 DELTA DENTAL OF MN	8/22/2022	\$733.65	SEPTEMBER PREMIUM
44674 GUILLEMETTE, CONNOR	8/22/2022	\$31.96	SHIPPING AND CD CASES
44675 US BANK EQUIPMENT FINANCE	8/22/2022	\$114.00	
44676 ARAMARK	8/30/2022	\$83.08	
44677 MN BCA	8/30/2022	\$150.00	CJDN ACCESS FEE
44678 BENCO ELECTRIC	8/30/2022	\$516.34	STREET LIGHTING
44679 BHE COMMUNITY SOLAR LLC	8/30/2022	\$3,887.12	SOLAR GARDEN
44680 BOCKS SERVICE INC	8/30/2022	\$189.00	
44681 BOLTON & MENK INC	8/30/2022	\$5,258.00	WATER TREATMENT STUDY-SCADA REVIE
44682 BROMELAND, JENNIFER	8/30/2022	\$237.87	PEDESTIRAN CROSSING OPEN HOUSE SU
44683 C & S SUPPLY CO INC	8/30/2022	\$418.33	PADLOCK
44684 CARRIAGE REPAIR INC	8/30/2022	\$67.20	2021 EXPLORER-OIL CHANGE
44685 CENTER POINT ENERGY	8/30/2022	\$136.70	
44686 CLARKE ENVIRONMENTAL MOS	8/30/2022	\$2,055.00	AUGUST 15TH SERVICE
44687 CLINT ADAMS CONCRETE LLC	8/30/2022	\$32,274.00	SIDEWALKS
44688 COALITION OF GREATER MN CI	8/30/2022	\$280.00	CONFERENCE
44689 COMPUTER TECHNOLOGY SOL	8/30/2022	\$2,464.31	
44690 CONSOLIDATED COMMUNICATI	8/30/2022	\$579.17	ACCT # 507-052-1848/0
44691 DOG WASTE DEPOT	8/30/2022	\$767.48	DOG WASTE BAGS
44692 FEDEX	8/30/2022	\$4.74	
44693 FIRST SYSTEMS TECHNOLOGY I	8/30/2022	\$525.00	
44694 FLEET PRIDE	8/30/2022	\$197.96	ASA CLEVIS KIT AND COMBINATION BRAK
44695 FRESH START CLEANING AND	8/30/2022	\$100.00	JULY SERVICE
44696 GEEKS 2 U	8/30/2022	\$70.60	LAPTOP BATTERY
44697 GOPHER STATE ONE CALL	8/30/2022	\$109.35	JULY TICKETS
44698 GOVERNMENT FORMS & SUPPLI	8/30/2022	\$48.00	BUSINESS CARDS - GUILLEMETTE

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CITY OF EAGLE LAKE

*Check Summary Register©

August 2022

Name	Check Date	Check Amt	
44699	HAGER, TOM	8/30/2022	\$437.50 REIMBURSE 1/2 TREE REMOVAL
44700	HAWKINS	8/30/2022	\$4,580.98
44701	I & S GROUP INC	8/30/2022	\$7,911.52 ESC REVIEWS
44702	J.R. BRUENDER CONSTRUCTIO	8/30/2022	\$245.00 PARK
44703	JOHN KOPP	8/30/2022	\$65.78 HARD DRIVE - REIMBURSEMENT
44704	LARSON, KARLA	8/30/2022	\$26.25 ELECTION TRAINING MILEAGE
44705	LAUGHLIN, JULIE	8/30/2022	\$8.75 ELECTION TRAINING MILAGE
44706	LEVI, ANNABLE	8/30/2022	\$43.16 OVER PAYMENT OF FINAL UTILITY BILL
44707	LJP ENTERPRISES	8/30/2022	\$10,900.00 64 GAL=937 AND 96 GAL=6343.41
44708	MANKATO CLINIC	8/30/2022	\$166.00 WILLETTE PRE-EMPLOYMENT PHYSICAL
44709	CITY OF MANKATO	8/30/2022	\$25,372.77 USER FEE
44710	GALEN MASTIN	8/30/2022	\$97.20 1ST RESPONDER RECERTIFICATION REIM
44711	MED COMPASS	8/30/2022	\$230.00 MEDICAL EXAM & FIT TESTS
44712	MENARDS	8/30/2022	\$507.97
44713	MN FIRE SERVICE CERTIFICATI	8/30/2022	\$240.00 FF 1 EXAM-BRITTON
44714	MINNESOTA WASTE PROCESSI	8/30/2022	\$7,022.01 JULY CHARGES
44715	PLOOG ELECTRIC	8/30/2022	\$291.35 LAKE PUMP
44716	PLUNKETTS PEST CONTROL	8/30/2022	\$100.21
44717	PRO HYDRO TESTING LLC	8/30/2022	\$430.00 SCBA CYLINDER TESTING
44718	KERRY RAUSCH	8/30/2022	\$77.27 MUSIC ON PARKWAY & ELECTION SUPPLI
44719	RED FEATHER/HERMEL WHOLE	8/30/2022	\$592.01
44720	REGNIER, CAROL	8/30/2022	\$17.50 ELECTION TRAINING MILAGE
44721	SIMPSON, VERN	8/30/2022	\$123.23 REIMBURSE OPERATING SUPPLIES
44722	SMITH, NOAH	8/30/2022	\$17.50 ELECTION TRAINING MILEAGE
44723	STREICHERS	8/30/2022	\$1,474.89
44724	THEIN WELL	8/30/2022	\$275.00 ANNUAL PUMP& WELL INSPECTION
44725	UC LABORATORY	8/30/2022	\$272.49
44726	XCEL	8/30/2022	\$4,077.55
		Total Checks	\$165,217.47

FILTER: ((([Act Year]='2022' and [period] in (8))) and ((([Check Nbr]>0 and not EFT and not [Source] like 'PAY?????????.??') or [EFT])) and [Cash Act]='10100')

CITY OF EAGLE LAKE

*Check Summary Register©

September 2022

Name	Check Date	Check Amt	
10100 Cash			
1576e PERA	8/29/2022	\$4,568.39	PERA
1577e MN DEPT OF REVENUE	9/2/2022	\$1,695.00	AUGUST SALES TAX
1578e PSN	9/8/2022	\$595.00	AUGUST FEES
44727 ARAMARK	9/8/2022	\$36.79	
44728 BADGER METER	9/8/2022	\$94.86	AUGUST HOSTING SERVICE
44729 B. E. COUNTY SHERIFFS DEPT	9/8/2022	\$180.00	2ND QTR MDTs
44730 BROMELAND, JENNIFER	9/8/2022	\$251.89	TRAINING AND SUPPLIES
44731 C & S SUPPLY CO INC	9/8/2022	\$8.47	
44732 CHRISTOPHER KENNEDY	9/8/2022	\$1,422.00	
44733 CLARKE ENVIRONMENTAL MOS	9/8/2022	\$685.00	08/29/22 SERVICE
44734 COMPUTER TECHNOLOGY SOL	9/8/2022	\$2,289.31	
44735 EAGLE EXPRESS	9/8/2022	\$2,026.02	AUGUST FUEL
44736 FEDEX	9/8/2022	\$4.69	
44737 FREDRICKSON & BYRON , P.A.	9/8/2022	\$271.65	CONVEYANCE OF OUTLOT G-ALLIED OVER
44738 FREE PRESS	9/8/2022	\$91.94	ORDINANCE-MAYOR/COUNCIL PAY
44739 G & K EVENT RENTALS	9/8/2022	\$2,385.00	STAGE FOR 3 EVENTS
44740 GOPHER STATE ONE CALL	9/8/2022	\$85.05	AUGUST TICKETS
44741 LEAGUE OF MN CITIES INS. TRU	9/8/2022	\$39,972.00	PROPERTY & CASUALTY INSURANCE PRE
44742 MATHESON TRI GAS INC	9/8/2022	\$72.91	
44743 MENARDS	9/8/2022	\$360.39	
44744 MID-AMERICAN RESEARCH CHE	9/8/2022	\$4,077.32	
44745 MUNICIPAL EMERGENCY SERVI	9/8/2022	\$5,444.50	FIRE GEAR
44746 PITNEY BOWES GLOBAL FINAN	9/8/2022	\$124.44	LEASE AGREEMENT
44747 SUN UP CONSTRUCTION INC	9/8/2022	\$760.00	REPAIR FENCE AT HOCKEY RINK-STORM
44748 SUPERIOR CAR WASH	9/8/2022	\$135.00	SQUAD CAR WASH COUPONS
44749 TRUCK CENTER COMPANIES	9/8/2022	\$515.50	2020 PUMPER TRUCK
44750 UC LABORATORY	9/8/2022	\$272.49	
44751 UNITED STATES POSTAL SERVI	9/8/2022	\$1,679.36	FIRST CLASS POSTAGE
44752 Verizon Wireless	9/8/2022	\$277.69	
	Total Checks	\$70,382.66	

FILTER: ((([Act Year]='2022' and [period] in (9))) and ((([Check Nbr]>0 and not EFT and not [Source] like 'PAY?????????.??') or [EFT])) and [Cash Act]='10100')

CITY OF EAGLE LAKE

08/30/22 10:48 AM

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***Check Summary Register©**

Batch: EDA 08-30-22

	Name	Check Date	Check Amt	
10101	EDA Cash			
471	BROMELAND, JENNIFER	8/30/2022	\$28.74	SMIF BUS TOUR
		Total Checks	\$28.74	

FILTER: (([Act Year]='2022' and [period] in (8))) and (Source in ('EDA 08-30-22'))

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Pay Dates 08/04/2022, 08/18/2022, 08/25/2022

Payroll Name	Pay Date	Net Pay
Auringer, Mandy L	08/04/2022	777.12
Auringer, Mandy L	08/18/2022	777.11
Auringer, Timothy A	08/25/2022	350.81
Bromeland, Jennifer J	08/04/2022	2,792.61
Bromeland, Jennifer J	08/18/2022	2,792.61
Goettl, Brian K	08/04/2022	1,765.38
Goettl, Brian K	08/18/2022	1,815.84
Guillemette, Connor M	08/04/2022	1,312.58
Guillemette, Connor M	08/18/2022	1,319.80
Haber, Jerald L	08/04/2022	382.18
Haber, Jerald L	08/18/2022	277.96
Hartman, Andrew R	08/04/2022	1,365.14
Hartman, Andrew R	08/18/2022	1,425.96
Jensen, Dustin D	08/04/2022	1,736.41
Jensen, Dustin D	08/18/2022	1,668.85
Konz, Noah J	08/25/2022	36.94
Kopp, John A	08/04/2022	3,034.01
Kopp, John A	08/18/2022	2,660.17
Larson, Karla W	08/18/2022	178.87
Laughlin, Julie L	08/18/2022	174.10
McGuire, Amy L	08/04/2022	46.42
Nicklay, Michael L	08/04/2022	1,215.80
Nicklay, Michael L	08/18/2022	1,172.37
Rausch, Kerry L	08/04/2022	1,129.67
Rausch, Kerry L	08/18/2022	1,429.21
Regnier, Carol Jo	08/18/2022	169.33
Rohrich, Elizabeth K	08/25/2022	253.96
Romig, Benjamin T	08/04/2022	0.00
Shoemaker, Brian J	08/04/2022	621.76
Shoemaker, Brian J	08/18/2022	340.61
Simpson, Vern L	08/25/2022	199.40
Smith, Noah M	08/18/2022	171.71
Steinberg, Garrett R	08/25/2022	253.96
White, Anthony D	08/25/2022	253.96
Whittington, Johnnie L	08/25/2022	253.96

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We participated in the Towards Zero Deaths(TZD) DWI enforcement wave In August.

Tyler Wallert our new part time officer, is finishing up his final items before he can start working for us. I anticipate that he will start working on policies, training on the computer and paperwork items the week of September 12th.

Amy McGuire, one of our part time officers, has put in her resignation effective September 16th.

The school year has started for Eagle Lake elementary school. We will be patrolling before and after school again this year ensuring a safe area for the kids walking to and from school.

If the Council has any questions or concerns, please feel free to contact me at 507-257-3110 or at elpd@eaglelakemn.com.


Chief John Kopp
Eagle Lake Police Department

Eagle Lake Police Department Accumulative Report

Suspicious Cir.	5	0	3	1	2	3	1	5	1	5	20
Suspicious Person	1	1	2	2	1	1	4	5	4	5	17
Suspicious Vehicle	3	2	2	4	6	4	5	4	5	4	30
Thefts	0	0	0	1	1	0	2	0	2	0	4
Threats	0	0	0	0	1	0	0	1	0	1	2
Warrants Serv.	0	1	1	0	0	1	0	2	0	2	5
Weapons	0	0	0	0	0	0	1	0	1	0	1
Welfare Check	1	3	6	2	5	1	6	3	6	3	27
Total ICRS	177	186	225	255	276	195	185	220	185	220	1719
Total Mileage											
2021 Explorer	6449	8152	10102	11952	13811	15900	18070	20682	18070	20682	
2020 Explorer	36,841	37,651	38,695	39,532	40741	42,300	44,126	46,955	44,126	46,955	
Monthly Mileage											
2021 Explorer	1,741	1,703	1,950	1,850	1,859	2,089	2,170	2,612	2,170	2,612	
2020 Explorer	1,271	810	1,044	837	1,209	1,559	1,826	2,829	1,826	2,829	

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Brian Goettl
Public Works Director
90 Le Ray Avenue
Eagle Lake, MN 56024
(507)257-3218
bkgoettl@eaglelakemn.com

September, 2022

To: Mayor Auringer, City Council and City Administrator Jennifer Bromeland

From: Brian Goettl Public Works Director

Water: We have been doing our regular maintenance and inspections. This week we did our annual well inspection on the 3 wells, Well #3 will be pulled and rehabbed next year because the specific capacity has dropped. We are working with Bolton and Menk on the SCADA system for the water and sewer systems.

Sewer: We have been doing our regular maintenance and inspections

Streets: WW Blacktopping will be doing our annual street repairs this month. Loken's painted the crosswalks and some of the parking lots.

Parks: I have been working with Olive and Lexi with Girl Scouts on their Dog Park project that has been going very well, they painted the fire hydrant in the large dog park mulched around the trees, culvert tunnel and hydrant and build dog table bench with a ramp that will be installed this week and are looking at some signage for the dog park and a small culvert tunnel in the small dog park.

MAYBA will be pouring concrete in the dugouts and putting a new shed at the ballfield.

Storm Sewer: Andrew and Mike have been working on the weekly and other MS4 inspections, and the 3 of us have been working on all the certifications required.

If you have any questions or concerns, please feel free to contact me at 507-420-3510 or bkgoettl@eaglelakemn.com

Brian K. Goettl

<u>HOUSE #</u>	<u>STREET</u>	<u>VALUE</u>	<u>Project Description</u>
101	LeSueur Ave	\$ 5,509.00	Windows
216	Linda Drive	\$ 5,400.00	Furnace
520	S Agency	\$ 5,000.00	Deck addition
112	Hawk Ave	\$ 6,000.00	Basement finish
416	S Agency St	\$ 14,377.00	Windows
220	Joan Ln	\$ 12,000.00	Windows/siding
241	Joan Ln	\$ 18,478.78	Reroof
402	Linda Drive	\$ 11,828.00	Reroof
513	S Agency	\$ 17,000.00	AC/Furnace
111	LeRay Ave	\$ 10,000.00	Plumbing-commercial
232	Oak Dr.	\$ 14,000.00	Reroof
520	S Agency St	\$ 8,000.00	Reroof
205	Thomas Dr	\$ 11,400.00	Reroof
100	Parkway	\$ 10,000.00	Heating-commercial
100	Parkway	\$ 15,000.00	Plumbing-commercial

<u>Zoning #</u>	<u>Address</u>	<u>Type</u>
22-23	107 598th Ave	Sign
22-24	508 Thomas	Shed
22-25	104 Oak Ct	Replacing fence
22-26	229 Linda Dr.	Hard surface
22-27	209 LeRay	Replace driveway
22-28	177 Creekside Dr.	Premade shed
22-29	300 Perry St	Replace driveway
22-30	172 Creekside Ct.	Shed

Eagle Lake Fire Relief
Gambling Fund Report July 2022

Balance	7/1/22	\$26,269.09
Income:		
Paper Pull Tabs		\$6,368.00
Electronic		\$19,710.00
Interest Income		\$2.94
Total Income		<u>\$26,080.94</u>
Total Funds Available		\$52,350.03
Less Total Disbursements		<u>(\$25,690.22)</u>
Balance	7/31/22	\$26,659.81

2022 Profit / Community Donations

Net Profit:		
	1/22	(\$5,877.13)
	2/22	\$247.53
	3/22	\$19,562.14
	4/22	(\$18,336.69)
	5/22	\$2,590.75
	6/22	\$11,110.62
	7/22	\$4,036.35
Total Profit To Date:		\$13,333.57
Community Donations To Date:		\$2,200.00

EMPLOYER PARTICIPATION AND ADOPTION AGREEMENT

Employer Name CITY OF EAGLE LAKE ("Employer")

Effective Date 9/1/2022

This document is a participation agreement ("Participation Agreement") for the Minnesota Service Cooperative VEBA Plan ("VEBA Plan"), which is funded through a trust intended to qualify for exemption from tax as a voluntary employees' beneficiary association under Section 501(c)(9) of the Internal Revenue Code (the "Trust").

If the Employer currently participates in the VEBA Plan, this document serves to ratify and confirm its continued participation in the VEBA Plan as administered by WEX Health, Inc. ("WEX"). WEX replaces Further, which will resign as third party administrator of the VEBA Plan on October 1, 2022. WEX was selected through a public bidding process conducted by the Minnesota Healthcare Consortium ("MHC"), a joint powers entity comprised of the seven Minnesota Services Cooperatives that originally established the VEBA Plan and Trust in 2002.

If the Employer is new to the VEBA Plan, this document serves as a Participation Agreement for the VEBA Plan and Trust. Employer acknowledges and agrees that its participation creates a separate and distinct plan for purposes of compliance with the rules applicable to health reimbursement arrangements (HRAs). Employer is the Plan Sponsor of its VEBA HRA.

This document also serves as an adoption agreement ("Adoption Agreement") for the Master Service Agreement (including all applicable schedules) by and between the Minnesota Health Care Consortium and WEX Health, Inc. ("the MSA"). A summary of the MSA, including business terms such as pricing, term, and funding provisions, is attached, and a full copy of the MSA is available upon request.

By signing this agreement, you are adopting and agreeing to the MSA on the Effective Date stated above with respect to the following benefits, to the extent offered by Employer:

- VEBA Plan and Trust
- Health Savings Accounts (HSAs)
- Flexible Spending Accounts (FSAs)
- Health Reimbursement Arrangements (unfunded HRAs not related to VEBA).

Applicable Fees: MHC Non-Pool

I HAVE READ AND UNDERSTAND THE INFORMATION IN THIS PARTICIPATION AND ADOPTION AGREEMENT AND I AM AUTHORIZED TO SIGN ON BEHALF OF EMPLOYER.

Signature KERRY RAUSCH

Date August 8, 2022

Printed Name KERRY RAUSCH

NOTE: Employers that fail to object to or sign and return this Adoption Agreement within 30 days of receipt will be deemed to have adopted and agreed to the MSA and/or the VEBA Plan and Trust, as applicable, on the Effective Date stated above.

MHC-WEX Agreement Summary

Parties: The agreement was negotiated and entered into by the Minnesota Healthcare Consortium (MHC), on behalf of Minnesota cities, counties, school districts, and other governmental entities,¹ with WEX Health, Inc. (WEX), a third party administrator of medical and dependent care savings accounts. Public employers that adopt the agreement are bound to the same terms and conditions.

Services: WEX has been retained to administer the Minnesota Service Cooperative VEBA Plan and Trust, Health Savings Accounts (HSAs), Health Reimbursement Arrangements (HRAs) and health and dependent care flexible spending accounts (Health FSAs and DCAPs).

Background and Process: MHC is a Minnesota joint powers entity comprised of seven Minnesota Service Cooperatives ("SCs").² Through MHC, the SCs aggregate the buying power of their employer members throughout the state to drive down costs and attain the highest service levels for the administration of group health plans and medical savings accounts. A change in administrators was required because the prior administrator, *Further*, was acquired by HealthEquity, Inc. HealthEquity does not administer VEBAs, and Further notified MHC that it would cease administering the VEBA effective October 1, 2022.

MHC conducted a request for proposal process lead by Brooks Deibele of Holmes Murphy, a national brokerage and consulting firm. It received bids from third party administrators across the country. Finalists were asked to submit "best and final offers." WEX was selected after extensive analysis and negotiation, taking into account numerous factors, but pricing was key. Transition support and benefits consulting services are provided by Marlo Peterson, formerly with *Further*. Legal negotiations for the agreement were conducted by Mark Kinney of Kinney & Larson, LLP, an employee benefits lawyer with over 20 years of experience. A full copy of the agreement with WEX is available upon request.

¹ Certain nonprofits may also adopt this arrangement for the administration of HSAs, HRAs, and FSAs. Participation in the VEBA is strictly limited to governmental entities.

² Northeast Service Cooperative (NESC), Lakes Country Service Cooperative (LCSC), Northwest Service Cooperative (NWSC), Southwest/West Central Service Cooperative (SWWC Service Cooperative), Southeast Service Cooperative (SESC), South Central Service Cooperative (SCSC), and Resource Training & Solutions (RTS).

Term and Termination

Term: The term of the Agreement is for four years, commencing on July 1, 2022. It correlates to each employer's plan year. For example, the agreement will terminate on June 30, 2026, for an employer with a July 1 plan year. It will terminate on December 31, 2026, for an employer with a January 1 plan year. Because Further will cease administering the Minnesota Service Cooperative VEBA Plan and Trust on October 1, 2022, employers will transition to the WEX platform on or before that date.

Early Termination: Any party may terminate the Agreement without liability with one hundred and eighty (180) days' prior written notice.

Termination for Breach. The agreement may be terminated for breach of contract, including failure of an employer to pay fees when due, or failure of WEX to perform its obligations.

Administrative Fees

Administrative fees are lower for employers that participate in health insurance pools offered through the SCs. Fees are assessed on a *per-enrolled employee per month* basis.

Rates for employers in SC Pools: Rates for employers not enrolled in SC pools:

FSA Only	\$2.75	FSA Only	\$3.75
DCAP Only	\$2.75	DCAP Only	\$3.75
HRA Only	\$2.75	HRA Only	\$3.75
VEBA HRA Only	\$2.75	VEBA HRA Only	\$3.75
HSA Only	\$2.75	HSA Only	\$2.75
Stacked Accounts*	\$2.75	Stacked Accounts*	\$3.75

* Employers that offer more than one account type are charged a single (stacked account) fee.

Investments

VEBA funds will be held in trust by Hand Benefits & Trust Company. Cash will be held in the Lincoln Stable Value Fund, bearing the participant interest of 1.3% at the current guaranteed rate. . Participants may direct their investments in an array of mutual funds. HSA funds will be held in a custodial account through WEX, an IRS-approved nonbank custodian. Interest will be based on market rates. Participants that maintain a minimum cash balance of \$2,000 may invest the balance of their account in mutual funds.

Employer Contributions

Employers deposit funds in the custodial account to be used to pay benefits and expenses under the plan. All funds deposited in the custodial account are considered general assets of the employer. Any contributions made by employees to the plan through salary reduction or otherwise are used to reimburse the employer for the funds advanced by the employer to pay benefits under the plan.

Ongoing Support from MHC

MHC and its SC members monitor the performance of their vendors, market conditions, and regulatory changes. MHC conduct request for proposals every four years which satisfy statutory bidding requirements for employer members. MHC and its SC members, employees, and consultants provide education and support to its members across the state relating to the adoption, administration of these arrangements. It has entered into a fee revenue sharing arrangement with WEX to help offset related legal, accounting, and other professional and administrative expenses.

Ongoing Support from WEX

MHC will receive holistic account oversight through the assignment of dedicated account executives. In addition to the account executives, WEX will provide a dedicated support team comprised of benefits experts, who operate in conjunction with the account executives to ensure administrative expertise and responsiveness. This team holds a combined 30 years of experience in supporting WEX's strategic clients. The team is certified in their fields and provide a service experience for MHC that includes fast response time to inquiries, thorough, knowledgeable and creative solutions along with an overarching assurance that experience on day-to-day plan administration results in low effort from the client. In addition to the dedicated MHC team, groups will have access to WEX's Employer Services line that is answered between 7 am to 7 pm CST, M - F.

**CITY OF EAGLE LAKE, MINNESOTA
CITY COUNCIL RESOLUTION 2022-35**

**A Resolution Accepting the Resignation of Amy McGuire from the
City of Eagle Lake, Minnesota**

WHEREAS, Amy McGuire has resigned from the City of Eagle Lake as Police Officer, effective July 7, 2022; and

WHEREAS, the City Council recognizes and appreciates the service from Amy McGuire in the role of Police Officer; and

NOW BE IT RESOLVED, the City accepts the resignation of Amy McGuire from the City of Eagle Lake, effective September 16, 2022.

Adopted by the City Council of Eagle Lake, Minnesota, this 12th day of September 2022.

Tim Auringer, Mayor

ATTEST:

Jennifer Bromeland, City Administrator

(S E A L)



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Supplemental EAW for Motorsports Park Project and Next Steps

Attached is an updated Environmental Assessment Worksheet (EAW) from Bradford Development for the Mankato Motorsports Park Project. The updated EAW includes additional information as requested by the City Council as it relates to greenhouse gas of the existing agricultural field and the anticipated greenhouse gas output for the proposed buildings.

For purposes of providing background, a Special City Council meeting was held on June 28, 2022, and a presentation given of a Supplemental EAW for the Mankato Motorsports Park Project by Bradford Development. Following the presentation, discussion ensued with the City Council ultimately declaring the EAW incomplete and requesting additional study on the cumulative effects on climate change. Attached for reference purposes are the minutes from the June 28th meeting.

Additional Background: The City of Eagle Lake is the Responsible Government Unit (RGU) charged with determining what environmental review is required for the project. Because the 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 decided 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 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, 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

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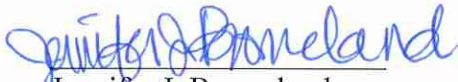
that the city's negative EIS declaration was arbitrary and capricious. Thus, we reverse and remand for a new EIS determination. In doing so, we express no opinion about whether an EIS is required.

The process does not need to start over. The Court confirmed:

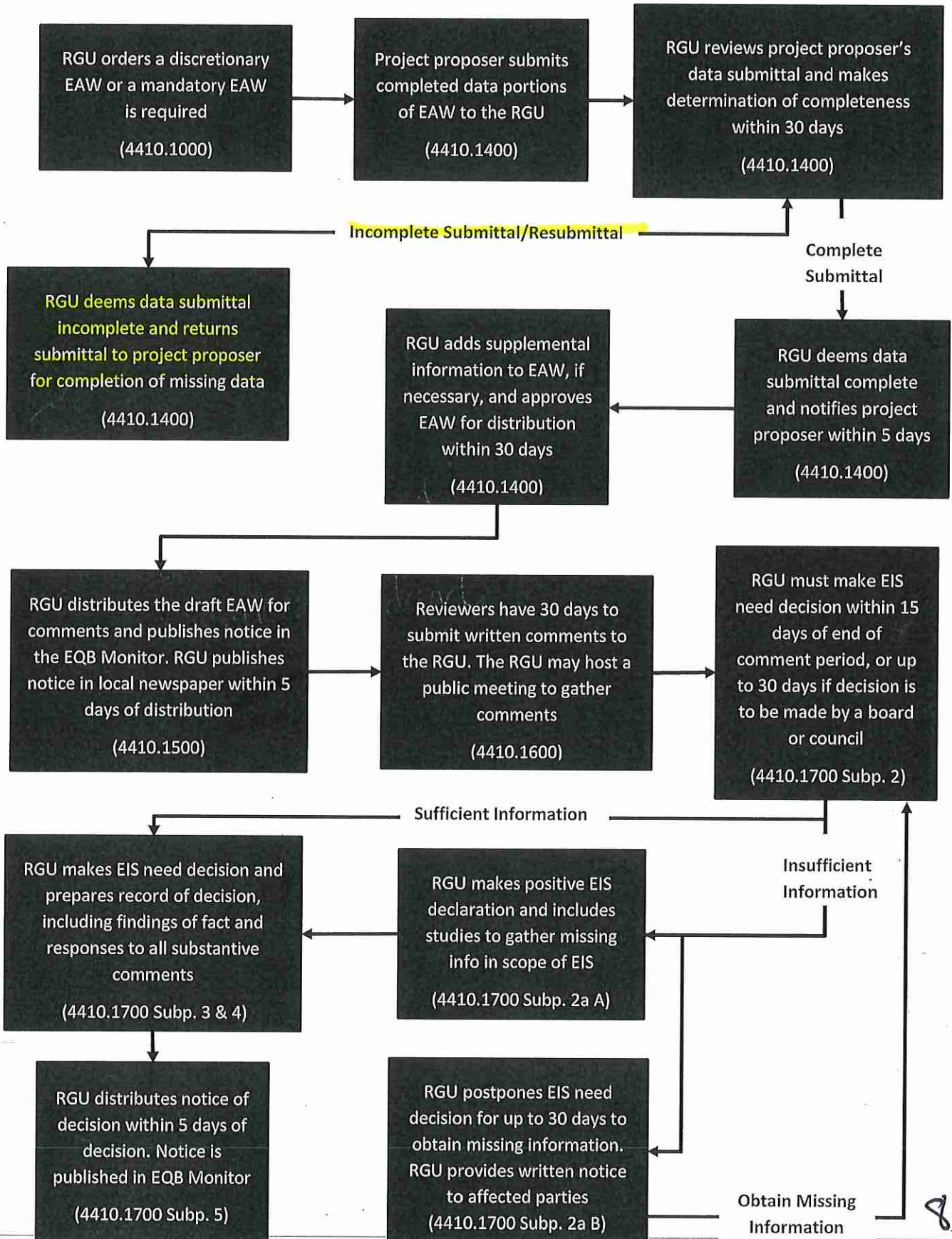
We are aware of no authority providing that an RGU must prepare a new EAW or supplemental EAW in the event of project changes. The rules provide, however, for a supplemental EIS when "substantial changes" are made to a proposed project "that affect the potential significant adverse environmental effects of the project." Minn. R. 4410.3000, subp. 3(A)(1). In that case, the rules also provide for another public-comment period on the EIS. Id., subp. 5; cf. id., subp. 2 (allowing "minor revisions" through addendum not subject to public-comment period).

The City will need to make a determination on the final two issues based on the information presented.

Action Needed: The City Council as the RGU will need to review the data submitted and make a determination of completeness. If deemed complete, the EAW can be approved for distribution and publication in the EQB monitor. Reviewers have 30 days to submit written comments to the RGU. The RGU may host a public meeting to gather comments during the public comment period. Following the public comment period, the RGU must make the EIS need decision and prepare a record of decision, including findings of fact and responses to all substantive comments. Attached is a flow chart depicting the timeline and process.



Jennifer J. Bromeland
City Administrator



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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 evidence 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 grasses and short pollinator grasses 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 build 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.
- 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 224th 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 224th 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 583rd 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 Whittington 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 604th 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 604th 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 211th 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 598th 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. 3rd 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.

Tim Auringer, Mayor

Kerry Rausch, Deputy Clerk



**SUPPLEMENTAL
ENVIRONMENTAL
ASSESSMENT
WORKSHEET (EAW)**

**MANKATO MOTORSPORTS
PARK**

City of Eagle Lake, MN

Proposed development of a 3-mile high performance
driving track and associated infrastructure.

August 2022

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT WORKSHEET

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- Appendix C: Shoreland Ordinance
- Appendix D: MnDNR Correspondence
- Appendix E: Additional Noise Information
- Appendix F: Noise Resolution

List of Abbreviations

BMP	Best Management Practices
CSAH	County State Aid Highway
DNR	Department of Natural Resources
EAW	Environmental Assessment Worksheet
EIA	Energy Information Administration
EPA	Environmental Protection Agency
GHG	Greenhouse Gas
IPaC	Information for Planning and Consultation
MDH	Minnesota Department of Health
MN	State of Minnesota
MnDNR	Minnesota Department of Natural Resources
MnDOT	Minnesota Department of Transportation
MPCA	Minnesota Pollution Control Agency
NHIS	Natural Heritage Information System
NRCS	National Resource Conservation Service
RGU	Responsible Governmental Unit
SGEC	Simplified Greenhouse Gas Emissions Calculator
SHPO	State Historic Preservation Office
TH	Trunk Highway
USFWS	United States Fish and Wildlife Service
WCA	Wetland Conservation Act

1 Project Title

Mankato Motorsports Park

2 Proposer

Organization: Bradford Development
Contact person: Brad Bass
Title: President
Address: 501 N Riverfront Dr
City, State, ZIP: Mankato, MN 56001
Phone: 507-388-0644
Email: autumn@hickorytech.net

3 RGU

Organization: City of Eagle Lake, MN
Contact person: Jennifer Bromeland
Title: City Administrator
Address: 705 Parkway Avenue, PO Box 159
City, State, ZIP: Eagle Lake, MN 56024
Phone: 507-257-3218
Email: jrbromeland@eaglelakemn.com

4 Reason for EAW Preparation

- | | |
|--|--|
| Required:
<input type="checkbox"/> EIS Scoping
<input checked="" type="checkbox"/> Mandatory EAW MS 4410-4300, Subpart 36 (Land Use Conversion) | Discretionary:
<input type="checkbox"/> Citizen petition
<input type="checkbox"/> RGU discretion
<input type="checkbox"/> Proposer initiated |
|--|--|

5 Project Location

County Blue Earth
City/Township Eagle Lake

PLS Location (1/4, 1/4, Section, Township, Range):	Section	Township	Range
NE 1/4, SW 1/4	7	108N	25W
S 1/2, NE 1/4	7	108N	25W
E 1/2, SE 1/4	7	108N	25W
N 1/2, SE 1/4	7	108N	25W
SE 1/4, NW 1/4	7	108N	25W

94

Watershed (82 major watershed scale): Le Sueur River (32)
 Using NAD 83, UTM Zones 15T and 15U (Easting, Northing) in meters:
 Northeast corner 430556.459, 4891956.933
GPS Coordinates: Southeast corner 430543.066, 4890779.848
 (Furthest west) Southwest corner 429560.922, 4891129.551
 (Furthest north) Northwest corner 429907.648, 4891964.374

Tax Parcel Number: R121007326003, R391007200003, R391007400006, R391007400010

In the search for an appropriate location for the motor sports park, there were two main factors – size of the parcel and location. The parcel needed to be large enough to accommodate a three-mile-long course with associated buildings. As this is a destination course, the location needed to be near the Mankato Regional Airport.

The first location considered was located on the west side of County State Aid Highway (CSAH) 12 just southwest of the airport (PID No. R400434200001). Although this would have been the ideal location and size, the 150-acre parcel had several constraints. First, the southwest portion is bisected by the Canadian Pacific Railroad which would require certain buffers for noise barriers, buildings, and road course. The second constraint are the 30-acres of jurisdictional wetland located on the property. Most of these wetlands, 27-acres, are intact systems with wet meadow, shallow marsh, deep marsh, and wooded components that provide habitat for a variety of species including migrating waterfowl. Impacting these wetlands would have a negative effect on common species found in the area. Another consideration was noise levels at this site which is set in a rural setting with limited noise disturbance. Although CSAH 12 sees some industrial traffic from the Hiniker Company, the highest noise disturbance come from train traffic and airplanes using the airport. Although negligible, noise from the road course could have a discernable effect on both wildlife and residential habitants in the area.

The preferred site which is located along US Trunk Highway (TH) 14. TH 14 is a four-lane east west corridor connecting Mankato to Rochester and I-35. The highway carries both private vehicular and freight traffic, and the Canadian Pacific Railroad runs along the south side of the highway. It also receives airport noise inputs as the main runaway flight path is over the preferred property at approximately 3-miles away. With wetland impacts limited to wetlands that have been impacted by agriculture and the already high noise levels in the area, the preferred location of the road course is a better fit than the original location.

6 Project Description

a. EQB Monitor Description

Provide the brief project summary to be published in the EQB Monitor, (approximately 50 words).

The proposed Mankato Motorsports Park will convert approximately 230 acres of agricultural land to a 3-mile track for high-performance vehicles. The Mankato Motorsports Park will construct a bituminous track with concrete edging, run-off areas, sound walls, and berms. Other construction includes car condos, hotel, entertainment center, a track clubhouse, and associated bituminous parking lots.

b. Complete Description

Give a complete description of the proposed project and related new construction, including infrastructure needs. If the project is an expansion include a description of the existing facility. Emphasize: 1) construction, operation methods and features that will cause physical manipulation of the environment or will produce wastes, 2) modifications to existing equipment or industrial processes, 3) significant demolition, removal or remodeling of existing structures, and 4) timing and duration of construction activities.

Information provided in this Supplement EAW are in response to the Appellate Court document, attached in **Appendix A**.

The driving track will be open for operations approximately from April to October (when the track is free of snow and ice), from 9:00 am to 6:00 pm. The track will not be lighted and will operate during daylight hours only. In most cases, partial light conditions such as “dusk” or “dawn” are not favorable for driving conditions. Lighting will be located around buildings and parking areas in accordance with the City of Eagle Lake Ordinance Section 6.240 Landscaping and Screening, Subd. 6. Exterior Lighting: “...outdoor lighting will provide for nighttime safety, security, and utility while reducing light pollution, light trespass, and conserving energy. The intent is to require appropriate lighting levels, efficient (watts to lumens) lighting sources, full cut-off lighting, and to minimize/discourage lighting glare, lighting pollution and lighting trespass.” Following ordinance standards for lighting, there will be no flashing lights, lights will not be projected into the sky or any private property, light sources or luminaires will not be located within transitional areas except along pedestrian walkways within the Motorsports development.

Since the track will not be lighted, no nighttime activities will occur at or along the track. Nighttime or after-dark activities will be limited to the indoor spaces within the Clubhouse and any activities associated with the auto condos. The Clubhouse is located in the southern portion of the parcel, near TH 14 and CSAH 27, please see **Figure 1 and 2, Appendix B**.

c. Project Magnitude

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

d. Project Purpose

Explain the project purpose; if the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

e. Future Development

Are future stages of this development including development on any other property planned or likely to happen?

Yes No

If yes, briefly describe future stages, relationship to present project, timeline and plans for environmental review.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

f. Previous Development

Is this project a subsequent stage of an earlier project? Yes No

If yes, briefly describe the past development, timeline and any past environmental review.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

7 Cover Types

Estimate the acreage of the site with each of the following cover types before and after development:

Areas not developed by the track, parking areas, or buildings will be maintained. Around the entrance and buildings turf grass will be maintained. Areas between the noise barriers and tree line along Eagle Lake will be planted in tall grass prairie. Areas within the road course will be planted in with short grass native pollinator grasses and forbs. The seed mixes will be chosen from the Board of Water and Soil Resources seed mixes. The native mixes will be kept in native dominance through the development of a vegetation maintenance plan using proven techniques such as mowing, herbicide treatments and periodic prescribed burns. Being that these areas are within the road course property, no easement will be placed over them as there are no future plans to expand the proposed track area.

8 Permits & Approvals Required

List all known local, state and federal permits, approvals, certifications and financial assistance for the project. Include modifications of any existing permits, governmental review of plans and all direct and indirect forms of public financial assistance including bond guarantees, Tax Increment Financing and infrastructure. All of these final decisions are prohibited until all appropriate environmental review has been completed. See Minnesota Rules, Chapter 4410.3100.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

9 Land Use

a. Existing Land Use

Description

Existing land use of the site as well as areas adjacent to and near the site, including parks, trails, prime or unique farmlands.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

Local Plans

Describe planned land use as identified in comprehensive plan (if available) and any other applicable plan for land use, water, or resources management by a local, regional, state, or federal agency.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

Zoning

Zoning, including special districts or overlays such as shoreland, floodplain, wild and scenic rivers, critical area, agricultural preserves, etc.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

The MnDNR approved the new Shoreland Ordinance on August 25, 2020. **Appendix C** contains the approval letter from the MnDNR and documentation that occurred between the City of Eagle Lake and the MnDNR prior to the public hearing held July 6, 2020.

b. Project Compatibility

Discuss the project's compatibility with nearby land uses, zoning, and plans listed in Item 9a above, concentrating on implications for environmental effects.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

c. Project Incompatibility

Identify measures incorporated into the proposed project to mitigate any potential incompatibility as discussed in Item 9b above.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

10 Geology, Soils, & Topography/Land Forms

a. Geology

Describe the geology underlying the project area and identify and map any susceptible geologic features such as sinkholes, shallow limestone formations, unconfined/shallow aquifers, or karst conditions. Discuss any limitations of these features for the project and any effects the project could have on these features. Identify any project designs or mitigation measures to address effects to geologic features.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

b. Soils & Topography

Describe the soils on the site, giving NRCS (SCS) classifications and descriptions, including limitations of soils. Describe topography, any special site conditions relating to erosion potential, soil stability or other soils limitations, such as steep slopes, highly permeable soils. Provide estimated volume and acreage of soil excavation and/or grading. Discuss impacts from project activities (distinguish between construction and operational activities) related to soils and topography. Identify measures during and after project construction to address soil limitations including stabilization, soil corrections or other measures. Erosion/sedimentation control related to stormwater runoff should be addressed in response to Item 11.b.ii.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

11 Water Resources

a. Surface Water & Groundwater Features

Describe surface water and groundwater features on or near the site.

Surface Water

Describe lakes, streams, wetlands, intermittent channels, and county/judicial ditches. Include any special designations such as public waters, trout stream/lake, wildlife lakes, migratory waterfowl feeding/resting lake, and outstanding resource value water. Include water quality impairments or special designations listed on the current MPCA 303d Impaired Waters List that are within 1 mile of the project. Include DNR Public Waters Inventory number(s), if any.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

Ground Water

Describe aquifers, springs, seeps. Include: 1) depth to groundwater; 2) if project is within a MDH wellhead protection area; 3) identification of any onsite and/or nearby wells, including unique numbers and well logs if available. If there are no wells known on site or nearby, explain the methodology used to determine this.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

b. Project Effects & Mitigations

Describe effects from project activities on water resources and measures to minimize or mitigate the effects in Item b.i. through Item b.iv. below.

Wastewater

For each of the following, describe the sources, quantities and composition of all sanitary, municipal/domestic and industrial wastewater produced or treated at the site.

- 1) If the wastewater discharge is to a publicly owned treatment facility, identify any pretreatment measures and the ability of the facility to handle the added water and waste loadings, including any effects on, or required expansion of, municipal wastewater infrastructure.*

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

Stormwater

Describe the quantity and quality of stormwater runoff at the site prior to and post construction. Include the routes and receiving water bodies for runoff from the site (major downstream water bodies as well as the immediate receiving waters). Discuss any environmental effects from stormwater discharges. Describe stormwater pollution prevention plans including temporary and permanent runoff controls and potential BMP site locations to manage or treat stormwater runoff. Identify specific erosion control, sedimentation control or stabilization measures to address soil limitations during and after project construction.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

Stormwater Controls

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

Water Appropriation

Describe if the project proposes to appropriate surface or groundwater (including dewatering). Describe the source, quantity, duration, use and purpose of the water use and if a DNR water appropriation permit is required. Describe any well abandonment. If connecting to an existing municipal water supply, identify the wells to be used as a water source and any effects on, or required expansion of, municipal water infrastructure. Discuss environmental effects from water appropriation, including an assessment of the water resources available for appropriation. Identify any measures to avoid, minimize, or mitigate environmental effects from the water appropriation.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

Surface Waters

Describe any anticipated physical effects or alterations to wetland features such as draining, filling, permanent inundation, dredging and vegetative removal. Discuss direct and indirect environmental effects from physical modification of wetlands, including the anticipated effects that any proposed wetland alterations may have to the host watershed. Identify measures to avoid (e.g., available alternatives that were considered), minimize, or mitigate environmental effects to wetlands. Discuss whether any required compensatory wetland mitigation for unavoidable wetland impacts will occur in the same minor or major watershed, and identify those probable locations.

The proposed project will impact several wetlands, all Type 1 Seasonally Flooded Bains that are in agricultural production. Mitigation of these wetlands will take place through both Wetland Conservation Act (WCA) and Section 404 guidelines using the preferred methodology of buying wetland credits from a federally approved bank. The wetland bank will be chosen using both federal and state replacement citing guidance.

Other Surface Waters

Describe any anticipated physical effects or alterations to surface water features (lakes, streams, ponds, intermittent channels, county/judicial ditches) such as draining, filling, permanent inundation, dredging, diking, stream diversion, impoundment, aquatic plant removal and riparian alteration. Discuss direct and indirect environmental effects from physical modification of water features. Identify measures to avoid, minimize, or mitigate environmental effects to surface water features, including in-water Best Management Practices that are proposed to avoid or minimize turbidity/sedimentation while physically altering the water features. Discuss how the project will change the number or type of watercraft on any water body, including current and projected watercraft usage.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

12 Contamination/Hazardous Materials/Wastes

a. Pre-project Site Conditions

Describe existing contamination or potential environmental hazards on or in close proximity to the project site such as soil or ground water contamination, abandoned dumps, closed landfills, existing or abandoned storage tanks, and hazardous liquid or gas pipelines. Discuss any potential environmental effects from pre-project site conditions that would be caused or exacerbated by project construction and operation. Identify measures to avoid, minimize or mitigate adverse effects from existing contamination or potential environmental hazards. Include development of a Contingency Plan or Response Action Plan.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

b. Project Related Generation/Storage of Solid Wastes

Describe solid wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from solid waste handling, storage and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of solid waste including source reduction and recycling.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

c. Project Related Use/Storage of Hazardous Materials

Describe chemicals/hazardous materials used/stored during construction and/or operation of the project including method of storage. Indicate the number, location and size of any above or below ground tanks to store petroleum or other materials. Discuss potential environmental effects from accidental spill or release of hazardous materials. Identify measures to avoid, minimize or mitigate adverse effects from the use/storage of chemicals/hazardous materials including source reduction and recycling. Include development of a spill prevention plan.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

d. Project Related Generation/Storage of Hazardous Wastes

Describe hazardous wastes generated/stored during construction and/or operation of the project. Indicate method of disposal. Discuss potential environmental effects from hazardous waste handling, storage, and disposal. Identify measures to avoid, minimize or mitigate adverse effects from the generation/storage of hazardous waste including source reduction and recycling.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

13 Fish, Wildlife, Plant Communities, & Sensitive Ecological Resources (Rare Features)

a. Resources/Habitats/Vegetation

Describe fish and wildlife resources as well as habitats and vegetation on or near the site.

The project is next to South Eagle Lake, the south basin of Eagle Lake, a MnDNR Designated Wildlife Lake (see additional coordination with the MnDNR in **Appendix D**). South Eagle Lake is connected to North Eagle and the entire Eagle Lake received this designation under the authority of Minnesota Statute 97A.101, subdivision 2. The benefits of this designation are to allow for establishment of certain surface use restrictions and most importantly, it allows for periodic, temporary drawdown (lowering) of the lake water levels based on a management plan adopted during the designation process. There are two primary purposes of lake drawdowns: (1) to kill undesirable fish species through creation of low oxygen conditions, and (2) to help increase growth of important wetland vegetation through exposure of mud flats and consolidation of sediments. While Eagle Lake was designated as a wildlife lake in the late 1970s or early 1980s, the MnDNR has not had control of the outlet structure to conduct lake drawdowns and it therefore has not utilized this as an active management tool.

Designated Wildlife Lakes are surveyed by the MnDNR Shallow Lakes Programs. Surveys have been conducted on both Eagle Lake North and South since 1953 to the present and survey summaries are provided in **Table 1**. Survey data consisted of field observations on the particular day of the survey. While methodology was not always consistent – for example, some surveys focused on vegetation only and did not include waterfowl or other wildlife surveys that day – these surveys do provide a species snapshot. The surveys do not provide an exhaustive list of all species that may use Eagle Lake. Although not identified in the tables below, Eagle Lake is listed on MnDNR’s List of Infested Waters¹ for Eurasian watermilfoil and is known to also contain curly-leaf pondweed.

Table 1. Eagle Lake Survey Data

Date	Vegetation	Waterfowl	Other Wildlife	Maximum Depth (ft)
Eagle Lake South				
July 2003	Not recorded	Canadian Geese, White Pelicans	Not recorded	3
June 2010	Not recorded	Mallard, Wood Ducks, White Pelicans, Double-Crested Cormorants, Blue Herons	Beaver	3
Eagle Lake North				
July 1953	Narrowleaf cattail, sedge, river bulrush, spikerush,	None recorded	None recorded	-

¹ MnDNR, Infested Waters List, <https://www.dnr.state.mn.us/invasives/ais/infested.html>.

SUPPLEMENTAL ENVIRONMENTAL ASSESSMENT WORKSHEET (MANKATO MOTORSPORTS PARK)

	stiff wapato, cane, giant burhead, reed canary grass, sweet flag, hardstem bulrush, broadleaf cattail, sago pondweed, little white waterlily, water milfoil, coontail, greater bladderwort, floatingleaf pondweed, widgeon grass, little yellow waterlily, northern naiad, star duckweed, lesser duckweed			
July 1970	Sago pondweed, bushy naiad, muskgrass group	None recorded	None recorded	-
July 2002	Coon tail, muskgrass group, narrowleaf pondweed group, northern water milfoil, lesser duckweed, common white waterlily, bushy naiad, sago pondweed, Canada waterweed, star duckweed, robbins' pondweed, common yellow waterlily	Canada geese, wood ducks, blue-winged teal, American white pelicans, double-crested cormorants, great blue herons, ring-billed gulls, black terns	Bullheads, carp	14
June 2011	Muskgrass group, curly-leaf pondweed, common white waterlily, narrowleaf cattail group, water stargrass, sago pondweed, leafy pondweed, common yellow waterlily, coontail, northern water milfoil, Canada waterweed	Mallards, blue-winged teal, American white pelicans, double-crested cormorants, great blue heron, terns	Bald eagle, bullhead, minnows, fingerlings, macroinvertebrates	14

Eagle Lake is also considered a shallow lake, with South Eagle Lake having a maximum depth of 3 feet and North Eagle Lake having a maximum depth of 14 feet. According to *Managing Minnesota's Shallow Lakes for Waterfowl and Wildlife* (MnDNR Shallow Lakes Program Plan, December 2010), shallow lakes provide important habitat for waterfowl, other water birds, fur-bearing mammals, amphibians, reptiles and fish. Shallow lakes provide breeding habitats for over-water nesting species of waterfowl, who nest in emergent vegetation. Diving ducks use these lakes for both spring and fall migration habitats.

The U.S. Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) generates a list of species and other resources such as critical habitat under the USFWS jurisdiction that are known or expected to be on or near the identified project area. The IPaC screening identified two migratory birds for the project area, the Bald Eagle (*Haliaeetus leucocephalus*) and Lesser Yellowlegs (*Tringa flavipes*). The IPaC results provide a Probability of Presence Summary on their best understanding of when these birds are most likely to be present in the identified area. The Bald Eagle's probability of

presence is from January to early/mid-April, the time of year when the Mankato Motorsports Park will likely be covered in snow. The Park will be open seasonally from April through October (weather dependent). The Bald Eagle breeding season is from December through August. No known Bald Eagle nests were reported within the search area during the MnDNR's NHIS review. The Lesser Yellowlegs has a Probably of Presence of mid-March, with less probability in April and October. No data is recorded for most of the year, with this species primarily breeding in Northern Canada and Alaska.

As discussed in the Record of Decision, landscaping and lawn options will include berms and landscaping options that deter wildlife from entering the track facility or grounds, such as native prairie grasses that are known to deter geese from gathering.

b. Rare Features

Describe rare features such as state-listed (endangered, threatened or special concern) species, native plant communities, Minnesota County Biological Survey Sites of Biodiversity Significance, and other sensitive ecological resources on or within close proximity to the site. Provide the license agreement number (LA-____) and/or correspondence number (ERDB 20190147) from which the data were obtained and attach the Natural Heritage letter from the DNR. Indicate if any additional habitat or species survey work has been conducted within the site and describe the results.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

c. Project Effects

Discuss how the identified fish, wildlife, plant communities, rare features and ecosystems may be affected by the project. Include a discussion on introduction and spread of invasive species from the project construction and operation. Separately discuss effects to known threatened and endangered species.

Project-related construction is expected to have little effect on wildlife resources found in the project area since the entire project is located within an existing agricultural field. Minimal tree clearing is proposed. Construction-related activity will generate noise that may temporarily displace species sensitive to human intrusion. Impacts can be minimized by controlling erosion and sedimentation potentials during construction, and by ensuring re-establishment of vegetation, native plantings where feasible, within disturbed areas.

Wildlife may be disturbed by human activity and noise associated with the proposed road course and associated development. While very little habitat is directly altered by the project, effects on wildlife are possible from noise generated by regular use of the site and maintenance of the facility. Additional impacts during operations (post-construction) may include fumes from vehicles, vehicle and human traffic, or turf lawn. Most of the wildlife species in the study area already tolerate some measure of human activity along the project corridor, especially with the presence of the TH 14 corridor along the southern part of the project area and Eagle Lake.

The nearby Eagle Lake, a designated Wildlife Lake, is managed primarily for the benefit of a wildlife habitat. Potential impacts during operations (post-construction) may include fumes from vehicles, vehicle and human traffic, or turf lawn. Fumes from vehicles and equipment may lead to air quality impacts and indirect impacts on wildlife habitat. Additional information on vehicle emissions is addressed in Section 19. Cumulative Potential Effects. Mitigation efforts for these impacts are addressed in 13.d below.

Present distribution and behavior of wildlife represent adjustments that have occurred prior to project development. Further adjustments may occur from increased human activity in this area of the community. Other disturbance factors that influence species behavior could cause displacement of some wildlife species. Some studies have shown that certain species are inherently intolerant to human intrusion, while other species are more sensitive to noise. Some individual species could exhibit increased stress, causing relocation/displacement or possibly increased mortality for those species less tolerant of the disturbances.

There is the potential for noise impacts to wildlife during operations. Guidance by the Minnesota Pollution Control Agency (MPCA) and the Federal Highway Administration (FHWA) was reviewed although there is little published on calculating and analyzing noise effects on wildlife from non-highway focused projects, such as privately funded and owned projects.

The Minnesota Pollution Control Agency's (MPCA) *A Guide to Noise Control in Minnesota* (November 2015), identifies noise rules for Minnesota. These rules are particular to noise producing scenarios such as vehicles (as provided in the Noise Study of the EAW), airplanes, snowmobiles, off-highway vehicles, motorboats, mining, gun clubs, and motor vehicle racetracks. The Mankato Motorsports Park is not one of the scenarios provided by the MPCA, however a noise study has been prepared for the Park (included in the original EAW).

FHWA provides discussion on noise and wildlife². The FHWA attempts to summarize the effect of road noise on wildlife but finds that very few studies have directly addressed the impact of noise from road traffic. Most studies focus on sonic booms or other sounds from aircrafts that are louder and more acute. Noise studies on wildlife also focus on roadsides and do not indicate how the areas along roadsides compare to species found at further distances from the roadway.

The closest part of the Mankato Motorsports Park facility to Eagle Lake is approximately 537 feet, noise analysis limits for most noise studies is 500 feet from the construction limits. Eagle Lake is also adjacent to TH 14. Noise monitoring conducted adjacent to TH 14 at Location M1 (see **Figure 1** from the Noise Study in **Appendix E**), showed noise levels of L10 = 72.5 dBA and L50 = 65.0. Residential threshold is 66dBA. This is representative of noise level impacts that TH 14 has on the lake. By comparison, the projected maximum noise level impacts at the nearest part of the lake from the track is expected to be at least 5-7 dBA less than this. This is based on the modeling results at Receptor R3 (**Figure 1** in **Appendix E**). Receptor R3 modeled noise levels provide a good representation of the impacts at the lake because of its similar distance from the track. The maximum noise level impacts at the Lake should even

² https://www.fhwa.dot.gov/environment/noise/noise_effect_on_wildlife/effects/wild04.cfm

be somewhat less than at R3 because the proposed barrier can be more optimally located nearer the track.

A second study was conducted in February of 2022 to determine the increase in noise levels of the proposed track on Eagle Lake (Appendix E). This noise analysis modeled existing data based on 2019 traffic counts versus proposed conditions based on twenty cars operating for fifty minutes per hour at two minutes per lap during daylight hours without berms and sound walls in place. Five receptors were modeled, three along the lake shore by the track, one in the center of the south lake and one on the south side of the lake by TH 14. Combining the proposed track noise with existing noise, receptors 3, 4 and 5 along the lake shore show negligible increase in noise below 0.6 decibels. This level of noise increase will not affect nesting waterfowl along the lake shore. Due to modeling constraints, the receptor in the center of the lake cannot be provided. It can be assumed that effects of noise on the center of the lake will be less than those on the lakeshore because of distance. The February noise analysis shows that with track activity outside of periods of temperature inversions associated with nighttime and early morning hours, when track activity will be taking place, noise increases are negligible in areas of nesting and gathering. Therefore, an in-depth wildlife study would not be warranted to this project due to noise.

Although there are no studies to indicate what specific greenhouse gas (GHG) levels have negative effects on wildlife, the increase in GHG emissions as a result of the road course is negligible and should not have negative effects of wildlife or surrounding residences, refer to Section 19. Mankato is one of the fastest growing communities in Minnesota. The area is seeing growth in many industries and is a retail hub for southern Minnesota and northern Iowa. Agricultural areas between Mankato and Eagle Lake have steadily been developed. The eastern undeveloped properties of Mankato are zoned as light industrial or highway business district. Recent development in this area includes a 30-acre Wal-Mart Distribution Center and a travel center that will serve the increasing freight industry in Mankato. The current growth rate and type of industry being developed in eastern Mankato will create discernable increases in GHG emissions, where the increase in GHG emissions from the road course are low enough that it will not be a driving influence on current or future GHG emissions in the region.

Lighting is not anticipated to affect wildlife in or near the project area. The driving track will not be lighted, and no lights will be located along the course of the track. Following City of Eagle Lake Ordinance Section 6.240 Landscaping and Screening, Subd. 6. Exterior Lighting: "*...outdoor lighting will provide for nighttime safety, security, and utility while reducing light pollution, light trespass, and conserving energy. The intent is to require appropriate lighting levels, efficient (watts to lumens) lighting sources, full cut-off lighting, and to minimize/discourage lighting glare, lighting pollution and lighting trespass.*" Following ordinance standards for lighting, there will be no flashing lights, lights will not be projected into the sky or any private property, light sources or luminaires will not be located within transitional areas except along pedestrian walkways within the Motorsports development. Lighting will be provided around buildings and parking areas of the Motorsports development. Lighting will be full cut-off lightings, with wattage and lumens levels similar to those typically found in similar developments.

Studies on noise, emissions and lighting were conducted. These studies found that the proposed motor sports facility will not increase any of these known wildlife disturbances to a level that will affect wildlife on Eagle Lake or surrounding residences. Therefore, an in-depth wildlife study of Eagle Lake was not conducted.

Many forms of erosion control use plastic netting that can snare or be ingested by wildlife. Many of these plastics are considered to be photodegradable that may be shaded by native grass plantings such as the ones proposed for this site. Blanket will be isolate to the berms. Any netting used will be made of natural fibers. Perimeter controls will also be made of biodegradable materials.

d. Control Measures

Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to fish, wildlife, plant communities, and sensitive ecological resources.

Vehicle and human traffic from the operation will be centered around the proposed buildings and track. The vehicle traffic and users of the track will be shrouded by the berms or earthen embankments that will surround the track, along with the proposed noise/wildlife wall. Wildlife on Eagle Lake will not be able to see the track. There may be limited view of the buildings however much of the line of sight between the proposed buildings and Eagle Lake are shrouded by existing woody vegetation and shrubs located near the lake edge, and none of this shoreline vegetation will be removed during the construction process. Human traffic is not anticipated to be located outside of the track facilities and will not be found on the lake side of the noise/wildlife walls. No trails are proposed for human traffic to access Eagle Lake from the Mankato Motorsports Park.

Noise berms and other noise mitigating structures will be connected along the western side of the track, shielding Eagle Lake South from the proposed facilities and reduce noise impacts for both wildlife and recreational users. Sound monitoring systems will be installed in susceptible and/or high-risk locations around the track that may identify potential concern for MPCA noise violations. The sound monitoring systems will allow track operators to conduct daily vehicle monitoring, since any noise violations will not be known until the vehicle is driven on the track. The track development is self-monitoring prior to the involvement of the Sound Committee (see discussion on Sound Committee below). Cars that are identified as outliers and are not in compliance with noise will be asked to add noise mufflers.

Mankato Motorsports Park is not operating at nighttime or during early morning hours when temperature inversions occur. Temperature inversions can cause noise to propagate much greater distances than normal.

A Sound Committee will be established by the City Council. The Sound Committee will monitor noise generating activities at the track to ensure MPCA noise standards are not being violated, investigate each reasonable complaint that MPCA standards have been or are being violated, report to the City Council its findings of any investigation conducted by the Sound Committee of MPCA noise standard violations, and make recommendations to the City Council for reasonable corrective action of any MPCA noise standard violations.

Vehicle and equipment emissions will be lessened through reducing idling times while vehicles are not actively on the track, ensuring maintenance equipment is efficient and properly maintained. It is anticipated fuel-efficient and/or electric vehicles will steadily increase in use as track operations continue, thereby continuing to reduce vehicle emissions.

The surrounding vegetation, including the natural shoreline of Eagle Lake and the proposed vegetative earthen berms that would be constructed around the perimeter of the road course, would generally provide ample cover and suitable escape habitat for many common wildlife species in the study area. Other leafy vegetation that is typically present throughout and surrounding the area will help to moderate sound propagation and wildlife disturbances. Given the current habitat conditions adjoining the existing agricultural field, there are not likely to be any species that will be affected on a population level for this project.

Very little turf lawn will be maintained at the Mankato Motorsports Park. Turf lawn may be maintained around the car condos, the clubhouse and parking areas, depicted as "mowable turf and/or landscaping on **Figure 1, Appendix B**. Most of the grass located within the project area, and within the berms/noise barriers, will consist of natural short grasses. Tall prairie grasses that are known to deter geese from gathering will surround the berm/noise wall/barriers. There will be no turf lawn or short-mowable grasses adjacent (or next) to Eagle Lake. Existing vegetation and trees will not be removed from along the edge of Eagle Lake. See **Figure 1 and 2, Appendix B**.

The property owner will coordinate with MnDNR to implement options for maintaining a water control structure at the Eagle Lake outlet to assist with drawdowns and other lake management activities. This structure will further offer habitat mitigation.

Considering the above, the existing conditions of biodiversity, habitat and wildlife species present within the area are not expected to change substantially as a result of this project.

14 Historic Properties

Describe any historic structures, archeological sites, and/or traditional cultural properties on or in close proximity to the site. Include: 1) historic designations, 2) known artifact areas, and 3) architectural features. Attach letter received from the State Historic Preservation Office (SHPO). Discuss any anticipated effects to historic properties during project construction and operation. Identify measures that will be taken to avoid, minimize, or mitigate adverse effects to historic properties.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

15 Visual

Describe any scenic views or vistas on or near the project site. Describe any project related visual effects such as vapor plumes or glare from intense lights. Discuss the potential visual effects from the project. Identify any measures to avoid, minimize, or mitigate visual effects.

While the berms will initially disrupt the rural views in the project area, they will be seeded with native vegetation to eventually meld more with the surrounding landscape. The tree line along the eastern edge of Eagle Lake, in addition to the berms, will help visually shield the area from recreational users at the lake.

16 Air

a. Stationary Source Emissions

Describe the type, sources, quantities and compositions of any emissions from stationary sources such as boilers or exhaust stacks. Include any hazardous air pollutants, criteria pollutants, and any greenhouse gases. Discuss effects to air quality including any sensitive receptors, human health or applicable regulatory criteria. Include a discussion of any methods used assess the project's effect on air quality and the results of that assessment. Identify pollution control equipment and other measures that will be taken to avoid, minimize, or mitigate adverse effects from stationary source emissions.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

Vehicle emissions are known to contribute to global climate change impacts. While current MN Statutes require GHG emissions control plans for large energy facilities³, the state has implemented a climate action plan to address GHG emissions. Current goals are to reduce GHG emissions statewide to 30% below 2005 levels by 2025, and 80% below 2005 levels by 2050. Regional best management practices will help the state achieve this goal and should help mitigate the potential effects of vehicle emissions from track operations.

Global climate change results from the total accumulation of GHGs in the Earth's atmosphere, as well as other human-caused and natural factors. The GHG composition in the Earth's atmosphere is changing and causing the planet's climate to change. The proposed project's incremental contribution to global GHGs cannot be translated into effects on climate change globally or regionally.

In general, regional impacts from climate change may include the following effects: increased mean annual air temperature (summer and winter warming); increased surface water temperatures; later onset of winter and earlier onset of spring; precipitation may fall in fewer, but more intense, storms; species adapted to cold climates may shift out of the Great Lakes basin into Canada; and aspen and

³ 2020 Minnesota Statutes CHAPTER 216H. GREENHOUSE GAS EMISSIONS, <https://www.revisor.mn.gov/statutes/cite/216H>.

birch forests may be replaced by hardwood forests of oak and hickory. Moderate climate change may increase agricultural yields and food production, with some regional and annual variability.

The Mankato Motorsports Park is proposed to convert 230 acres of agricultural land into a recreational motorsports facility that will include 3 miles of driving track, a track clubhouse, 96 car storage areas, and related parking lots. Such a facility incorporates both stationary source emissions as well as vehicle emissions as part of its daily operations. Furthermore, in order to properly assess the impact of the proposed project on climate change, it is also necessary to take into consideration the emissions resulting from the construction as well as the occupation phases of the project. In order to assess these impacts, a comparison is made with a similar motorsports park project in Lompoc, California,⁴ as well as associated agricultural land emissions from that area.⁵ California was chosen as a comparative dataset as the legal framework requiring assessment of GHG emissions as part of the review on environmental impacts of proposed projects is more well-established in this state.

Currently, the area designated for the proposed project is used as cropland. An analysis of average emissions for cropland in California for selected crops (rice, lettuce, tomato, wine grapes, almonds, corn, and alfalfa) in 2015 determined that this type of land use produces 0.89 metric tons of CO₂ equivalent (MTCO₂e) per acre per year.⁶ In order to apply this same level of analysis to the existing conditions for the proposed project area, Minnesota-specific data was required. The MPCA also tracks emissions of different sectors, including agriculture, and reports on this information. While these reports typically present their data as percentages of total greenhouse gas emissions and focuses on the differences since the last recording, in 2008 the MPCA determined that cropland in Minnesota averages a greenhouse gas output of 1,776 CO₂e lbs per acre per year. Using this figure, we can calculate that the annual output for 230 acres of cropland would be 408,480 lbs or 185.28 MTCO₂e.

In addition, an analysis was also conducted using the 2019 traffic study conducted at the intersection of 604th Avenue and TH 14 in order to determine the emissions generated by vehicles under existing conditions. As part of the study, data collection occurred in intervals of 15 minutes on August 13th, 2019 from 6:00am to 7:00pm of activity of cars and trucks going both east and westbound along TH 14. The traffic study did not provide certain details necessary to pinpoint GHG emissions, such as vehicle year or diesel vs. gasoline vehicle, but using data from the Bureau of Transportation Statistics, it was determined that 2% of passenger vehicles are diesel and 72% of trucks are diesel.⁷ This information was used to determine the approximate number of each vehicle at the study point. Knowing the number of each class of vehicle and the average gas mileage for vehicles of each fuel type, annual fuel consumption and GHG emissions can be calculated. A 20-mile trip was supposed in order to make data comparable to

⁴ Meridian Consultants, LLC. 2016. *Environmental Impact Report (EIR 15-01): Lompoc Motorsports Project, City of Lompoc*. Prepared for the City of Lompoc. Section 4.6 Greenhouse Gas Emissions.

⁵ Steve Shaffer and Edward Thompson Jr. 2015. *A New Comparison of Greenhouse Gas Emissions from California Agricultural and Urban Land Uses*. Prepared for American Farmland Trust. Electronic document, <https://climatechange.lta.org/wp-content/uploads/cct/2015/03/AFTCrop-UrbanGreenhouseGasReport-February2015.Edited-May2015-1.pdf>, accessed July 2022.

⁶ Shaffer and Thompson Jr. 2015.

⁷ Matthew Chambers and Rolf Schmitt. 2015. "Diesel-powered Passenger Cars and Light Trucks." Bureau of Transportation Statistics. Electronic document, https://www.bts.gov/archive/publications/bts_fact_sheets/oct_2015/entire, accessed July 2022.



calculations provided later in this study for commuters to the proposed project facility (see **Table 4**). **Table 2** breaks down emissions based on this gathered data. This data does not include GHG emissions from the Canadian Pacific Railroad found on the south side of TH 14 or the Mankato Reginal Airport three miles to the northwest.

Table 2: Vehicle GHG Emissions from Existing Conditions

Vehicle Type	# of Vehicles	Fuel Type	Quantity of Fuel Used for 20-mile trip	Emissions in tons CO ₂ e
Passenger Car	13863	Gasoline	2461930.17	21615.7
Light Truck	486	Gasoline	86308.74	757.8
Passenger Car	729	Diesel	427412.7	4363.9
Medium- to Heavy-Duty Truck	1722	Diesel	1009608.6	10308.1
Total	16800		3985260.21	37045.5

Based on these calculations, the GHG emissions produced by the current conditions in the proposed project area, resulting from agricultural land usage and vehicles using the extant roadways, is 37,230.78 MTCO₂e a year.

In order to determine the potential GHG emissions of the proposed project, construction activities to convert the current land must also be considered. While construction activities are considered one-time emissions, they may have a long-term impact on the overall GHG output of the project. The industry standard, as applied in the Lompoc case, for determining the impact of construction-related GHG emissions is to annualize the output over a project's lifetime, which is defined as a 30-year period.⁸ Based on the needs of this project, construction activities are expected to include the use of heavy-duty machinery such as dozers, backhoes, front loaders, pavers, scrapers, dump trucks, and other earth moving equipment and to last for 12 to 18 months. These types of vehicles primarily rely on diesel, which results in the emission of CO₂ and, to a lesser extent, CH₄ and N₂O. During construction, BMPs such as engine anti-idling will be implemented in order to minimize additional GHG output. Based on the construction activities proposed and the timeline for construction, the total construction GHG emissions is calculated to be 897.9 MTCO₂e. Annualized, this would be 29.93 MTCO₂e. Similarly, waste output is calculated based on one-time construction-generated waste annualized (6.565 MTCO₂e) plus operational waste calculated based on national averages per square footage of commercial buildings (36.25 MTCO₂e).⁹

Once the facility has been built, the operational GHG emissions will largely be the result of vehicle use both while driving on the track and idling in the lots (see Section b. Vehicle Emissions for further information). However, the structures that make up the facility (the 29,000 square foot clubhouse and an estimated 72,000 square feet of car condos) are anticipated to utilize electricity as a primary energy source as well as natural gas for heating and food preparation. Waste from daily activities (anticipated

⁸ Meridian Consultants, LLC. 2016: 4.6-16.

⁹ Wastecare Corporation. 2013. "Waste Generated by Industry/Building Type." Electronic document, https://www.wastecare.com/usefulinfo/Waste_Generated_by_Industry.htm, accessed July 2022.

to be primarily from the clubhouse facility) and water usage (from both the clubhouse and car condos) is also a factor in operational emissions. The proposed facility plans to utilize public waste management for 100% of its waste treatment. Estimates for each of these emissions sources are presented below in Table 3. All calculations were facilitated by use of the EPA's Simplified GHG Emissions Calculator (SGEC) Version 7 dated June 2021 and information on national averages provided by the U.S. Energy Information Administration (EIA)¹⁰ except for water, which is based upon figures provided by the Water Energy Climate Calculator for the Mankato area.¹¹

Table 3: GHG Emissions for Proposed Facility by Source

GHG Emissions Source	Emissions (tons CO2e/year)
Construction (annualized)	29.93
Operational (Facility)	189.1
Operational (Vehicle)	21787.2
Energy	13381.1
Waste	14.16
Water	5.656
Total	35407.15

Based on these calculations, the proposed project would result in 35,221.87 more MTCO2e per year than is currently produced by the existing conditions. There are no Minnesota or National Ambient Air Quality Standards for GHGs. The assessment of GHG emissions and climate change is extremely complex. Currently it is not possible to model the physical impacts of global or regional climate change, such as storm frequency/intensity or temperature increases, caused by incremental GHG emissions, such as those from the proposed project. In other words, while this project will contribute to climate change generally, existing scientific tools do not allow local or state regulatory authorities to quantify the specific effects of a particular project on global or regional climate change impacts, and therefore cannot be added cumulatively to other potential project impacts. There is currently an absence of regulatory guidance for analyzing GHG emission impacts. If, in the future, climate models improve in their predictive capacity or more regulatory guidance is provided, the city will incorporate those tools into its environmental review process at that time.

At least some of these emissions may be mitigated or offset by practices that can remove carbon from the atmosphere and sequester it. Additional practices can reduce additional indirect GHG emissions due to energy usage and other activities. These mitigation efforts may include planting native grasses to facilitate carbon uptake, establishing a sustainability operations plan to reduce electric and natural gas usage, reduce vehicle idling times, and ensuring regulated emissions-control measures are established for vehicles utilizing the track and its resources.

¹⁰ U.S. Energy Information Administration. Electronic resource, eia.gov, accessed July 2022.

¹¹ Pacific Institute. 2010. Water Energy Climate Calculator. Electronic resource, wecalc.org, accessed July 2022.

b. Vehicle Emissions

Describe the effect of the project’s traffic generation on air emissions. Discuss the project’s vehicle-related emissions effect on air quality. Identify measures (e.g. traffic operational improvements, diesel idling minimization plan) that will be taken to minimize or mitigate vehicle-related emissions.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

The proposed project would result in GHG emissions as a result of fuel combustion from the motor vehicles using the facility. The types of GHG involved in these activities are primarily carbon dioxide (CO₂), methane (CH₄), and nitrous oxide (N₂O). Older model motor vehicle cooling systems (air conditioning) may use hydrochlorofluorocarbons (HFCs) or chlorofluorocarbons (CFCs), but any emissions from these sources are difficult to quantify as they would only result in the instance of an accidental leak.¹² Therefore, this analysis of vehicle emissions is constrained to CO₂, CH₄, and N₂O as the primary contributors to GHG emissions.

The Mankato Motorsports Park is proposed to be a facility catering particularly to high-performance vehicles. These types of vehicles primarily rely on gasoline as an energy source. If an estimated 373 vehicles use this track and facilities (maximum estimate identified in Section 18. Transportation in the original EAW) for an average of 214 days, April through October for 9 hours per day, we can extrapolate approximately 19,629.3 metric tons of carbon dioxide is released annually from these operations.

In addition, it is expected that light-duty and medium-duty vehicles will be utilized to deliver vendor supplies, workers will commute to and from work, and that patrons will be driving to and from the facilities. In order to calculate the emissions of these activities, it is supposed that employees, patrons, and vendors using gasoline-powered vehicles will total approximately 1000 vehicles traveling an average distance of 20 miles per day. Furthermore, an additional 100 diesel-powered medium- to heavy-duty trucks traveling the same average distance are added in anticipation of larger deliveries. Total vehicle emissions from all of these sources are presented in **Table 4**. Average gas mileage for gasoline-powered vehicles is assumed to be 24.1 mpg and 7.3 mpg for diesel-powered vehicles based on 2021 EPA data. Vehicle year may alter fuel efficiency, but since it was not possible to predict the year of all the vehicles that will be utilized, a vehicle year of 2019 was assumed in order to perform GHG calculations.

Table 4: Operational GHG Emissions from Vehicles

<u>Mobile Emission Source</u>	<u>Fuel Type</u>	<u>Amount of Fuel per Year</u>	<u>Tons CO₂e Produced</u>
On-track vehicles	Gasoline	2235679.94	19629.3
Commuting passenger vehicles	Gasoline	177593.36	1559.3
Medium- to Heavy-Duty Trucks	Diesel	58630	598.6
Total Emissions			21787.2

¹² Meridian Consultants, LLC. 2016: 4.6-17.

c. Dust & Odors

Describe sources, characteristics, duration, quantities, and intensity of dust and odors generated during project construction and operation. (Fugitive dust may be discussed under item 16a). Discuss the effect of dust and odors in the vicinity of the project including nearby sensitive receptors and quality of life. Identify measures that will be taken to minimize or mitigate the effects of dust and odors.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

17 Noise

Describe sources, characteristics, duration, quantities, and intensity of noise generated during project construction and operation. Discuss the effect of noise in the vicinity of the project including 1) existing noise levels/sources in the area, 2) nearby sensitive receptors, 3) conformance to state noise standards, and 4) quality of life. Identify measures that will be taken to minimize or mitigate the effects of noise.

Modeled noise from the track is within state standards when coupled with noise reduction techniques, such as noise berm and noise walls/barriers. Noise berms are depicted on **Figure 1, Appendix B**, which shows berms (also called earthen embankments) constructed along the eastern, northern, and northwestern boundaries of the track. The berms or earthen embankments will be 10 feet tall. Noise walls/barriers will be constructed on top of the berm, the noise wall/barrier will be 10 feet tall providing a total noise barrier of at least 20 feet. The combination of berm and noise wall will serve to provide greater noise abatement than even the modeled 20-foot height wall. The berms are located along the sides of the track to minimize noise to surrounding receptors (the east, north, and northwest sides).

The gap between the berm/noise wall and buildings will be closed with a noise wall/barrier to protect lake users and wildlife from noise and visual aspects of the park. This additional barrier will minimize potential noise towards Eagle Lake. This 20-foot noise wall/barrier is proposed along the track facing Eagle Lake, as identified on **Figure 1, Appendix B**. The 20-foot noise wall/barrier connects the combination berm/noise wall and the proposed auto condos on the south side of the track. The auto condos provide a noise barrier to noise on the south side of the track.

The noise compliance plan will use a combination of noise mitigation measures along with the control of maximum noise levels, the proposed motorsports park will operate within State noise standards. All vehicles using the motorsports park will be street legal vehicles. Sound monitoring systems will be installed in susceptible and/or high-risk locations around the track that may produce concern for MPCA noise violations. The sound monitoring systems will allow track operators to conduct daily monitoring of vehicles, since any noise violations will not be known until the vehicle is driven on the track. The track

development is self-monitoring prior to the involvement of the Sound Committee. Cars that are identified as outliers and are not in compliance with noise will be asked to add noise mufflers.

A Sound Committee will be established by the City Council to enforce MPCA noise standards. The Sound Committee will be composed of three residents of Eagle Lake, selected by the City Council, one City Staff Member or City Councilmember, and one representative of the developer, selected by the developer. The Sound Committee will monitor noise generating activities at the track to ensure MPCA noise standards are not being violated, investigate each reasonable complaint that MPCA standards have been or are being violated, report to the Council its findings of any investigation conducted by the Sound Committee of MPCA noise standard violations, and make recommendations to the City Council for reasonable corrective action of any MPCA noise standard violations. The Sound Committee Resolution is Appendix F.

18 Transportation

a. Project-Related Traffic

Describe traffic-related aspects of project construction and operation. Include: 1) existing and proposed additional parking spaces, 2) estimated total average daily traffic generated, 3) estimated maximum peak hour traffic generated and time of occurrence, 4) indicate source of trip generation rates used in the estimates, and 5) availability of transit and/or other alternative transportation modes.

1) Existing and Proposed Parking

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

2) Estimated Average Daily Traffic Generated

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

3) Estimated Maximum Peak Hour Traffic

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

4) Source of Trip Generation Rate

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

5) Availability of Transit/Alternative Transportation Modes

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

b. Potential Congestion

Discuss the effect on traffic congestion on affected roads and describe any traffic improvements necessary. The analysis must discuss the project's impact on the regional transportation system. If the peak hour traffic generated exceeds 250 vehicles or the total daily trips exceeds 2,500, a traffic impact study must be prepared as part of the EAW. Use the format and procedures described in the Minnesota Department of Transportation's Access Management Manual, Chapter 5 (available at: <http://www.dot.state.mn.us/accessmanagement/resources.html>) or a similar local guidance,

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

19 Cumulative Potential Effects

a. Geographic Scales & Timeframes

Describe the geographic scales and timeframes of the project related environmental effects that could combine with other environmental effects resulting in cumulative potential effects.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

b. Future Projects

Describe any reasonably foreseeable future projects (for which a basis of expectation has been laid) that may interact with environmental effects of the proposed project within the geographic scales and timeframes identified above.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

c. Discussion/Summary of Cumulative Potential Effects

Discuss the nature of the cumulative potential effects and summarize any other available information relevant to determining whether there is potential for significant environmental effects due to these cumulative effects.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

20 Other Potential Environmental Effects

If the project may cause any additional environmental effects not addressed by items 1 to 19, describe the effects here, discuss the how the environment will be affected, and identify measures that will be taken to minimize and mitigate these effects.

Discussions under this section was provided in the 2020 EAW. Previous comments on the 2020 EAW will remain part of the official record.

RGU CERTIFICATION

*The Environmental Quality Board will only accept **SIGNED** Environmental Assessment Worksheets for public notice in the EQB Monitor.*

I hereby certify that:

- The information contained in this document is accurate and complete to the best of my knowledge.
- The EAW describes the complete project; there are no other projects, stages or components other than those described in this document, which are related to the project as connected actions or phased actions, as defined at Minnesota Rules, parts 4410.0200, subparts 9c and 60, respectively.
- Copies of this EAW are being sent to the entire EQB distribution list.

Signature _____

Date _____

Title _____

Appendix A: Appeals Document

*This opinion is nonprecedential except as provided by
Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA
IN COURT OF APPEALS
A20-0952**

In the Matter of the Determination of the Need for an Environmental Impact Statement
for the Mankato Motorsports Park.

**Filed April 26, 2021
Reversed and remanded
Bratvold, Judge**

City of Eagle Lake
Resolution No. 2020-21

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(for respondent City of Eagle Lake)

Considered and decided by Bjorkman, Presiding Judge; Segal, Chief Judge; and
Bratvold, Judge.

NONPRECEDENTIAL OPINION

BRATVOLD, Judge

In this certiorari appeal, relators challenge respondent's decision not to require an environmental impact statement (EIS) for a proposed motorsports park that includes a seasonal driving track (the project). Relators argue the respondent's determination that the project would not have the potential for significant environmental effects is arbitrary and capricious and unsupported by substantial evidence. We conclude that substantial evidence supports the respondent's determination that an EIS need not address noise impacts on

humans, waste storage and disposal, land alterations, and wetlands. But because the respondent did not rely on substantial evidence to determine whether the project would have the potential for significant effects on wildlife and failed to address agency and county concerns about the potential for cumulative effects from greenhouse gas emissions, we reverse and remand for a new determination on the need for an EIS.

FACTS

Respondent Bradford Development Group Inc. (Bradford) proposes to construct the Mankato Motorsports Park in the City of Eagle Lake.¹ Respondent City of Eagle Lake (the city) is the responsible government unit (RGU) charged with determining what environmental review is required for the project. The project would be in Blue Earth County, within the city, and situated near the southeastern shore of Eagle Lake. On its southern side, the project would abut U.S. Route 14, a four-lane divided freeway with a 65 mile-per-hour speed limit.

The project would include a three-mile driving track, a track clubhouse, 96 car condos,² a restaurant, a 70-unit hotel, a golf course, and related parking lots. As described in the Environmental Assessment Worksheet (EAW): “The track is intended for individuals to drive at their desired pace in order to experience the optimal performance of their automobiles.” The track would “be available for public participation for driving events,

¹ Bradford did not file a brief with this court.

² The EAW states that car condos are multi-unit “seasonable living areas” that include a garage. The city’s findings clarify that the car condos are *not* residences, but provide storage for cars, along with amenities for car owners.

including performance driving schools, teen driving school, and exotic car rentals.” The track would be a private club for members, and people could purchase car condos or “purchase membership as non-condo owners” to use the track.

Because the project would convert 230 acres of land from agricultural to industrial use, it required an EAW. The city, as the RGU, is tasked with complying with the EAW processes and hired Bolton & Menk Inc. to prepare an EAW for the project.

The project’s EAW was published in the Environmental Quality Board (EQB)³ Monitor on March 2, 2020. The 30-day public-comment period ran from March 2 to April 1, 2020, during which time the city received 17 comments from the Minnesota Department of Natural Resources (DNR), the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Transportation (DOT), the Blue Earth County (the county) Public Works Department (Public Works), the county Property and Environmental Resources Department (Environmental Resources), and 13 members of the public.

Relators’ arguments on appeal echo some of the comments received. For example, the DNR commented and made recommendations on the project’s potential environmental effects on Eagle Lake as a “designated wildlife lake,” on stormwater management and land alterations, and on climate change. The MPCA commented on potential environmental effects involving noise, particularly on residents in nearby properties. Public Works

³ The EQB consists of nine agency heads and eight public members and is charged with “review[ing] programs of state agencies that significantly affect the environment and coordinat[ing] those it determines are interdepartmental in nature, and ensur[ing] agency compliance with state environmental policy.” Minn. Stat. § 116C.04, subd. 2(b) (2020). Once an EAW is complete, it must be published in the EQB Monitor for public comment. Minn. R. 4410.1600 (2019).

commented that the EAW failed to consider the effect of noise on the “high recreational value associated with the adjacent wildlife and fishing areas of Eagle Lake” and warned that the “natural resource will be detrimentally impacted by this project.” Environmental Resources commented on the EAW’s failure to discuss potential environmental effects on wildlife, waste storage and disposal, land alteration, vehicle emissions, and the cumulative potential impact of climate change.

After the April 1 public-comment deadline, the city consulted with a third-party reviewer, Houston Engineering Inc., and determined it had insufficient information to make an EIS determination. At a special city council meeting on April 30, 2020, the city extended the EIS decision deadline to May 28 “to develop additional information to adequately answer substantive comments raised during the EAW review period.” The city decided it required more information on the “project description, noise mitigation, land use, stormwater management, and fish and wildlife.”

The city released proposed findings of fact and responses to the EAW comments 24 hours before a May 28, 2020, city council meeting. The city’s findings of fact made three corrections to the project described in the EAW: the project would have 104 car condo units in 11 buildings, Bradford would close “gaps” in the noise-abatement structures, and the city would establish a “Sound Committee . . . to enforce MPCA noise standards.” The city’s responses to EAW comments also explained that the “hotel and golf entertainment center are no longer being considered as part of this development.”

At the May 28 city council meeting, Houston Engineering explained that it reviewed the EAW, its comments, and the city’s responses and “concluded that an EIS is not

needed.” Some nearby residents urged the city council to require an EIS; these residents later formed relator Citizens Against Motorsports Park (CAMP).⁴ The city council decided by a four-to-one vote that the project did not have the potential for significant environmental effects, so no EIS was necessary. The city council approved detailed findings of fact, conclusions of law, and a resolution (findings), spanning 65 pages, and its decision was later published in the EQB Monitor.

Relators sought this court’s review by petitioning for a writ of certiorari.

DECISION

The city’s negative EIS declaration is not reasonable and is unsupported by substantial evidence.

A reviewing court defers to the RGU’s decisions unless “they reflect an error of law, the findings are arbitrary and capricious, or the findings are unsupported by substantial evidence.” *Citizens Advocating Responsible Dev. v. Kandiyohi Cty. Bd. of Comm’rs (CARD)*, 713 N.W.2d 817, 832 (Minn. 2006). Substantial evidence is evidence that a reasonable mind might accept as adequate to support a conclusion. *Id.* A decision is considered arbitrary and capricious if it is “based on factors that the legislature did not intend”; “entirely fails to address an important aspect of the problem”; “offers an explanation that is counter to the evidence”; or is “so implausible that it could not be explained as a difference in view or the result of the RGU’s decision-making expertise.” *Friends of Twin Lakes v. City of Roseville*, 764 N.W.2d 378, 381 (Minn. App. 2009); *see also Trout Unlimited, Inc. v. Minn. Dep’t of Agric.*, 528 N.W.2d 903, 907 (Minn. App.

⁴ CAMP includes relators Michael Guentzel and Erin Guentzel.

1995), *review denied* (Minn. Apr. 27, 1995). The party challenging an RGU’s decision “has the burden of proving that its findings are unsupported by the evidence as a whole.” *Friends of Twin Lakes*, 764 N.W.2d at 381.

In other words, if the RGU’s decision “represents its will, rather than its judgment, the decision is arbitrary and capricious.” *Pope Cty. Mothers v. Minn. Pollution Control Agency*, 594 N.W.2d 233, 236 (Minn. App. 1999). “Our role when reviewing agency action is to determine whether the agency has taken a hard look at the problems involved, and whether it has genuinely engaged in reasoned decision-making.” *CARD*, 713 N.W.2d at 832 (quotations omitted).

We begin by summarizing Minnesota’s environmental-review process. Second, we address the city’s decision not to require an EIS, given the five areas that relators contend pose potential significant environmental effects. Third, we consider relators’ challenge to the project’s cumulative potential effects. Finally, we consider relators’ argument that the city’s environmental assessment procedure was improper.

A. Overview of environmental-review process

An EAW is required for projects that may convert 80 or more acres of agricultural land to a different use. Minn. R. 4410.4300, subp. 36 (2019). An EAW is “a brief document which is designed to set out the basic facts necessary to determine whether an environmental impact statement is required” for a proposed project. Minn. Stat. § 116D.04, subd. 1a(c) (2020).

In contrast, an EIS is a more “exhaustive environmental review” than an EAW, and “the party proposing the project must conduct [the EIS] at its own expense.” *CARD*,

713 N.W.2d at 824. An EIS provides “information for governmental units, the proposer of the project, and other persons to evaluate proposed projects. . . , to consider alternatives to the proposed projects, and to explore methods for reducing adverse environmental effects.” Minn. R. 4410.2000, subp. 1 (2019). A project requires a detailed EIS if it has the “potential for significant environmental effects.” Minn. Stat. § 116D.04, subd. 2a(a) (2020).

The EQB has promulgated four criteria that an RGU must consider when determining whether a proposed project has the potential for significant environmental effects: (1) the “type, extent, and reversibility of environmental effects”; (2) the “cumulative potential effects” of the project; (3) “the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority”; and (4) “the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies . . . including other EISs.” Minn. R. 4410.1700, subp. 7 (2019). The RGU must consider and balance all criteria when making its EIS decision. *See CARD*, 713 N.W.2d at 825.

Here, the city’s findings led it to ultimately conclude that the project does not have the potential for significant environmental effects because: (1) “all potential environmental effects resulting from the project will be minor in type, extent, or are reversible”; (2) the “current EAW project and the potential future commercial development on the site has considered potential impacts for the project, therefore there are no known cumulative impacts”; (3) the project would “be subject to various ongoing approval and permitting

authorities”; and (4) the determination of “reversibility incorporates environmental commitment and mitigation” into the project.

B. Alleged potential significant environmental effects

Relators argue that the city’s negative EIS declaration is unreasonable, arbitrary, capricious, and unsupported by substantial evidence; they challenge the city’s analysis of noise impacts on humans, wildlife, waste storage and disposal, land alterations, and wetlands. We address each area raised in relators’ brief.

1. Noise impact on humans

Relators argue the project’s noise levels would significantly disrupt “quietude” and affect nearby residents. The city argues that substantial evidence supports its determination that the project would comply with Minnesota noise standards.

“Quietude” is a statutorily protected natural resource. Minn. Stat. § 116B.02, subd. 4 (2020); *see Minn. Pub. Interest Research Grp. v. White Bear Rod & Gun Club*, 257 N.W.2d 762, 770, 780 (Minn. 1977) (explaining that legislature established quietude “as a protectable natural resource” and that noise may pollute, impair, or destroy “the natural resources of the area”). Like other significant environmental effects, noise may be mitigated by, among other things, a showing that “regulatory oversight is a proper means of preventing significant environmental effects before they occur.” *In re Env’t Impact Statement*, 849 N.W.2d 71, 81 (Minn. App. 2014) (discussing noise pollution from traffic); *see also* Minn. R. 4410.1700, subp. 7.C. (mandating a review of “the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority”).

As part of the EAW, SBP Associates Inc., completed a noise-impact analysis using the MINNOISEV31 model (developed by the DOT). Noise levels were monitored at three locations within the study area. The city's findings relied on the SBP study and stated that the project could operate in compliance with Minnesota noise standards. Recognizing that particular vehicles may exceed expected levels, the city's findings cited Bradford's agreement to implement a Track Noise Impact Compliance Plan, which would include "quickly-mountable muffler systems," a policy that "non-compliant vehicles will not be allowed at track events," and sound monitoring systems around the track.

The city's findings also noted two changes to the project that were adopted after the comment period: (1) a new Eagle Lake Sound Committee would monitor, investigate, and enforce track compliance with MPCA noise standards; and (2) Bradford agreed to "close the gap in noise abatement structures on the western side of the facility to protect lake users and wildlife from noise and visual aspects of the track."

Relators make three arguments, which we discuss in turn.⁵

First, relators argue that "[p]rojected noise from the Project would reach nearly 110 decibels—nearly equivalent to a raucous rock concert." As the city points out, relators rely on the SBP study, which used data collected from the Brainerd International Raceway (BIR) to validate the methodology, but did not determine that projected noise from the

⁵ Below, in section B.2. of this opinion, we discuss relators' fourth argument about the effect of noise on wildlife and recreation.

track would reach 110 decibels.⁶ Thus, relators' argument incorrectly relies on data that was used to validate methodology and cites no basis for extrapolating that data into a noise projection for the project. The SBP study actually determined that "[t]he impact analysis indicates that, given the proposed berms, barriers, buildings, the track impacts can be in compliance with Minnesota noise standards given the emission levels of most of the vehicles that are expected to operate at the track."

Second, relators argue that the "MPCA noted additional concerns for excessive noise near the proposed car condos and hotel." But the city's findings explain that the MPCA concerns "were submitted before the Proposer 'had a discussion with the MPCA regarding this response' and the 'MPCA confirmed that the car condos are not residential units and could be constructed to appropriately mitigate sound.'" The record supports the city's findings.

Third, relators argue that "governmental entities expressed serious reservations" about the effects of noise and "the project developer's plan to mitigate noise," and that the "EAW's suggestion that those effects could be minimized is misleading." For support, relators explain that the MPCA commented that "the Project proposer should have given

⁶ The SBP study found the data gathered during the project's monitoring and the data from the MINNOISEV31 model were within 2.5 A-weighted decibels (dBA) of the measured results at the BIR. "[A]n adjustment, or weighting, of the high- and low-pitched sounds is made to approximate the way that an average person hears sounds. The weighted sound levels are stated in units of 'A-weighted decibels.'" According to SBP, "Results of roadway noise models that are within 3 dBA of the measured data are normally considered to be in good agreement." In other words, SBP concluded that the noise-modeling methodology is accurate.

attention to possible mitigation techniques for the existing apartment buildings . . . to prevent further exceedance of the state noise standards.”

Based on our review of the record, relators misconstrue the MPCA’s comments and overlook mitigation measures and regulatory oversight of noise at the track. Relators are correct that the MPCA reviewed SBP’s noise analysis and determined modeling showed that physical barriers and constraints on track use “would allow for noise to meet the state standards.” The MPCA pointed out that “the monitored noise already exceeds the state noise standards” and that U.S. Route 14 “traffic is identified as the primary source of noise.” Based on the MPCA comments, the city’s findings concluded that the anticipated noise-level changes “are below the threshold of perceptibility.” Still, the MPCA raised concerns that the proposed noise-mitigation plan “does not address any triggers for testing vehicle noise, an explicit enforcement mechanism, or a way for the City of Eagle Lake to hold the developer accountable to their noise mitigation plan.”

But relators overlook that the MPCA’s comments on noise were generally favorable and were made *before* two key changes to the project: Bradford’s proposal to close the gap on the noise-abatement structures and the city’s decision to implement a “Sound Review Committee” to address any ongoing public complaints and enforce MPCA noise standards.⁷ Thus, we conclude that substantial evidence supports the city’s determination

⁷ The city’s resolution states, “The committee shall be composed of 5 members: 3 residents of the City of Eagle Lake selected by the City Council; 1 city staff member or city council member selected by the City Council; and 1 representative of the Developer.” The committee must “monitor noise generating activities at the Track to [e]nsure” MPCA noise standard compliance, investigate noise complaints, report its findings to the city council, and make recommendations “for reasonable corrective action.” The resolution also

that the project would comply with Minnesota noise standards because the record supports the city's finding that the project would account for and mitigate excessive noise and be subject to ongoing regulatory oversight.

2. Wildlife

Relators argue the project has the potential to harm wildlife around Eagle Lake. The city disagrees, relying on the DNR's Natural Heritage Information System (NHIS) and the SBP noise studies. The city also contends that relators' claims amount to "[b]ald assertions and unsupported speculation."

An RGU "cannot be compelled to prepare an EIS on the basis of speculative factors." *Iron Rangers for Responsible Ridge Action v. Iron Range Res.*, 531 N.W.2d 874, 881 (Minn. App. 1995). Indeed, "unsupported fears do not require a full-blown investigation." *CARD*, 713 N.W.2d at 833. Relators must show that "the findings of the [RGU] are not supported by the evidence in the record, considered in its entirety." *Id.* (quotation omitted); see also *White v. Minn. Dep't of Nat. Res.*, 567 N.W.2d 724, 734 (Minn. App. 1997).

As part of the EAW, the DNR conducted a "Natural Heritage Review" of the project, which at the time was proposed for a different location. The NHIS is a "collection of databases that contains information about Minnesota's rare natural features" and is

provides that "[t]he Developer shall reimburse the City for its reasonable, necessary and documented costs . . . including reimbursement to the City for the City Attorney's time and . . . for the time of an acoustics professional retained for the purpose of assisting the City in resolving any noise disputes with the Project Developer" and "[t]he Committee is accountable to the City Council." The resolution includes a process for dispute resolution and mediation, the costs of which "shall be paid by Developer."

continually updated. The DNR's review letter stated that the author did "not believe the proposed project will negatively affect any known occurrences of rare features." The DNR reissued the Natural Heritage letter in 2020 for the project's current location.

During the comment period, however, the DNR, Public Works, and Environmental Resources questioned the project's potential effects on wildlife. The DNR commented that the EAW failed to mention that Eagle Lake is "a designated wildlife lake." A "designated wildlife lake" means that "the highest value of this lake is that it be managed for wildlife and wildlife habitat." The DNR explained this designation "is significant because very few lakes in Minnesota have been so designated." The DNR also stated that Eagle Lake's value as a wildlife lake "*would be damaged* by the proposed project, which would generate noise, heavy vehicular and human traffic, automobile exhaust fumes, and the creation . . . of turf lawn." (Emphasis added.) The DNR commented that the project "has significant potential to disturb waterfowl." Finally, the DNR explained that SBP's noise analysis "only addresses the possible impacts of noise on people but does not take the needs of wildlife into consideration."

Public Works commented that the EAW failed to consider the effect of noise on the "high recreational value associated with the adjacent wildlife and fishing areas of Eagle Lake" and warned that this "natural resource will be detrimentally impacted by this project." Environmental Resources also commented that "Eagle Lake is classified as a Natural Environment Lake." Natural Environment Lakes are "generally small, often shallow lakes with limited capacities for assimilating the impacts of development." Minn. R. 6120.3000, subp. 1a. A (2019).

The DNR also recommended how the project should address its wildlife concerns. The DNR recommended that Bradford “limit organized events for times when waterfowl are not present, and [should] prohibit or limit use during times when wildlife are using the lake for significant seasonal activities, such as migration staging or nesting.” The DNR also recommended “this plan be amended to also monitor noise on the shore of and on the water of the lake to determine noise impacts to wildlife.”

The city’s findings relied on the DNR’s Natural Heritage Review letter and stated: “It is unlikely that there is noise-sensitive wildlife near and on Eagle Lake [that] will be significantly impacted by the proposed project.” The city’s findings explained that U.S. Route 14 “borders the south end of the lake, and traffic from this roadway currently impacts the noise levels on and near that Lake.” The city’s findings concluded, “[I]t can be expected that the entire Lake frequently experiences elevated noise levels, making it unlikely that it is an important area for noise-sensitive wildlife.” In response to comments about Eagle Lake’s designation as a Natural Environment Lake, the city stated, “The appropriate protections will be recognized as this project is designed and constructed.”

Relators argue, “Given the presence of abundant wildlife . . . there can be no doubt that the Project has the potential to substantially impair Eagle Lake’s unique ecosystem.” The city disagrees and makes its argument in four parts; we address each in turn.

First, the city argues that the DNR’s Natural Heritage Review supports its findings that the project would not significantly affect wildlife. Relators correctly point out that the DNR’s Natural Heritage Review is limited because it only has “data on Minnesota’s rare or otherwise significant species, native plant communities, and other natural features.”

According to the DNR, the NHIS “is not an exhaustive inventory,” and “[t]he Natural Heritage Review does not constitute review or approval by the [DNR] as a whole. Instead, it identifies issues regarding known occurrences of rare features.”

Given the Natural Heritage Review’s focus on “rare or otherwise significant species,” we conclude that the city lacks substantial evidence to support its determination that the project has no potential to significantly affect wildlife as a whole. As relators point out, 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.⁸

Second, the city argues that relators’ claims about wildlife are unsubstantiated because “the record . . . contains no such warning from the DNR or otherwise.” We disagree. The 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 and human traffic, automobile exhaust fumes, and the creation . . . of turf lawn.” (Emphasis added.) Public Works and Environmental Resources made similar comments. While the city responded to some of the noise concerns by pointing to the SBP study, that study was limited to noise impact on humans. 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.

⁸ Environmental Resources noted that the EAW “does not ‘describe fish and wildlife resources as well as habitats and vegetation on or near the site’” (quoting EAW Guidance), and asked whether there was a study of bird populations that the project may affect. The city responded, without discussion: “Comment noted and taken into consideration.”

Third, the city argues that “the record contains unsupported speculation regarding the effects of noise from the project . . . on wildlife in and around Eagle Lake.” Yet the city’s own findings in response to comments on this project acknowledge that “there are studies that indicate roadway noise can have negative impacts on certain wildlife species, including migratory birds.” While the record here includes no study of the project’s noise impact on wildlife, despite the DNR’s request for such a study, the city concluded “it is unlikely that such noise-sensitive wildlife will be impacted by the proposed facility.” We conclude that the city lacks substantial evidence for its determination that noise from the project has no potential to significantly affect wildlife.

Fourth, the city argues that the project’s noise-mitigation measures would ameliorate the project’s noise impact on wildlife. “[T]o the extent any noise-sensitive wildlife inhabit the area, the Proposer agreed to ‘close the gap in noise-abatement structures on the western side of the facility to protect lake users and wildlife from noise.’” While the city may be correct, more review should address whether noise-sensitive wildlife inhabit the area and, if so, what mitigation may be effective. Here, the city relied on SBP’s study about the effect of noise on people as measured from residential areas. As the DNR recommended, the record should consider data on “noise on the shore of and on the water of the lake to determine noise impacts to wildlife,” as well as consider use restraints on the track during important wildlife seasonal activities.

For the reasons discussed, we conclude that substantial evidence does not support the city’s determination that the project has no potential to significantly affect wildlife.

3. Waste storage and disposal

Relators argue that the EAW failed to address the project's storage and disposal of solid waste, as well as the use and storage of hazardous materials. The city responds that the "uncontroverted record evidence confirms the project will comply with all applicable rules regarding solid waste handling."

Like our discussion of noise impacts, regulatory oversight may affect our analysis of waste storage and disposal. "[C]ase law supports the use of pre-existing regulatory oversight as a means of preventing significant environmental effects before they occur." *Friends of Twin Lakes*, 764 N.W.2d at 382; see, e.g., *Watab Twp. Citizen All. v. Benton Cty. Bd. of Comm'rs*, 728 N.W.2d 82, 92, 94 (Minn. App. 2007) (when a "project will require an NPDES permit from the MPCA and the waste-water discharge is subject to ongoing regulatory review," a determination of no significant impact is supported by substantial evidence). An RGU must consider "the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority." Minn. R. 4410.1700, subp. 7.C.

Relators argue that "the waste that is anticipated to emanate from the facility is of concern" and that the EAW lacks information "related to the 'use and storage of hazardous materials during operations . . . like 'diesel fuels and cleaners.'" The city correctly points out, however, that the record identifies specific and ongoing regulatory oversight to address these concerns.

Following the comment period, the city's findings stated, "[t]he proposed motorsports park will follow the rules as set forth by the [MPCA] for the handling of solid

waste.” The city also found, “A third-party partner will be employed to provide and service itemized disposal containers and for the disposal of automotive fluids, in compliance with MN Statute 115A.916.” The project would “follow the MPCA’s National Pollutant Discharge Elimination System (NPDES) Permit and will have a Storm Water Pollution Prevention Plan” reviewed by the MPCA as part of the NPDES permit.

The city also argues, citing the administrative record, that hazardous waste, including fuel, “stored on site will be contained in above ground storage tanks. Above ground storage tanks will be in compliance with MN Rules 7151.5300 and 7151.5400. . . . Tanks will be protected from corrosion following ways outlined in MN Rule 7151.5600.” The city further responds that floor drains in the car condos would “adhere to the guidance of Minnesota Administrative Rules, Chapter 4714, Plumbing Code, Part 4714.0418.7.”

Because the project’s waste storage and disposal would be subject to ongoing regulatory oversight, substantial evidence supports the city’s determination of no potential significant environmental effects from waste storage and disposal.

4. Land alterations

Relators argue that the city did not adequately address whether and how much land excavation, grading, and stormwater runoff has the potential to cause significant environmental effects. The city contends that “to the extent the project requires grading or land alteration, the Proposer will need to apply for and receive a grading permit,” so this too is subject to ongoing regulatory oversight. As addressed above, an RGU may

“permissibly rel[y] on existing regulatory oversight to prevent significant environmental impact before it occur[s].” *Friends of Twin Lakes*, 764 N.W.2d at 383.

The parties dispute the extent to which the project requires land alterations. The EAW and the city’s findings described the project area as “largely flat.” Relators disagree and argue there are “steep-slopes” that require excavation.⁹ Even if we were to conclude that this amounts to a factual dispute, it does not affect our analysis of relators’ argument. Because completion of the project would require grading plans and permits, we conclude that the city reasonably relied on existing regulatory oversight when determining whether an EIS is required for land alterations.

As Environmental Resources commented, “Grading plans are needed in the EAW to evaluate potential environmental impacts from stormwater runoff and drainage to wetlands and surface waters.” The city’s findings agreed that a grading permit is required and “[a]s the project moves forward a detailed grading plan will be prepared.” Additionally, the city’s findings stated, “The City of Eagle Lake and the MPCA will be able to review the Grading Plan before their permits are secured.”

In response to commenters’ concerns about stormwater runoff and drainage, the city’s findings stated that the project would have a full stormwater management system. “The system will be designed to at least meet the [MPCA] design standards with reference

⁹ Relators cite no record evidence to support their claim. The city argues that “no slopes exceed 10 percent,” and a “steep slope” is 12 to 18 percent measured over a distance equal to or greater than 50 feet.

to the Minnesota Stormwater Manual, it will also adhere to the City of Eagle Lake's MS4 requirements."

Because grading and stormwater runoff at the project would comply with permitting and review by agencies and local government units, substantial evidence supports the city's determination that land alteration lacks potential for significant environmental effects.

5. Wetlands

Relators argue that the project would eliminate some wetlands and that the city failed to meet mitigation standards because "five acres of wetlands will be removed and will not be replaced within the Eagle Lake watershed." The city argues that it would mitigate any negative effect on wetlands "through process made available by the Minnesota Wetland Conservation Act and Section 404 of the Clean Water Act" and that no evidence suggests "harmful environmental effects will result from the simple fact these replacement wetlands might not be located near Eagle Lake."

An RGU may consider mitigation measures to offset potential environmental effects, but "may reasonably do so only if those measures are *specific, targeted, and are certain* to be able to mitigate the environmental effects. The RGU must have some concrete idea of what problems may arise and how they may specifically be addressed by ongoing regulatory authority." *CARD*, 713 N.W.2d at 835 (emphasis added). Mitigation measures are reasonable where the RGU "outlined the specific mitigation measures" to address specific concerns, and "evaluated the status of those measures" against similar measures undertaken elsewhere. *Nat'l Audubon Soc. v. Minn. Pollution Control Agency*, 569 N.W.2d 211, 217 (Minn. App. 1997).

Relators argue that the city's proposal to replace wetlands "fails to meet the mitigation standard" because no analysis determined how the loss of wetlands "will impact the biodiversity of Eagle Lake or the water quality of the lake." The city responds that the EAW showed that the only plant communities present in the wetlands were recently planted soybeans or corn, and that "[t]o the extent these farmed wetlands do presently drain into Eagle Lake, they are a degrading feature due to the chemical runoff."

The city also argues that the Joint Permit Application, under the Minnesota Wetland Conservation Act (WCA), requires an analysis of wetlands replacement and that Bradford would replace all wetlands removed by the project at a 2:1 ratio. Relators criticize this approach because the replacement wetlands are not in the Eagle Lake watershed. But the city responds that the replacement plan follows state and federal laws and guidelines.¹⁰ We conclude that the city has adequately addressed mitigation of the project's impact on wetlands because the project's mitigation measures are specific, targeted to wetlands, and follow best practices and existing law.

C. Cumulative potential effects

Relators argue that "[e]ven if these effects on noise, waste, and degradation of wildlife and waterfowl and other features are considered insubstantial in themselves, . . . they must be viewed in the context of their totality." The city contends that

¹⁰ As the city explained in its findings: "Sequencing for replacement credits of wetlands will follow WCA and Section 404 [of the Clean Water Act] guidelines. Replacement wetlands must and will meet the siting criteria of state WCA and federal Clean Water Act (CWA), as part of the permit. On-site mitigation has been shown to be costly and does not have as high of a success rate as state and federally approved wetland banks, and purchase of credits is favored by the Army Corps over on-site mitigation."

the record supports its decision that the project will not have cumulative potential effects on the environment.

Minn. R. 4410.0200, subp. 11a (2019), defines “cumulative potential effects” as environmental impacts resulting from “incremental effects of a project in addition to other projects in the environmentally relevant area” that could affect the same resources. This criteria is meant “to put the proposed project into context. The criteria aims to determine whether the project, which may not individually have the potential to cause significant environmental effects, could have a significant effect” when other existing or future projects are considered. *CARD*, 713 N.W.2d at 829.

In part, relators argue generally about the project’s cumulative effects, but cite no record evidence about cumulative effects. Instead, they repeat points already addressed above. Relators’ argument about climate change, however, finds support in the administrative record. *See Watab*, 728 N.W.2d at 93-94 (explaining that our review focuses on the facts in the record and the correct application of the law).

Relators contend that the project implicates climate change, a cumulative potential effect, but that the city’s findings ignore climate change. Significantly, the DNR commented on the project’s potential to contribute to climate change:

[C]ontributions of the project to global climate change are not discussed in Section 19 (Cumulative Potential Effects). Both construction and ongoing use of the proposed project (recreational driving of high performance vehicles) would generate additional greenhouse gases, thereby contributing to global climate change. This is a cumulative potential effect that should be addressed.

Relators are correct that neither the EAW nor the city's findings on the project address the project's potential to contribute to climate change. Environmental Resources also commented, "What is the carbon footprint of the proposed motorsports park?" The city responded, "The carbon footprint of the vehicles is no different as if they were being driven on public roadways."

Under Minn. R. 4410.1700, subp. 4 (2019), "[t]he record must include specific responses to all substantive and timely comments on the EAW." The DNR and county's comments were timely; and this court has considered agency comments on climate change to be substantive, warranting a response. *See In re Enbridge Energy, Ltd. P'ship*, 930 N.W.2d 12, 21 (Minn. App. 2019).

Two previous cases instruct our analysis. In *Enbridge Energy*, this court recognized that recent federal decisions have held that an environmental review "must address impacts of [greenhouse-gas or] GHG emissions." *Id.* at 29 (considering whether EIS reasonably addressed GHG emissions). Relators argued an EIS did not adequately analyze the effects of greenhouse-gas emissions. *Id.* We disagreed because the EIS "address[ed] the impact of the project on GHG emissions," including downstream emissions, market forecasts, life-cycle GHG emissions, and social costs. *Id.*¹¹

Similarly, in *Pope Cty. Mothers*, this court considered the MPCA's failure to address air emissions from a proposed feedlot when deciding not to require an EIS.

¹¹ While *Enbridge Energy* involved an EIS and not a negative declaration on the need for an EIS, we find its analysis instructive as to whether comments on climate change are substantive, warranting a response.

594 N.W.2d at 235. The MPCA responded to comments about air emissions: “If necessary, this applicant would be required to control emissions to minimize the potential for impacts.” *Id.* at 238. On appeal, this court affirmed the district court’s ruling that the MPCA’s decision to not require an EIS was arbitrary and capricious because the MPCA’s response “bypasse[d] any discussion on the potential for significant environmental effects.” *Id.* We concluded that “the MPCA did not genuinely engage in the reasoned decision making the law requires,” therefore, the agency’s decision represents its “will, rather than its judgment.” *Id.* at 238-39 (quotation omitted).

Here, we conclude that the DNR and the county’s comments about the project’s impact on climate change had substantive merit and required a “specific response.” *See* Minn. R. 4410.1700, subp. 4. But the city did not respond to the DNR’s comment, and its response to the county’s concern about the project’s carbon footprint “bypasses any discussion on the potential for significant environmental effects.” *See Pope Cty. Mothers*, 594 N.W.2d at 238. By failing to respond to the “substantive and timely comments” from the DNR and the county on climate change, the city “entirely fail[ed] to address an important aspect of the problem” making its determination that the project had no significant cumulative effects arbitrary and capricious. *See Friends of Twin Lakes*, 764 N.W.2d at 381.

D. The city’s procedure

Relators argue that the city’s EAW procedure was flawed because it materially changed the project in its responses to public comments without extending the public-comment period, depriving “the concerned members of the public and the

governmental agencies an opportunity to confirm the ‘new’ EAW satisfied their concerns.” The city contends an RGU may consider additional information after releasing the EAW for comment and before making an EIS determination.

Minn. Stat. § 116D.04, subd. 2a (d) (2020), provides that the RGU’s “decision on the need for an environmental impact statement must be based on the environmental assessment worksheet and the comments received during the comment period.” Minn. R. 4410.1700, subp. 3, similarly instructs that “[t]he 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.”

After the city received comments on the EAW for this project, it determined that it needed more information to make its EIS determination. The city argues that this procedure follows Minn. R. 4410.1700, subp. 2a, which provides that if an “RGU determines that information necessary to a reasoned decision about the potential for, or significance of, one or more possible environmental impacts is lacking,” then the RGU may “postpone the decision on the need for an EIS . . . in order to obtain the lacking information.” Minn. R. 4410.1700, subp. 2a. B.

Relators point out that the city’s decision not to require an EIS relied on revisions to the project, made in response to public comments, and not just “additional information.” Relators contend that a “change to the project, not the gathering of additional information relative to the decision whether to conduct an EIS,” is outside the scope of obtaining information, as contemplated by the administrative rules. Specifically, relators assert that the city relied on the following project changes: “removing the hotel and golf course,

creating a 'sound committee' and changing the plan to monitor sound, completing an additional sound barrier, agreeing to 'discuss' the impact of the Project on wetlands, and admitting that Eagle Lake is a 'wildlife lake.'"

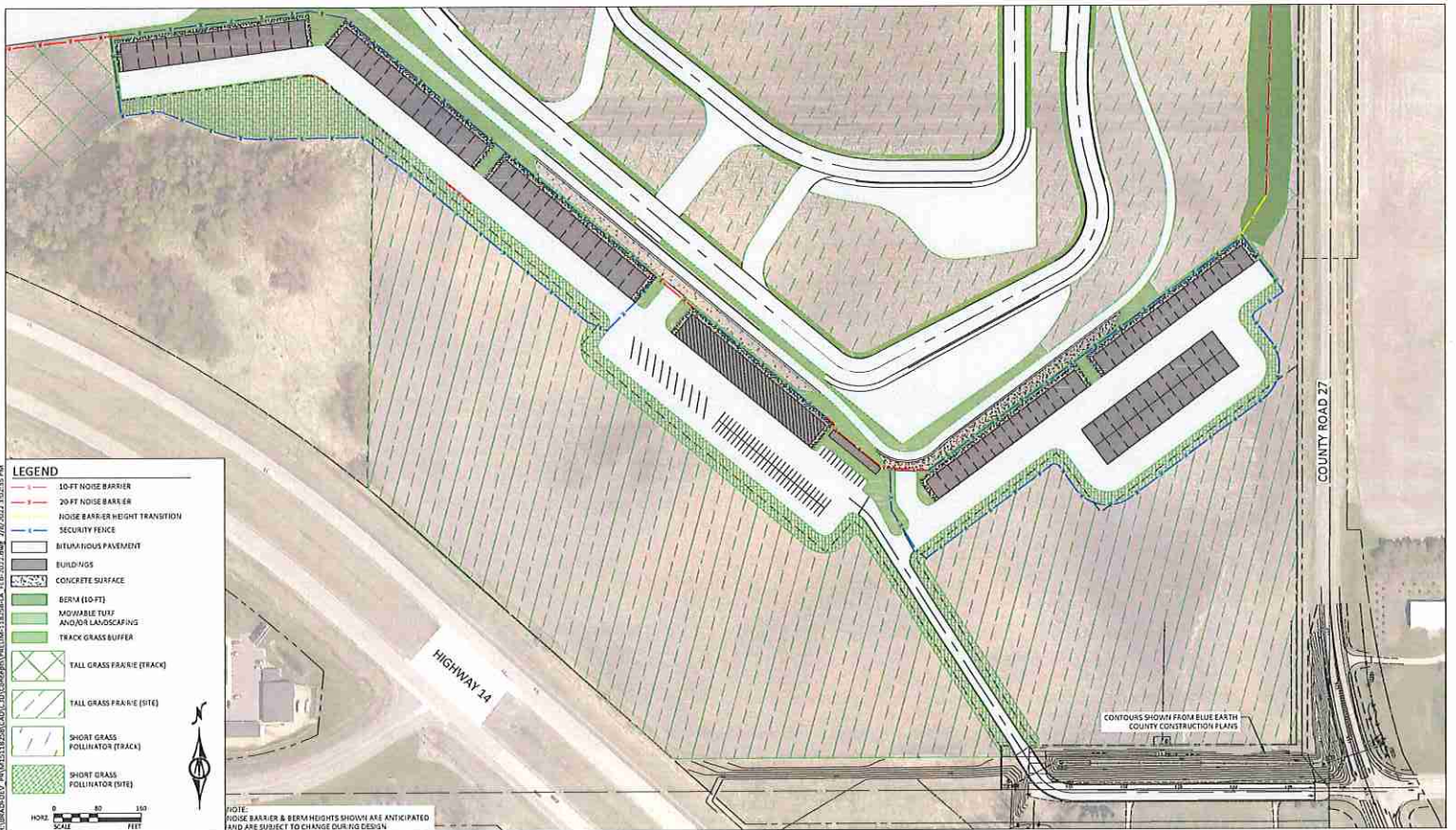
We are aware of no authority providing that an RGU *must* prepare a new EAW or supplemental EAW in the event of project changes. The rules provide, however, for a supplemental EIS when "substantial changes" are made to a proposed project "that affect the potential significant adverse environmental effects of the project." Minn. R. 4410.3000, subp. 3(A)(1). In that case, the rules also provide for another public-comment period on the EIS. *Id.*, subp. 5; *cf. id.*, subp. 2 (allowing "minor revisions" through addendum not subject to public-comment period).

Thus, relators establish no legal error in the city's procedure under the circumstances and the existing legal framework. Nor do we consider the city's decision to rely on changes in response to the EAW comments to be arbitrary and capricious where those changes decreased the potential for environmental impacts, as happened here.

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.

Reversed and remanded.

Appendix B: Figures



Appendix C: Shoreland Ordinance



Minnesota Department of Natural Resources
Southern Region
21371 State Hwy 15
New Ulm, MN 56073

AUGUST 25, 2020

CITY OF EAGLE LAKE
JENNIFER BROMELAND, CITY ADMINISTRATOR
705 PARKWAY AVENUE
EAGLE LAKE, MN 56024

RE: Shoreland Ordinance Approval, City of Eagle Lake, Blue Earth County

Dear Ms. Bromeland:

Our office has completed the review of your Shoreland Ordinance in accordance with Minnesota Statutes, Section 103F.221, Subpart 1. I am pleased to advise you that on behalf of the Commissioner of the Department of Natural Resources, I hereby **approve your new Shoreland Ordinance**.

The DNR encourages the city to educate its citizens on the land use controls provided by the shoreland ordinance and to work to implement those controls effectively. We look forward to working with the City to administer the ordinance and will provide comment on proposed variances and conditional use permits when noticed.

Thank you for your efforts in planning for the future of the City of Eagle Lake's land use and for conserving the water resources of the State of Minnesota. If you have any questions or need assistance with administering the city's shoreland ordinance, please contact Area Hydrologist Dan Girolamo at 507-362-8778.

Sincerely,

A handwritten signature in black ink that reads 'Todd Kolander'.

Todd Kolander

South District Manager

Ec: Dan Petrik, DNR
Dan Girolamo, Area Hydrologist
County SWCD or Local WD



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

July 6, 2020

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Public Hearing for Shoreland Ordinance

A public hearing has been scheduled to occur this evening for the purpose of considering adoption of a shoreland ordinance. Attached is a copy of the public notice that was published in the City's legal newspaper, the Mankato Free Press, notifying the public of the public hearing and the ability to obtain a copy of the proposed ordinance upon request. Notice was also provided to the Department of Natural Resources (DNR) Area Hydrologist, Dan Girolamo.

Local governments with shoreland must have a shoreland ordinance that complies with the state's shoreland rules. Included with the land that was annexed in 2019, just north of highway 14 for the proposed Mankato Motorsports Park, is shoreland. Minimum development standards - such as structure setbacks, height limits, impervious surface limits, lot requirements, vegetation removal and land alteration requirements - are established in state rules and administered through local ordinances, such as a shoreland ordinance. The DNR reviews local shoreland ordinances for compliance with state shoreland rules. A shoreland ordinance is an important land use regulation that helps to protect surface water quality, near shore habitat, and shoreland aesthetics. A shoreland ordinance includes provisions that guide land development and activity in shorelands that protect these shoreland resources. Shoreland means any land located within 1,000 feet of the Ordinary High-Water Level (OHWL) of a lake, pond, or flowage. The OHWL for South Eagle Lake is 989.40.

Attached you will find a draft Shoreland Ordinance that has received conditional approval from the DNR. To obtain conditional approval, the ordinance must be substantially compliant with shoreland rules. The draft ordinance is based on the DNR's model shoreland ordinance. Please keep in mind that there is not a lot of flexibility with changes to the ordinance. The City can be more restrictive but not less restrictive than what is contained in the DNR's model shoreland ordinance. At the public hearing, the DNR comments and conditional approval letter are read and/or entered into the public record. The ordinance is revised according to DNR conditions of approval before adoption.

After adoption by the City Council, the ordinance is submitted to the DNR. The DNR will review the ordinance adopted for consistency with that receiving conditional approval. If they are consistent, the DNR will send a final approval letter to the City. To request DNR final review and approval, City staff will submit the adopted ordinance signed by the Mayor and City Administrator, and all other required materials, within 10 days of this evening's meeting.

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There was mention recently of South Eagle Lake being a designated wildlife lake. Per an inquiry to the Area Wildlife Supervisor Stein Innvaer with the DNR, also attached is an email response received containing background information about the wildlife lake designation and management goals for the lake.

It is anticipated that DNR Area Hydrologist Dan Girolamo will be observing the GoToMeeting this evening and may be available to answer questions. In addition, Jane Kansier with Bolton and Menk will also be on the call to provide guidance as it relates to adoption of the shoreland ordinance.

Following the public hearing, if there are no comments or concerns, a motion can be made to adopt the shoreland ordinance. Within 10 days of being adopted, it will be sent to the DNR for final review and approval. Once approval is obtained from the DNR, notice will be published in the City's legal newspaper, at which time the ordinance will take effect.



Jennifer J. Bromeland
City Administrator

ORDINANCE PROCESSING CHECKLIST

Please complete, sign and return this checklist and all required documents by email to the DNR:

Ordinance.review.dnr@state.mn.us, and
your Area Hydrologist

1. June 26, 2020 Date(s) of published public hearing notice(s). Email the notice with this checklist.

2. July 6, 2020 Date(s) of public hearing(s).

3. _____ Date of ordinance adoption. Email the adopted ordinance/ amendment with the signature of the chief elected official in PDF format with this checklist.

4. _____ Date of newspaper publication of adopted ordinance/ amendment or ordinance amendment summary.

5. Email a zoning map showing the "district" corresponding to the adopted ordinance at the time of adoption, if one exists, and the underlying zoning districts if the adopted ordinance refers to them.

Signature of Clerk/Auditor

Name of Community



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507)257-3218 Phone (507) 257-3220 Fax
www.eaglelakemn.com

June 9, 2020

**PUBLIC HEARING NOTICE
CITY COUNCIL**

Notice is hereby given that the City Council of the City of Eagle Lake, Blue Earth County, Minnesota, will meet and hold a Public Hearing at 6:00 p.m. on July 6, 2020. Due to COVID19, the meeting and public hearing will be held electronically. The purpose of the hearing will be to consider adopting a Shoreland Ordinance. Minnesota statutes and rules require municipalities with shoreland within their boundaries to have a shoreland ordinance in compliance with state shoreland standards to help protect surface water quality, near shore habitat, and shoreland aesthetics. To obtain a copy of the proposed ordinance, obtain additional information, or to request electronic meeting participation information, please contact City Hall via phone at (507) 257-3218 or via email at jbromeland@eagelakemn.com.

Jennifer J. Bromeland
Eagle Lake City Administrator

The Free Press THE LAND MEDIA

P.O. Box 3287, Mankato, MN 56002
www.mankatofreepress.com phone: (507) 344-6314, fax: (507) 625-1149

Ad Proof

This is the proof of your ad scheduled to run on the dates indicated below. Please proofread carefully and if changes are needed, contact us prior to deadline at or email at stoland@mankatofreepress.com.

DATE 06/09/20

Client:
CITY OF EAGLE LAKE
PO BOX 159
EAGLE LAKE, MN 56024-0000
(507) 257-3218

ACCOUNT NUMBER: 110586
ACCOUNT REP: DANNY CREEL
ACCOUNT REP PHONE: (507) 344-6351
ACCOUNT REP EMAIL:
DCREEL@MANKATOFREEPRESS.COM

PUBLIC HEARING NOTICE June 26, 2020 CITY COUNCIL

Notice is hereby given that the City Council of the City of Eagle Lake, Blue Earth County, Minnesota, will meet and hold a Public Hearing at 6:00 p.m. on July 6, 2020. Due to COVID19, the meeting and public hearing will be held electronically. The purpose of the hearing will be to consider adopting a Shoreland Ordinance. Minnesota statutes and rules require municipalities with shoreland within their boundaries to have a shoreland ordinance in compliance with state shoreland standards to help protect surface water quality, near shore habitat, and shoreland aesthetics. To obtain a copy of the proposed ordinance, obtain additional information, or to request electronic meeting participation information, please contact City Hall via phone at (507) 257-3218 or via email at lbromeland@eaglakemn.com.
Jennifer J. Bromeland
Eagle Lake City Administrator

Ad ID: 400431

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m DEPARTMENT OF
NATURAL RESOURCES

Minnesota Department of Natural Resources
Southern Region
21371 State Hwy 15
New Ulm, MN 56073

March 11, 2020

Jennifer Bromeland
City Administrator
City of Eagle Lake
705 Parkway Avenue
P.O. Box 159
Eagle Lake, MN 56024

Re: Conditional Approval of Eagle Lake Shoreland Ordinance

Dear Ms. Bromeland:

Thank you for sending your proposed shoreland ordinance to the DNR for conditional approval review. I am pleased to inform you that the proposed ordinance is substantially compliant with the statewide rules and hereby approved, provided all of the conditions of approval in this letter are met.

Ordinance Evaluation

We have reviewed your proposed ordinance received on March 9, 2020 for compliance with the state shoreland rules (MR 6120.2500 – 6120.3900). Attached is the proposed ordinance with my comments.

Non colored Comments. These may include suggestions to improve administration or shoreland protection or other information to clarify issues for your community.

Conditions of Approval

The following conditions must be met before the DNR will issue final approval:

1. Delete references to Minnesota Statute, section 394 in 2.557
2. Delete references to General Development and Recreation Development Lakes in 4.13
3. Delete references to rivers and streams in 4.14.
4. Edit the DNR Public Water ID for South Eagle Lake to 7-6002 instead of 7-60 in 4.13
5. Edit the tables in 4.23 to remove both columns associated with GD and RD lakes
6. Delete 4.24 land use table for rivers and streams
7. Delete minimum lot area and width standards for GD and RD lakes in 6.25
8. Delete minimum lot width standards table in 6.26
9. Delete struck out text in 10.63 EE
10. Reformat the document.
11. Return the attached "Ordinance Processing Checklist" and documents identified on the checklist.

Minnesota Department of Natural Resources • EWR
21371 State Hwy 15, New Ulm, MN 56073

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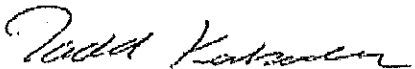
Next Steps

Following are the steps for completing and receiving final DNR approval for your ordinance:

1. Revise the ordinance based on the conditions listed above under conditionals for approval.
2. The city council adopts the ordinance revised according to the listed conditions.
3. Email the completed Ordinance Processing Checklist (attached) and the documents identified on the checklist within 10 days of city council adoption to:
 - a. Dan Girolamo at Daniel.girolamo@sate.mn.us
 - b. Ordinance.review.dnr@state.mn.us
4. We will review the ordinance adopted by the city council for consistency with the above conditions.
5. If the adopted amendments are consistent with the conditions, I will send you a "final approval" letter. State rules require DNR final approval of shoreland ordinances and amendments for those ordinances to be effective.

A shoreland ordinance is an important land use regulation that helps to protect surface water quality, near shore habitat, and shoreland aesthetics of Minnesota's public waters. We appreciate your efforts to protect these resources for all present and future Minnesotans. Dan Girolamo is available to help the city administer the ordinance and to consult with you on other water-related projects and their implementation.

Sincerely,



Todd Kolander
District Manager, EWR South District

Attachments:

Proposed Ordinance with DNR comments
Ordinance Processing Checklist

c: Dan Girolamo, DNR Area Hydrologist
Ordinance.review.dnr@state.mn.us

Jennifer Bromeland

Subject: FW: Eagle Lake Shoreland Ordinance

From: Innvaer, Stein H (DNR) <stein.innvaer@state.mn.us>

Sent: Thursday, June 25, 2020 11:12 AM

To: Girolamo, Daniel (DNR) <daniel.girolamo@state.mn.us>; Jennifer Bromeland <jbromeland@eaglelakemn.com>

Cc: Conrad, Julie (Julie.Conrad@blueearthcountymn.gov) <Julie.Conrad@blueearthcountymn.gov>;

Kristine.Alttrichter@blueearthcounty.gov; Stangel, Joseph (DNR) <joseph.stangel@state.mn.us>; Jon Schneider

(jschneider@ducks.org) <jschneider@ducks.org>; Kavanagh, Joshua (DNR) <joshua.kavanagh@state.mn.us>

Subject: RE: Eagle Lake Shoreland Ordinance

As mentioned in previous communications, Eagle Lake is a designated wildlife lake. This designation came about following the submission of a petition from local residents, which in turn triggered a public hearing and careful review of the lakes existing and potential wildlife habitat. The Commissioner of the Department of Natural Resources then agreed that the highest and best management status for Eagle Lake is that it be managed primarily for the benefit of wildlife habitat. This is a rare designation, as there are less than 70 designated wildlife lakes in our state of more than 10,000. The primary tool for habitat management in shallow lakes is water level manipulation. This is accomplished via a dam at the outlet to the lake which has a series of vertically stacked logs, that when removed, allow water to leave the lake and lower the level behind the dam. This is called a variable crest dam. It is important to note that designation does not allow for any increase of the elevation of a lake, and that full water level drawdowns can last for no more than 2 consecutive years. In systems where the downstream conditions do not allow for complete drawdown of water levels, we have also used electric and diesel engine powered pumps. The timing and duration of water level manipulation are guided by the lake management plan, but in general these events are triggered by depletion of aquatic vegetation or degradation of water quality, often caused by invasive fish species such as common carp. For this reason, fish exclusion is a primary goal in most managed wildlife lakes. We do this by means of physical barriers located at the outlet to the lake, which are designed to prevent movement upstream from the watershed. In some larger systems we have installed electric fish barriers as well.

The reason I've included all of this background information Jennifer, is that I think it is important to understand what our management goals for Eagle lake will be moving forward. Our goal in systems of this type are to create and maintain what is called a "hemi-marsh". This is where there is approximately 50% emergent vegetation and 50% open water, distributed equally throughout the basin, with submerged vegetation covering the entire bottom of the lake. Obviously, this management approach creates limits on boat access to the basin, since outboard motors are easily fouled by this abundant vegetation. There are no horsepower restrictions on the lake, but in years of abundant vegetation this is not a concern, as motors are not practical. In fact, in these conditions paddling a canoe or kayak can be a challenge. The only current public access for south eagle lake is an unofficial dirt trail located at the outlet off of Hwy. 14. This is not an approved access site, and users face a genuine danger from the high speed traffic of the highway that must be negotiated in order to back a trailer into this site. There is a public boat access on north eagle lake, however there is not a floatable connection between the two basins since our recent project to install a variable crest dam was completed under the Sakatah Trail. This project created a physical separation between north and south eagle lakes, and this will allow us to manipulate water levels in the south basin while maintaining levels in the north basin. We are currently developing a management strategy that will at times require drawdown of water levels in the north basin, primarily for fish management, but will also provide for separate water level manipulation of the south basin as needed to maintain vegetation and water quality.

Finally, I want to clarify our near term plans for Eagle Lake. Specifically, we currently have a preliminary design and feasibility study in hand that was completed in cooperation with Ducks Unlimited, Inc., to replace the existed dilapidated and leaking water level control structure. It is my hope that this project will move to final design and eventual construction in the near future. This new structure will allow for more efficient and effective water level management on Eagle Lake, in accordance with the goals established when the lake was designated. From a lake management point of view, the development of the Motorsports facility adjacent to the lake will not affect our active management of water levels or efforts to improve water quality. While this project diminishes the relatively remote and secluded nature of this lake, it remains an important and vital remnant of shallow lake habitat that has mostly disappeared from southern Minnesota.

Please let me know if you need anything else.

Shoreland Management Ordinance

City of Eagle Lake

July 6, 2020

Chapter 6, Section 6.600

STATUTORY AUTHORIZATION AND POLICY

- 1.1 **Statutory Authorization.** This shoreland ordinance is adopted pursuant to the authorization and policies contained in [Minnesota Statutes, Chapter 103F](#), [Minnesota Rules, Parts 6120.2500 - 6120.3900](#), and the planning and zoning enabling legislation in Minnesota Statutes, Chapter [462](#).
- 1.2 **Policy.** The Legislature of Minnesota has delegated responsibility to local governments of the state to regulate the subdivision, use and development of the shorelands of public waters and thus preserve and enhance the quality of surface waters, conserve the economic and natural environmental values of shorelands, and provide for the wise use of waters and related land resources. This responsibility is hereby recognized by the City of Eagle Lake.

GENERAL PROVISIONS AND DEFINITIONS

- 2.1 **Jurisdiction.** The provisions of this ordinance apply to the shorelands of the public water bodies as classified in Section 4.1 of this ordinance, **and to the shorelands of public water bodies greater than 10 acres in unincorporated areas in which the city has, by ordinance, extended the application of its zoning regulations as provided by Minnesota Statute, Chapter 462.357 Subd 1.** Pursuant to [Minnesota Rules, Parts 6120.2500 - 6120.3900](#), no lake, pond, or flowage less than 10 acres in size in municipalities or 25 acres in size in unincorporated areas need be regulated in a local government's shoreland regulations. A body of water created by a private user where there was no previous shoreland may, at the discretion of the governing body, be exempt from this ordinance.
- 2.2 **Enforcement.** The City of Eagle Lake's Zoning Administrator is responsible for the administration and enforcement of this ordinance. Any violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses constitutes a misdemeanor and is punishable as defined by law). Violations of this ordinance can occur regardless of whether or not a permit is required for a regulated activity listed in Section 3.2 of this ordinance.

- 2.3 **Severability.** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 2.4 **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 2.5 **Definitions.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted to give them the same meaning they have in common usage and to give this ordinance its most reasonable application. For the purpose of this ordinance, the words “must” and “shall” are mandatory and not permissive. All distances, unless otherwise specified, are measured horizontally.

2.511 **Accessory structure or facility.** Any building or improvement subordinate to a principal use.

2.512 **Animal feedlot.** A facility as defined by [Minnesota Rules, part 7020.0300](#).

2.513 **Bluff.** A topographic feature such as a hill, cliff, or embankment having the following characteristics:

- A. Part or all of the feature is located in a shoreland area;
- B. The slope must drain toward the waterbody.
- C. The slope rises at least 25 feet above the ordinary high-water level;
- D. The grade of the slope from the toe of the bluff to a point 25 feet or more above the ordinary high water level averages 30 percent or greater (see Figure 1), except that an area with an average slope of less than 18 percent over a distance of at least 50 feet shall not be considered part of the bluff (see Figure 2).

Figure 1. Illustration of Bluff

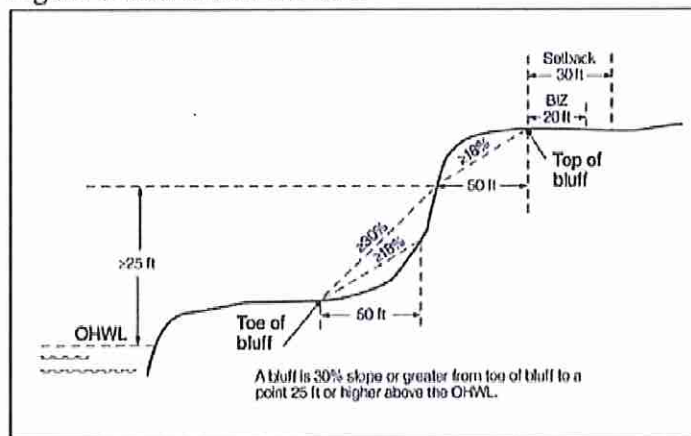
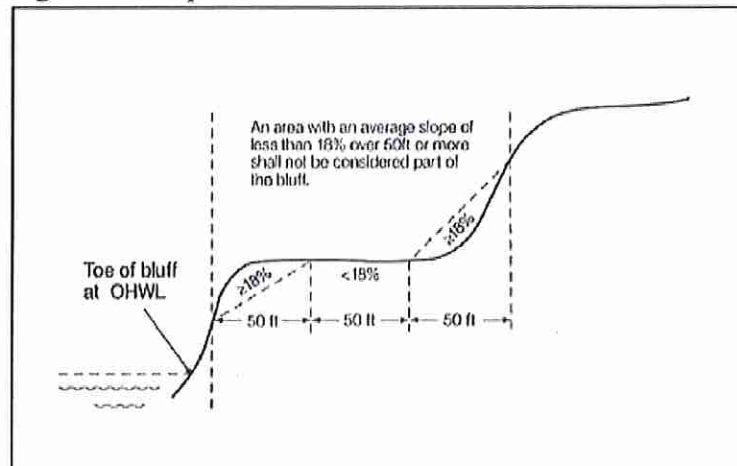


Figure 2. Exception to Bluff

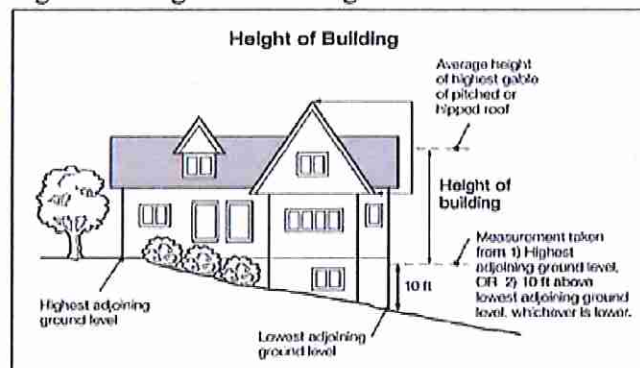


- 2.514 **Bluff impact zone.** A bluff and land located within 20 feet of the top of a bluff.
- 2.515 **Bluff, Toe of.** The lower point of a 50-foot segment with an average slope exceeding 18 percent or the ordinary high-water level, whichever is higher.
- 2.516 **Bluff, Top of.** For the purposes of measuring setbacks, **bluff impact zone**, and **administering vegetation management standards**, the higher point of a 50-foot segment with an average slope exceeding 18 percent.
- 2.517 **Boathouse.** A facility as defined by [Minnesota Statutes, Section 103G.245](#).
- 2.518 **Buffer.** A vegetative feature as defined by [Minnesota Statutes, Section 103F.48](#).
- 2.519 **Building line.** A line parallel to a lot line or the ordinary high-water level at the required setback beyond which a structure may not extend.
- 2.520 **Controlled access lot.** A lot used to access public waters or as a recreation area for owners of non-riparian lots within the same subdivision containing the controlled access lot.
- 2.521 **Commercial planned unit developments.** Developments that provide transient, short-term lodging spaces, rooms, or parcels and their operations are essentially service-oriented. For example, hotel/motel accommodations, resorts, recreational vehicle and camping parks, and other primarily service-oriented activities are commercial planned unit developments.
- 2.522 **Commercial use.** The principal use of land or buildings for the sale, lease, rental, or trade of products, goods, and services.
- 2.523 **Commissioner.** The commissioner of the Department of Natural Resources.
- 2.524 **Conditional use.** A land use or development as defined by ordinance that would not be appropriate generally but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist,

the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

- 2.525 **Deck.** A horizontal, unenclosed platform with or without attached railings, seats, trellises, or other features, attached or functionally related to a principal use or site and at any point extending more than three feet above ground.
- 2.526 **Duplex, triplex, and quad.** A dwelling structure on a single lot, having two, three, and four units, respectively, attached by common walls and each unit equipped with separate sleeping, cooking, eating, living, and sanitation facilities.
- 2.527 **Dwelling site.** A designated location for residential use by one or more persons using temporary or movable shelter, including camping and recreational vehicle sites.
- 2.528 **Dwelling unit.** Any structure or portion of a structure, or other shelter designed as short- or long-term living quarters for one or more persons, including rental or timeshare accommodations such as motel, hotel, and resort rooms and cabins.
- 2.529 **Extractive use.** The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, Sections 93.44 to 93.51.
- 2.530 **Forest land conversion.** The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.
- 2.531 **Height of building.** The vertical distance between the highest adjoining ground level at the building or ten feet above the lowest adjoining ground level, whichever is lower, and the highest point of a flat roof or average height of the highest gable of a pitched or hipped roof (see Figure 3).

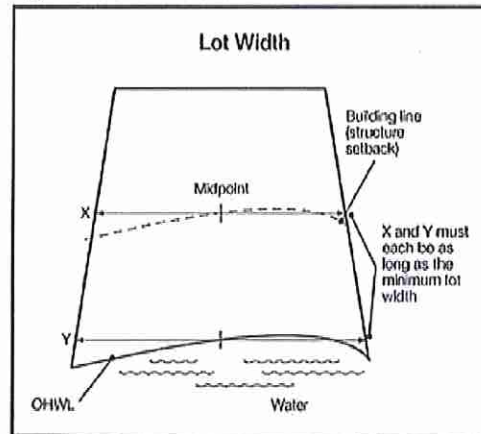
Figure 3. Height of Building



- 2.532 **Impervious surface.** A constructed hard surface that prevents or retards entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than prior to development, including rooftops; decks; sidewalks; patios; swimming pools; parking lots; concrete, asphalt, gravel driveways, or permeable pavers; and other similar surfaces.

- 2.533 **Industrial use.** The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.
- 2.534 **Intensive vegetation clearing.** The complete removal of trees or shrubs in a contiguous patch, strip, row, or block.
- 2.535 **Lot.** A parcel of land designated by plat, metes and bounds, registered land survey, auditors plot, or other accepted means and separated from other parcels or portions by said description for the purpose of sale, lease, or separation.
- 2.536 **Lot width.** The minimum distance between:
- A. Side lot lines measured at the midpoint of the building line; and
 - B. Side lot lines at the ordinary high-water level, if applicable (see Figure 4).

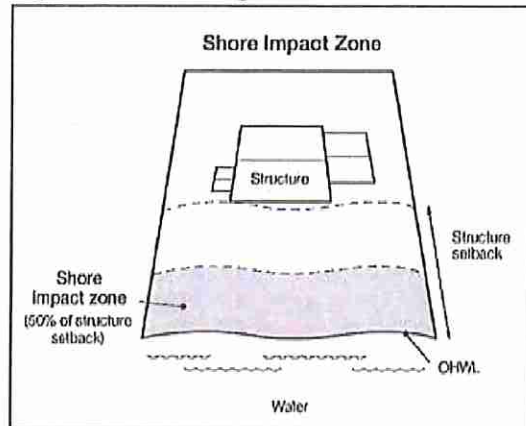
Figure 4. Lot Width



- 2.537 **Metallic minerals and peat.** "Metallic minerals and peat" has the meaning given under [Minnesota Statutes, Sections 93.44 to 93.51](#).
- 2.538 **Nonconformity.** Any legal use, structure or parcel of land already in existence, recorded, or authorized before the adoption of official controls or amendments to those controls that would not have been permitted to become established under the terms of the official controls as now written.
- 2.539 **Ordinary high water level.** The boundary of public waters and wetlands, and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.

- 2.540 **Planned unit development.** A type of development characterized by a unified site design for a number of dwelling units or dwelling sites on a parcel, whether for sale, rent, or lease, and also usually involving clustering of these units or sites to provide areas of common open space, density increases, and a mix of structure types and land uses. These developments may be organized and operated as condominiums, time-share condominiums, cooperatives, full fee ownership, commercial enterprises, or any combination of these, or cluster subdivisions of dwelling units, residential condominiums, townhouses, apartment buildings, dwelling grounds, recreational vehicle parks, resorts, hotels, motels, and conversions of structures and land uses to these uses.
- 2.541 **Public waters.** Any water as defined in [Minnesota Statutes, Section 103G.005, Subd. 15. 15a.](#)
- 2.542 **Residential planned unit development.** A use where the nature of residency is non transient, and the major or primary focus of the development is not service-oriented. For example, residential apartments, manufactured home parks, time-share condominiums, townhouses, cooperatives, and full fee ownership residences would be considered as residential planned unit developments. To qualify as a residential planned unit development, a development must contain at least five dwelling units or sites.
- 2.543 **Resort.** "Resort" has the meaning in [Minnesota Statute, Section 103F.227.](#)
- 2.544 **Semipublic use.** The use of land by a private, nonprofit organization to provide a public service that is ordinarily open to some persons outside the regular constituency of the organization.
- 2.545 **Setback.** The minimum horizontal distance between a structure, sewage treatment system, or other facility and an ordinary high-water level, sewage treatment system, top of a bluff, road, highway, property line, or other facility.
- 2.546 **Sewage treatment system.** "Sewage treatment system" has the meaning given under [Minnesota Rules, part 7080.1100, Subp. 82.](#)
- 2.547 **Sewer system.** Pipelines or conduits, pumping stations, and force main, and all other construction, devices, appliances, or appurtenances used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal.
- 2.548 **Shore impact zone.** Land located between the ordinary high-water level of a public water and a line parallel to it at a setback of 50 percent of the structure setback (see Figure 5).

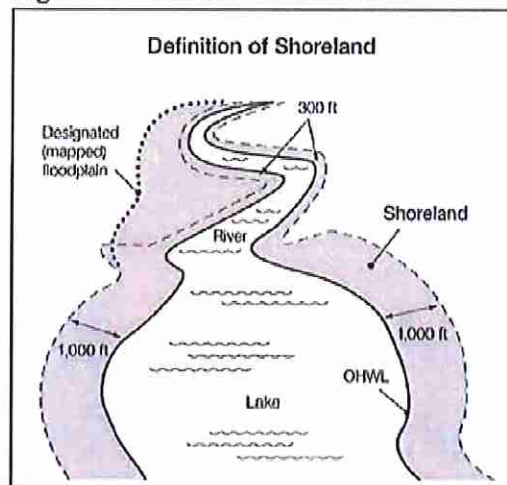
Figure 5. Shore Impact Zone



2.549 **Shoreland.** "Shoreland" means land located within the following distances from public waters:

- A. 1,000 feet from the ordinary high-water level of a lake, pond, or flowage; and
- B. 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater (see Figure 6).

Figure 6. Definition of Shoreland



2.550 **Shore recreation facilities.** Swimming areas, docks, watercraft mooring areas and launching ramps and other water recreation facilities.

2.551 **Significant historic site.** Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of [Minnesota Statutes, Section 307.08](#). A historic site meets these criteria if it is presently listed on either register

or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

- 2.552 **Steep slope.** Lands having average slopes over 12 percent, as measured over horizontal distances of 50 feet or more, which are not bluffs.
- 2.553 **Structure.** Any building or appurtenance, including decks, except aerial or underground utility lines, such as sewer, electric, telephone, telegraph, gas lines, towers, poles, and other supporting facilities.
- 2.554 **Subdivision.** Land that is divided for the purpose of sale, rent, or lease, including planned unit developments.
- 2.555 **Suitability analysis.** An evaluation of land to determine if it is appropriate for the proposed use. The analysis considers factors relevant to the proposed use and may include the following features: susceptibility to flooding; existence of wetlands; soils, erosion potential; slope steepness; water supply, sewage treatment capabilities; water depth, depth to groundwater and bedrock, vegetation, near-shore aquatic conditions unsuitable for water-based recreation; fish and wildlife habitat; presence of significant historic sites; or any other relevant feature of the natural land.
- 2.556 **Variance.** "Variance" means the same as that defined in [Section 462.357 Subd. 6 \(2\)](#).
- 2.557 **Water-oriented accessory structure or facility.** A small, above ground building or other improvement, except stairways, fences, docks, and retaining walls, which, because of the relationship of its use to surface water, reasonably needs to be located closer to public waters than the normal structure setback. Examples of such structures and facilities include, watercraft and watercraft equipment storage structures, gazebos, screen houses, fish houses, pump houses, saunas, patios, and detached decks. Boathouses and boat storage structures given the meaning under [Minnesota Statutes, Section 103G.245](#) are not a water-oriented accessory structures.
- 2.558 **Water-dependent use.** The use of land for commercial, industrial, public or semi-public purposes, where access to and use of a public water is an integral part of the normal conduct of operation. Marinas, resorts, and restaurants with transient docking facilities are examples of commercial uses typically found in shoreland areas.
- 2.559 **Wetland.** "Wetland" has the meaning given under [Minnesota Rule, part 8420.0111](#).

3.0 ADMINISTRATION

- 3.1 **Purpose.** The purpose of this Section is to identify administrative provisions to ensure the ordinance is administered consistent with its purpose.
- 3.2 **Permits.**
- 3.21 A permit is required for the construction of buildings or building additions (including construction of decks and signs and those grading and filling activities not exempted by Section 8.3 of this ordinance.
- 3.22 A certificate of compliance, consistent with Minnesota Rules Chapter 7082.0700 Subp. 3, is required whenever a permit or variance of any type is required for any improvement on or use of the property.
- 3.3 **Application materials.** Application for permits and other zoning applications such as variances shall be made to the Zoning Administrator on the forms provided as set forth in Chapter 6 of Eagle Lake City Code entitled "Planning and Zoning Regulations". The application shall include the necessary information so that the Zoning Administrator can evaluate how the application complies with the provisions of this ordinance.
- 3.4 **Certificate of Zoning Compliance.** The Zoning Administrator shall issue a certificate of zoning compliance for each activity requiring a permit as specified in Section 3.2 of this ordinance. This certificate will specify that the use of land conforms to the requirements of this ordinance. Any use, arrangement, or construction at variance with that authorized by permit shall be deemed a violation of this ordinance and shall be punishable as provided in Section 2.2 of this ordinance.
- 3.5 **Variances.** Variances may only be granted in accordance with Section 462.357 and are subject to the following:
- 3.51 A variance may not circumvent the general purposes and intent of this ordinance.
- 3.6 **Conditional Uses.** All conditional uses in the shoreland area are subject to a thorough evaluation of the waterbody and the topographic, vegetation, and soil conditions to ensure:
- 3.61 The prevention of soil erosion or other possible pollution of public waters, both during and after construction;
- 3.62 The visibility of structures and other facilities as viewed from public waters is limited;
- 3.63 There is adequate water supply and connection to sewer; and
- 3.64 The types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercrafts.
- 3.7 **Mitigation.**
- 3.71 In evaluating all variances, conditional uses, zoning and building permit applications, the zoning authority shall require the property owner to address the

following conditions, when related to and proportional to the impact, to meet the purpose of this ordinance, to protect adjacent properties, and the public interest:

- A. Advanced storm water runoff management treatment;
- B. Reducing impervious surfaces;
- C. Increasing setbacks from the ordinary high-water level;
- D. Restoration of wetlands;
- E. Limiting vegetation removal and/or riparian vegetation restoration;
- F. Provisions for the location, design, and use of structures, sewage treatment systems, water supply systems, watercraft launching and docking areas, and parking areas; and
- G. Other conditions the zoning authority deems necessary.

3.72 In evaluating plans to construct sewage treatment systems, roads, driveways, structures, or other improvements on steep slopes, conditions to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters assuming summer, leaf-on vegetation shall be attached to permits.

3.8 Nonconformities.

3.81 All legally established nonconformities as of the date of this ordinance may continue, but will be managed according to Minnesota Statutes, [462.357 Subd. 1e](#) and other regulations of this community for alterations and additions; repair after damage; discontinuance of use; and intensification of use.

3.82 All additions or expansions to the outside dimensions of an existing nonconforming structure must meet the setback, height, and other requirements of Sections 5.0 to 8.0 of this ordinance. Any deviation from these requirements must be authorized by a variance.

3.9 Notifications to the Department of Natural Resources.

3.91 All amendments to this shoreland ordinance must be submitted to the Department of Natural Resources for review and approval for compliance with the statewide shoreland management rules. **The City of Eagle Lake will submit the proposed ordinance amendments to the commissioner or the commissioner's designated representative at least 30 days before any scheduled public hearings.**

3.92 All notices of public hearings to consider variances, ordinance amendments, or conditional uses under shoreland management controls must be sent to the commissioner or the commissioner's designated representative at least ten (10) days before the hearings. Notices of hearings to consider proposed subdivisions/plats must include copies of the subdivision/plat.

- 3.93 All approved ordinance amendments and subdivisions/plats, and final decisions approving variances or conditional uses under local shoreland management controls must be sent to the commissioner or the commissioner's designated representative and postmarked within ten days of final action. When a variance is approved after the Department of Natural Resources has formally recommended denial in the hearing record, the notification of the approved variance shall also include the summary of the public record/testimony and the findings of facts and conclusions which supported the issuance of the variance.
- 3.94 Any request to change the shoreland management classification of public waters within the City of Eagle Lake must be sent to the commissioner or the commissioner's designated representative for approval, and must include a resolution and supporting data as required by [Minnesota Rules, part 6120.3000, subp.4.](#)
- 3.95 Any request to reduce the boundaries of shorelands of public waters within the City of Eagle Lake must be sent to the commissioner or the commissioner's designated representative for approval and must include a resolution and supporting data. The boundaries of shorelands may be reduced when the shoreland of water bodies with different classifications overlap. In these cases, the topographic divide between the water bodies shall be used for adjusting the boundaries.

3.10 Mandatory EAW. An Environmental Assessment Worksheet consistent with Minnesota Rules, Chapter 4410 must be prepared for projects meeting the thresholds of [Minnesota Rules, part 4410.4300, Subparts 19a, 20a, 25, 27, 28, 29, and 36a.](#)

4.0 SHORELAND CLASSIFICATION SYSTEM AND LAND USES

4.1 Shoreland Classification System.

- 4.11 Purpose. To ensure that shoreland development on the public waters of the City of Eagle Lake is regulated consistent with the classifications assigned by the commissioner under [Minnesota Rules, part 6120.3300.](#)
- 4.12 **The shoreland area for the waterbodies listed in Sections 4.13 to 4.15 are defined in Section 2.550 and are shown on the Official Zoning Map.**
- 4.13 Lakes are classified as follows:

Natural environment (NE).

Natural Environment Lake Name	DNR Public Waters I.D. #	OHWL
Eagle South	7-6002	989.40

4.2 Land Uses.

- 4.21 Purpose. To identify land uses that are compatible with the protection and preservation of shoreline resources in order to conserve the economic and environmental values of shoreland and sustain water quality.
- 4.22 Shoreland district land uses listed in Sections 4.23 and 4.24 are regulated as:
- A. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed;
 - B. Conditional uses (C). These uses are allowed through a conditional use permit. The use must be evaluated according to the criteria in Section 3.6 of this ordinance and any additional conditions listed in this ordinance; and
 - C. Not permitted uses (N). These uses are prohibited.

4.23 Land uses for lake classifications:

Land Uses	Natural Environment
Single residential	P
Duplex, triplex, quad residential	C
Residential PUD	C
Water-dependent commercial - Accessory to residential PUD	C
Commercial	C
Commercial PUD - Expansion of PUD involving up to six additional units or sites allowed as a permitted use provided the provisions of Section 10.0 are satisfied.	C
Solar Power Facilities (principal land use)	C
Parks & historic sites	C
Public, semipublic	P
Industrial	C
Agricultural: cropland and pasture	P
Agricultural feedlots: New	N
Agricultural feedlots: Expansion or resumption of existing	C
Forest management	P
Forest land conversion	C
Extractive use	C

Land Uses	Natural Environment
Mining of metallic minerals and peat	P

5.0 SPECIAL LAND USE PROVISIONS

5.1 Commercial, Industrial, Public, and Semipublic Use Standards.

5.11 Water-dependent uses may be located on parcels or lots with frontage on public waters provided that:

- A. The use complies with provisions of Section 7.0;
- B. The use is designed to incorporate topographic and vegetative screening of parking areas and structures;
- C. Uses that require short-term watercraft mooring for patrons must centralize these facilities and design them to avoid obstructions of navigation and to be the minimum size necessary to meet the need; and
- D. Uses that depend on patrons arriving by watercraft may use signs and lighting, provided that:
 - (1) Signs placed in or on public waters must only convey directional information or safety messages and may only be placed by a public authority or under a permit issued by the county sheriff; and
 - (2) Signs placed within the shore impact zone are:
 - (a) No higher than ten feet above the ground, and no greater than 32 square feet in size; and
 - (b) If illuminated by artificial lights, the lights must be shielded or directed to prevent illumination across public waters; and
 - (3) Other lighting may be located within the shore impact zone or over public waters if it is used to illuminate potential safety hazards and is shielded or otherwise directed to prevent direct illumination across public waters. This does not preclude use of navigational lights.

5.12 Commercial, industrial, public, and semi-public uses that are not water-dependent must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must either be set back double the ordinary high water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

5.2 Agriculture Use Standards.

5.21 Buffers.

- A. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.
 - B. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in perennial vegetation or operated under an approved conservation plan consistent with the field office technical guides of the local soil and water conservation district or the Natural Resource Conservation Service, and as approved by the local soil and water conservation district.
- 5.22 New animal feedlots are not allowed in shoreland. Modifications or expansions to existing feedlots or resumption of old feedlots are conditional uses and must meet the following standards:
- A. Feedlots must be designed consistent with [Minnesota Rules, Chapter 7020](#);
 - B. Feedlots must not further encroach into the existing ordinary high-water level setback or the bluff impact zone and must not expand to a capacity of 1,000 animal units or more; and,
 - C. Old feedlots not currently in operation may resume operation consistent with [Minnesota Statutes, Section 116.0711](#).

5.3 Forest Management Standards.

- 5.31 The harvesting of timber and associated reforestation must be conducted consistent with the applicable provisions of the Sustaining Minnesota Forest Resources: Voluntary Site-Level Forest Management Guidelines for Landowners, Loggers and Resource Managers.
- 5.32 Intensive vegetation clearing for forest land conversion to another use is a conditional use subject to an erosion control and sedimentation plan developed and approved by the soil and water conservation district.

5.4 Extractive Use Standards. Extractive uses are conditional uses and must meet the following standards:

- 5.41. Site Development and Restoration Plan. A site development and restoration plan must be developed, approved, and followed over the course of operation. The plan must:
- A. Address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations;
 - B. Identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion; and
 - C. Clearly explain how the site will be rehabilitated after extractive activities end.

5.42 Setbacks for Processing Machinery. Processing machinery must meet structure setback standards from ordinary high-water levels and from bluffs.

5.5 **Metallic Mining Standards.** Mining of metallic minerals and peat is a permitted use provided the provisions of [Minnesota Statutes, Sections 93.44 to 93.51](#), are satisfied.

6.0 DIMENSIONAL AND GENERAL PERFORMANCE STANDARDS

6.1 **Purpose.** To establish dimensional and performance standards that protect shoreland resources from impacts of development.

6.2 **Lot Area and Width Standards.** After the effective date of this ordinance, all new lots must meet the minimum lot area and lot width requirements in Sections 6.25 and 6.26, subject to the following standards:

6.21 Only lands above the ordinary high-water level can be used to meet lot area and width standards;

6.22 Lot width standards must be met at both the ordinary high-water level and at the building line;

6.23 The sewer lot area dimensions can only be used if publicly owned sewer system service is available to the property;

6.24 Residential subdivisions with dwelling unit densities exceeding those in Sections 6.25 and 6.26 are allowed only if designed and approved as residential PUDs under Section 10.0 of this ordinance; and

6.25 **Lake Minimum Lot Area and Width Standards:**

Natural environment lake – No sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	80,000	200	80,000	200
Duplex	120,000	300	160,000	400
Triplex	160,000	400	240,000	600
Quad	200,000	500	320,000	800

Natural environment lake – Sewer

Lot Type	Riparian Lot Area (sf)	Riparian Lot Width (ft)	Nonriparian Lot Area (sf)	Nonriparian Lot Width (ft)
Single	40,000	125	20,000	125
Duplex	70,000	225	35,000	220
Triplex	100,000	325	52,000	315
Quad	130,000	425	65,000	410

6.3 Special Residential Lot Provisions.

6.31 Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:

- A. Each building must be set back at least 200 feet from the ordinary high-water level;
- B. Each building must be connected to sewer and water and serve all dwelling units in the building;
- C. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and
- D. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

6.32 Controlled access lots are permissible if created as part of a subdivision and in compliance with the following standards:

- A. The lot must meet the area and width requirements for residential lots, and be suitable for the intended uses of controlled access lots as provided in item D;
- B. If docking, mooring, or over-water storage of more than six (6) watercraft is to be allowed at a controlled access lot, then the width of the lot (keeping the same lot depth) must be increased by a percentage of the requirements for riparian residential lots for each watercraft beyond six, consistent with the following table:

Ratio of lake size to shore length (acres/mile)	Required percent increase in frontage
Less than 100	25%
100 – 200	20%
201 – 300	15%
301 – 400	10%
Greater than 400	5%

- C. The lot must be jointly owned by all purchasers of lots in the subdivision or by all purchasers of non-riparian lots in the subdivision who are provided riparian access rights on the access lot; and
- D. Covenants or other equally effective legal instruments must be developed that:
 - (1) Specify which lot owners have authority to use the access lot;
 - (2) Identify what activities are allowed. The activities may include watercraft launching, loading, storage, beaching, mooring, docking, swimming, sunbathing, or picnicking;
 - (3) Limit the total number of vehicles allowed to be parked and the total number of watercraft allowed to be continuously moored, docked, or stored over water;
 - (4) Require centralization of all common facilities and activities in the most suitable locations on the lot to minimize topographic and vegetation alterations; and
 - (5) Require all parking areas, storage buildings, and other facilities to be screened by vegetation or topography as much as practical from view from the public water, assuming summer, leaf-on conditions.

6.33 Access Easements. Easements providing access to boat docking and mooring facilities to non-riparian property owners are prohibited.

6.4 Placement, Height, and Design of Structures.

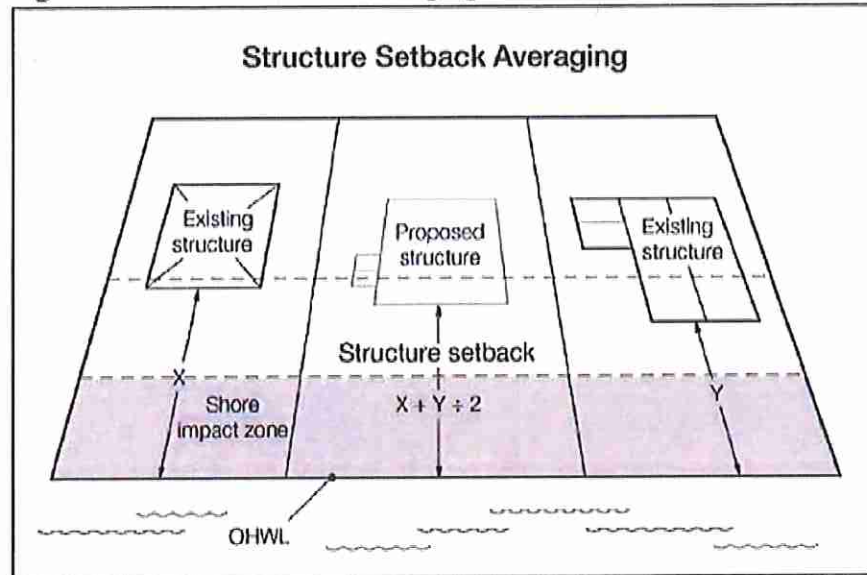
6.41 OHWL Setback for Structures and Sewage Treatment Systems. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks, and comply with the following OHWL setback provisions. The structure setback standards for sewer properties can only be used if publicly owned sewer system service is available.

Waterbody Classification	Structures with <u>No Sewer</u>	Structures with <u>Sewer</u>
Natural Environment Lakes	150	150

- A. OHWL Setbacks. Structures and impervious surfaces must meet setbacks from the Ordinary High Water Level (OHWL), except that one water-oriented accessory structure or facility, designed in accordance with Section 7.3 of this ordinance, may be set back a minimum distance of ten (10) feet from the OHWL:
- B. Setback averaging. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered without a variance to conform to the adjoining setbacks from the OHWL, provided the

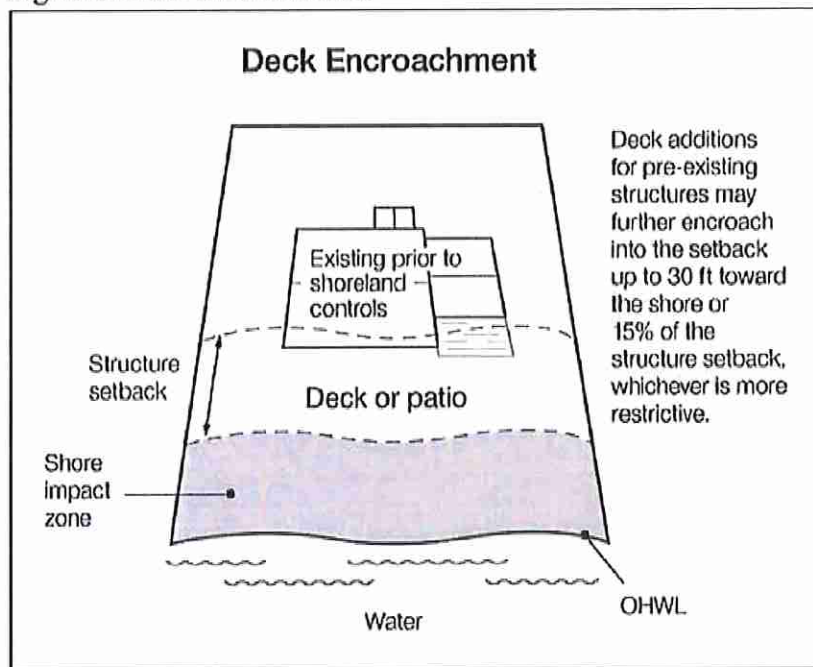
proposed structure is not located in a shore impact zone or in a bluff impact zone (see Figure 7);

Figure. 7 Structure Setback Averaging



- C. *Setbacks of decks.* Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:
- (1) The structure existed on the date the structure setbacks were established;
 - (2) A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high-water level setback of the structure;
 - (3) The deck encroachment toward the ordinary high-water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
 - (4) The deck is constructed primarily of wood, and is not roofed or screened (see Figure 8).

Figure 8. Deck Encroachment



D. Additional structure setbacks. Structures must also meet the following setbacks, regardless of the waterbody classification:

Setback from:	Setback (ft)
Top of bluff	30
Unplatted cemetery	50
Right-of-way line of federal, state, or county highway	50
Right-of-way line of town road, public street, or other roads not classified	20

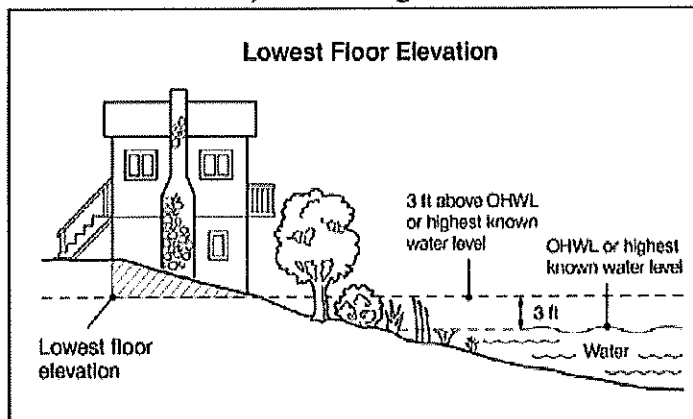
E. *Bluff Impact Zones*. Structures, impervious surfaces, and accessory facilities, except stairways and landings, must not be placed within bluff impact zones.

6.42 Height of Structures. All structures in residential districts in cities, except churches and nonresidential agricultural structures, must not exceed 25 feet in height.

6.43 Lowest Floor Elevation.

Determining elevations. Structures must be placed at an elevation consistent with the applicable floodplain regulatory elevations. Where these controls do not exist, the elevation to which the lowest floor, including basement, is placed or flood-proofed must be determined as follows:

- A. For lakes, by placing the lowest floor at a level at least three feet above the highest known water level, or three feet above the ordinary high-water level, whichever is higher (see Figure 9);
- B. For rivers and streams, by placing the lowest floor at least three feet above the highest known flood elevation. If highest known flood elevation is not available, by placing the lowest floor at least three feet above the ordinary high-water level (see Figure 9), or by conducting a technical evaluation to establish a flood protection elevation. Technical evaluations must be done by a qualified engineer or hydrologist consistent with Minnesota Rules, parts 6120.5000 to 6120.6200.
- C. Methods for placement.
 - (1) In addition to the lowest floor, all service utilities must be elevated or water-tight to the elevation determined in part A.
 - (2) If elevation methods involving fill would result in filling in the SIZ, then structures must instead be elevated through floodproofing methods in accordance with 6.43(B)(3) below;
 - (3) If the structure is floodproofed, then it must be built to resist hydrostatic pressure through elevation methods such as blocks, pilings, filled stem walls, elevated concrete pad, internally flooded enclosed areas, or through other accepted engineering practices consistent with FEMA technical bulletins 1, 2 and 3. Figure 9. Lowest Floor Elevation



6.44 Significant Historic Sites. No structure may be placed on a significant historic site in a manner that affects the values of the site unless adequate information about the site has been removed and documented in a public repository.

6.5 Water Supply and Sewage Treatment.

6.51 Water supply. Any public or private supply of water for domestic purposes must meet or exceed standards for water quality of the Minnesota Department of Health and the Minnesota Pollution Control Agency. See also Chapter 8 of Eagle Lake City Code.

- 6.52 Sewage treatment. Any premises used for human occupancy must be connected to a publicly-owned sewer system, where available or comply with [Minnesota Rules, Chapters 7080 – 7081](#). See also Chapter 9 of Eagle Lake City Code.

PERFORMANCE STANDARDS FOR PUBLIC AND PRIVATE FACILITIES

- 7.1 Placement and Design of Roads, Driveways, and Parking Areas. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening as viewed from public waters and comply with the following standards:
- 7.11 Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and shore impact zones, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas, and must be designed to minimize adverse impacts;
 - 7.12 Watercraft access ramps, approach roads, and access-related parking areas may be placed within shore impact zones provided the vegetative screening and erosion control conditions of this subpart are met;
 - 7.13 Private facilities must comply with the grading and filling provisions of Section 8.3 of this ordinance; and
 - 7.14 For public roads, driveways and parking areas, documentation must be provided by a qualified individual that they are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.
- 7.2 Stairways, Lifts, and Landings. Stairways and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas. Stairways, lifts, and landings must meet the following design requirements:
- 7.21 Stairways and lifts must not exceed four feet in width on residential lots. Wider stairways may be used for commercial properties, public recreational uses, and planned unit developments;
 - 7.22 Landings for stairways and lifts on residential lots must not exceed 32 square feet in area. Landings larger than 32 square feet may be used for commercial properties, public-space recreational uses, and planned unit developments;
 - 7.23 Canopies or roofs are not allowed on stairways, lifts, or landings;
 - 7.24 Stairways, lifts, and landings may be either constructed above the ground on posts or pilings, or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion;

- 7.25 Stairways, lifts, and landings must be located in the most visually inconspicuous portions of lots, as viewed from the surface of the public water assuming summer, leaf-on conditions, whenever practical; and
- 7.26 Facilities such as ramps, lifts, or mobility paths for physically handicapped persons are also allowed for achieving access to shore areas, if they are consistent with the dimensional and performance standards of sub items 7.21 to 7.25 and the requirements of [Minnesota Rules, Chapter 1341](#).
- 7.3 Water-oriented Accessory Structures or Facilities. Each residential lot may have one water-oriented accessory structure or facility if it complies with the following provisions:
- 7.31 The structure or facility must not exceed ten feet in height, exclusive of safety rails, and cannot occupy an area greater than 250 square feet. The structure or facility may include detached decks not exceeding eight feet above grade at any point or at-grade patios;
- 7.32 The structure or facility is not in the Bluff Impact Zone;
- 7.33 The setback of the structure or facility from the ordinary high-water level must be at least ten feet;
- 7.34 The structure is not a boathouse or boat storage structure as defined under [Minnesota Statutes, Section 103G.245](#);
- 7.35 The structure or facility must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;
- 7.36 The roof may be used as an open-air deck with safety rails, but must not be enclosed with a roof or sidewalls or used as a storage area;
- 7.37 The structure or facility must not be designed or used for human habitation and must not contain water supply or sewage treatment facilities;
- 7.38 As an alternative for general development and recreational development waterbodies, water-oriented accessory structures used solely for storage of watercraft and boating-related equipment may occupy an area up to 400 square feet provided the maximum width of the structure is 20 feet as measured parallel to the shoreline; and
- 7.39 Water-oriented accessory structures may have the lowest floor placed lower than the elevation specified in Section 6.43 if the structure is designed to accommodate internal flooding, constructed of flood-resistant materials to the elevation, electrical and mechanical equipment is placed above the elevation and, if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.

VEGETATION AND LAND ALTERATIONS

8.1 **Purpose.** Alterations of vegetation and topography are regulated to prevent erosion into public waters, fix nutrients, preserve shoreland aesthetics, preserve historic values, prevent bank slumping, sustain water quality, and protect fish and wildlife habitat.

8.2 **Vegetation Management.**

8.21 Removal or alteration of vegetation must comply with the provisions of this subsection except for:

- A. Vegetation alteration necessary for the construction of structures and sewage treatment systems under validly issued permits for these facilities;
- B. The construction of public roads and parking areas if consistent with Section 7.1 of this ordinance;
- C. Forest management uses consistent with Section 5.3 of this ordinance; and
- D. Agricultural uses consistent with Section 5.2 of this ordinance.

8.22 Intensive vegetation clearing in the shore and bluff impact zones and on steep slopes is prohibited. Intensive clearing outside of these areas is allowed if consistent with the forest management standards in Section 5.3 of this ordinance.

8.23 Limited clearing and trimming of trees and shrubs in the shore and bluff impact zones and on steep slopes, is allowed to provide a view to the water from the principal dwelling and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, beach and watercraft access areas, and permitted water-oriented accessory structures or facilities, provided that:

- A. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;
- B. Existing shading of water surfaces along rivers is preserved;
- C. Cutting debris or slash shall be scattered and not mounded on the ground; and
- D. Perennial ground cover is retained.
- E. Picnic areas, access paths, livestock watering areas, beaches and watercraft access areas are prohibited in bluff impact zones.

8.24 Removal of trees, limbs, or branches that are dead, diseased, dying, or pose safety hazards is allowed without a permit.

8.25 Fertilizer and pesticide runoff into surface waters must be minimized through use of vegetation, topography or both.

8.3 **Grading and Filling.**

8.31 Grading and filling activities must comply with the provisions of this subsection except for the construction of public roads and parking areas if consistent with Section 7.1 of this ordinance.

8.32 Permit Requirements.

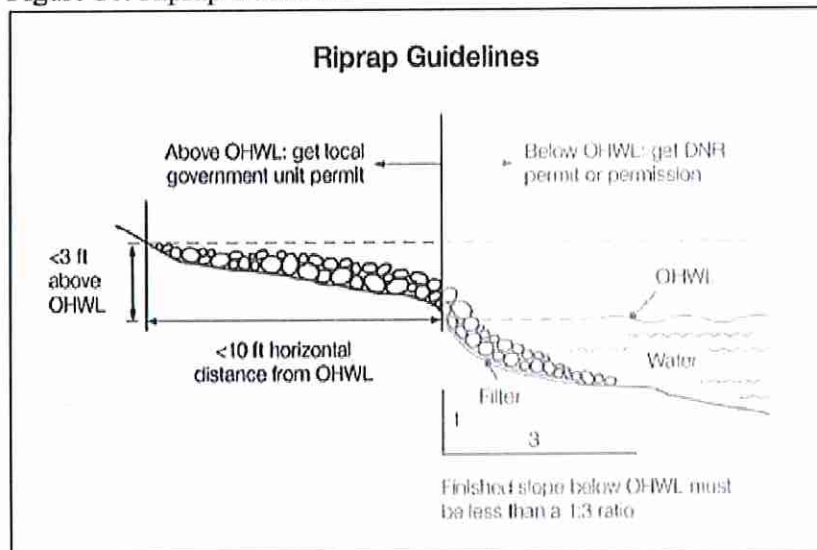
- A. Grading, filling and excavations necessary for the construction of structures, sewage treatment systems, and driveways, if part of an approved permit, do not require a separate grading and filling permit. However, the standards in Section 8.33 of this ordinance must be incorporated into the permit.
- B. For all other work, including driveways not part of another permit, a grading and filling permit is required for:
 - (1) the movement of more than 10 cubic yards of material on steep slopes or within shore or bluff impact zones; and
 - (2) the movement of more than 50 cubic yards of material outside of steep slopes and shore and bluff impact zones.

8.33 Grading, filling and excavation activities must meet the following standards:

- A. Grading or filling of any wetland must meet or exceed the wetland protection standards under [Minnesota Rules, Chapter 8420](#) and any other permits, reviews, or approvals by other local state, or federal agencies such as watershed districts, the DNR or US Army Corps of Engineers;
- B. Land alterations must be designed and implemented to minimize the amount of erosion and sediment from entering surface waters during and after construction consistently by:
 - (1) Limiting the amount and time of bare ground exposure;
 - (2) Using temporary ground covers such as mulches or similar materials;
 - (3) Establishing permanent, deep-rooted and dense vegetation cover as soon as possible;
 - (4) Using sediment traps, vegetated buffer strips or other appropriate techniques;
 - (5) Stabilizing altered areas to acceptable erosion control standards consistent with the field office technical guides of the soil and water conservation district;
 - (6) Not placing fill or excavated material in a manner that creates unstable slopes. Plans to place fill or excavated material on steep slopes must be reviewed by qualified professionals for continued slope stability and must not create finished slopes of 30 percent or greater;
 - (7) Fill or excavated material must not be placed in bluff impact zones;

- (8) Any alterations below the ordinary high water level of public waters must first be authorized by the commissioner under [Minnesota Statutes, Section 103G](#);
- (9) Alterations of topography are only allowed if they are accessory to permitted or conditional uses and do not adversely affect adjacent or nearby properties; and
- (10) Placement of natural rock riprap, including associated grading of the shoreline and placement of a filter blanket, is permitted if:
 - (a) the finished slope does not exceed three feet horizontal to one-foot vertical;
 - (b) the landward extent of the riprap is within ten feet of the ordinary high-water level; and
 - (c) the height of the riprap above the ordinary high-water level does not exceed three feet (see Figure 10).

Figure 10. Riprap Guidelines



8.34 Connections to public waters. Excavations to connect boat slips, canals, lagoons, and harbors to public waters require a public waters permit and must comply with [Minnesota Rules, Chapter 6115](#).

8.4 Stormwater Management.

8.41 General Standards:

- A. When possible, existing natural drainageways, and vegetated soil surfaces must be used to convey, store, filter, and retain stormwater runoff before discharge to public waters.

- B. Development must be planned and conducted in a manner that will minimize the extent of disturbed areas, runoff velocities, erosion potential, and reduce and delay runoff volumes. Disturbed areas must be stabilized as soon as possible and appropriate facilities or methods used to retain sediment on the site.
- C. When development density, topography, soils, and vegetation are not sufficient to adequately handle stormwater runoff, constructed facilities such as settling basins, skimming devices, dikes, waterways, ponds and infiltration may be used. Preference must be given to surface drainage, vegetation, and infiltration rather than buried pipes and man-made materials and facilities.

8.42 Specific Standards:

- A. Impervious surfaces of lots must not exceed 25 percent of the lot area.
- B. When constructed facilities are used for stormwater management, documentation must be provided by a qualified individual that they are designed and installed consistent with the field office technical guide of the local soil and water conservation district or the Minnesota Stormwater Manual, as applicable.
- C. New constructed stormwater outfalls to public waters must be consistent with [Minnesota Rules, part 6115.0231](#).

SUBDIVISION/PLATTING PROVISIONS

9.1 **Purpose.** To ensure that new development minimizes impacts to shoreland resources and is safe and functional.

9.2 **Land suitability.** Each lot created through subdivision, including planned unit developments authorized under Section 10.0 of this ordinance, must be suitable in its natural state for the proposed use with minimal alteration. A suitability analysis must be conducted for each proposed subdivision, including planned unit developments, to determine if the subdivision is suitable in its natural state for the proposed use with minimal alteration and whether any feature of the land is likely to be harmful to the health, safety, or welfare of future residents of the proposed subdivision or of the community.

9.3 **Consistency with other controls.** Subdivisions and each lot in a subdivision shall meet all official controls so that a variance is not needed later to use the lots for their intended purpose.

9.4 **Water and Sewer Design Standards.**

9.41 A potable water supply and a sewage treatment system consistent with Minnesota Rules, Chapters 7080 – 7081 must be provided for every lot. See also Chapters 8 and 9 of Eagle Lake City Code.

9.42 Each lot must include at least two soil treatment and dispersal areas that support systems described in Minnesota Rules, parts 7080.2200 to 7080.223 or site conditions described in part 7081.0270, subparts 3 to 7, as applicable.

9.43 Lots that would require use of holding tanks are prohibited.

9.5 Information requirements.

9.51 Topographic contours at ten-foot intervals or less from United States Geological Survey maps or more current sources, showing limiting site characteristics;

9.52 The surface water features required in Minnesota Statutes, section 505.021, Subd. 1, to be shown on plats, obtained from United States Geological Survey quadrangle topographic maps or more current sources;

9.53 Adequate soils information to determine suitability for building and sewage treatment capabilities for every lot from the most current existing sources or from field investigations such as soil borings, percolation tests, or other methods;

9.54 Information regarding adequacy of domestic water supply; extent of anticipated vegetation and topographic alterations; near-shore aquatic conditions, including depths, types of bottom sediments, and aquatic vegetation; and proposed methods for controlling stormwater runoff and erosion, both during and after construction activities;

9.55 Location of 100-year flood plain areas and floodway districts from existing adopted maps or data; and

9.56 A line or contour representing the ordinary high-water level, the “toe” and the “top” of bluffs, and the minimum building setback distances from the top of the bluff and the lake or stream.

9.6 **Dedications.** When a land or easement dedication is a condition of subdivision approval, the approval must provide easements over natural drainage or ponding areas for management of stormwater and significant wetlands.

9.7 **Platting.** All subdivisions that cumulatively create five or more lots or parcels that are 2-1/2 acres or less in size shall be processed as a plat in accordance with Minnesota Statutes, Chapters 462.358 Subd. 3a and 505. No permit for construction of buildings or sewage treatment systems shall be issued for lots created after the adoption of this ordinance unless the lot was previously approved as part of a formal subdivision.

- 9.8 **Controlled Access Lots.** Controlled access lots within a subdivision must meet or exceed the lot size criteria in Section 6.33 of this ordinance.

PLANNED UNIT DEVELOPMENTS (PUDs)

- 10.1 **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
- 10.2 **Types of PUDs Permissible.** Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of Section 6.2 of this ordinance is allowed if the standards in this Section are met.
- 10.3 **Processing of PUDs.** Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in Section 10.5. Approval cannot occur until all applicable environmental reviews are complete.
- 10.4 **Application for a PUD.** The applicant for a PUD must submit the following documents prior to final action on the application request:
- 10.41 Site plan and/or plat showing:
- A. Locations of property boundaries;
 - B. Surface water features;
 - C. Existing and proposed structures and other facilities;
 - D. Land alterations;
 - E. Sewage treatment and water supply systems (where public systems will not be provided);
 - F. Topographic contours at ten-foot intervals or less; and
 - G. Identification of buildings and portions of the project that are residential, commercial, or a combination of the two (if project combines commercial and residential elements).

- 10.42 A property owner's association agreement (for residential PUD's) with mandatory membership, and consistent with Section 10.6 of this ordinance.
- 10.43 Deed restrictions, covenants, permanent easements or other instruments that:
 - A. Address future vegetative and topographic alterations, construction of additional buildings, beaching of watercraft, and construction of commercial buildings in residential PUDs; and
 - B. Ensure the long-term preservation and maintenance of open space in accordance with the criteria and analysis specified in Section 10.6 of this ordinance.
- 10.44 A master plan/site plan describing the project and showing floor plans for all commercial structures.
- 10.45 Additional documents necessary to explain how the PUD will be designed and will function.

10.5 Density Determination. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

- 10.51 Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

Waterbody Classification	No Sewer (ft)	Sewer (ft)
Natural Environment Lakes	400	320

- 10.52 Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all wetlands, bluffs, or land below the ordinary high water level of public waters.
- 10.53 Step 3. Determine Base Density:
 - A. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width by the minimum single residential lot width.
 - B. For commercial PUDs:
 - (1) Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.
 - (a) For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios,

garages, or porches and basements, unless they are habitable space.

(b) For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

(i.) For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.

(2) For recreational vehicles, campers or tents, use 400 sf.

(a) Select the appropriate **floor area/dwelling site area ratio** from the following table for the floor area or dwelling site area determined in Section 10.53 B. 1.

Inside Living Floor Area or Dwelling Site Area (sf)	Natural Environment Lakes Remote Rivers
≤ 200	.010
300	.012
400	.014
500	.016
600	.019
700	.021
800	.023
900	.025
1,000	.027
1,100	.029
1,200	.032
1,300	.034
1,400	.036
≥ 1,500	.038

(3) Multiply the suitable area within each tier determined in Section 10.52 by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

(4) Divide the total floor area or dwelling site area for each tier calculated in Section 10.53 B. 3 by the average inside living floor area for dwelling units or dwelling site area determined in 10.53 B 1. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

- C. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.
- D. All PUDs with densities at or below the base density must meet the design standards in Section 10.6
- E. Step 4. Determine if the Site can Accommodate Increased Density:
 - (a) The following increases to the dwelling unit or dwelling site base densities determined in Section 10.53 are allowed if the design criteria in Section 10.6 of this ordinance are satisfied as well as the standards in Section 10.54, item B:

Shoreland Tier	Maximum density increase within each tier (percent)
1 st	50
2 nd	100
3 rd	200
4 th	200
5 th	200

- (b) Structure setbacks from the ordinary high-water level:
 - (i.) Are increased to at least 50 percent greater than the minimum setback; or
 - (ii.) The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

10.6 Design Criteria. All PUDs must meet the following design criteria.

10.61 General Design Standards.

- A. All residential planned unit developments must contain at least five dwelling units or sites.
- B. On-site water supply and sewage treatment systems must be centralized and meet the standards in Section 6.5 of this ordinance. Sewage treatment systems must meet the setback standards of Section 6.41, item A of this ordinance.
- C. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

D. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in Sections 6.41, 6.42, and 6.43:

- (1) Shore recreation facilities:
- (2) Must be centralized and located in areas suitable for them based on a suitability analysis.
- (3) The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

E. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

F. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

G. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

H. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in Section 7.3 of this ordinance and are centralized.

10.62 Open Space Requirements.

A. Open space must constitute at least 50 percent of the total project area and must include:

- (1) Areas with physical characteristics unsuitable for development in their natural state;
- (2) Areas containing significant historic sites or unplatted cemeteries;
- (3) Portions of the shore impact zone preserved in its natural or existing state as follows:
- (4) (a) For existing residential PUD's, at least 50 percent of the shore impact zone
 - (i) For new residential PUDs, at least 70 percent of the shore impact zone.

(b (ii) For all commercial PUD's, at least 50 percent of the shore impact zone.

B. Open space may include:

- (1) Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;
- (2) Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and
- (3) Non-public water wetlands.

C. Open space shall not include:

- (1) Dwelling sites or lots, unless owned in common by an owners association;
- (2) Dwelling units or structures, except water-oriented accessory structures or facilities;
- (3) Road rights-of-way or land covered by road surfaces and parking areas;
- (4) Land below the OHWL of public waters; and
- (5) Commercial facilities or uses.

10.63 Open Space Maintenance and Administration Requirements.

A. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

- (1) Commercial uses (for residential PUD's);
- (2) Vegetation and topographic alterations other than routine maintenance;
- (3) Construction of additional buildings or storage of vehicles and other materials; and
- (4) Uncontrolled beaching of watercraft.

B. Development organization and functioning. Unless an equally effective alternative community framework is established, all residential planned unit developments must use an owners association with the following features:

- (1) Membership must be mandatory for each dwelling unit or dwelling site owner and any successive owner;

- 2) Each member must pay a pro rata share of the association's expenses, and unpaid assessments can become liens on units or dwelling sites;
- (3) Assessments must be adjustable to accommodate changing conditions; and
- (4) The association must be responsible for insurance, taxes, and maintenance of all commonly owned property and facilities.

10.64 Erosion Control and Stormwater Management.

10.65 A. Erosion control plans must be developed and must be consistent with the provisions of Section 8.3 of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

B. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.

(1) For residential PUDs, impervious surface for the entire project site must not exceed 25%.

(2) For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area.

10.7 Conversions. Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

10.71 Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;

10.72 Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;

10.73 Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

A. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

B. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and

C. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or

substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

- 10.74 Existing dwelling unit or dwelling site densities that exceed standards in Section 10.5 of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

Adopted by the Eagle Lake City Council this 6th day of July 2020.

Tim Auringer
Mayor

ATTEST:

Jennifer J. Bromeland
City Administrator

Appendix D: MnDNR Correspondence



Division of Ecological & Water Resources
Region 4 (Southern Region)
21371 Highway 15 South
New Ulm, MN 56073

October 20, 2021

Subject: DNR comments on Mankato Motorsports Supplement EAW Preparation

Dear Gina,

Thank you for the opportunity to comment on the Mankato Motorsports Park as a supplemental EAW is being prepared. Some of the below comments reference the original DNR comment letter; please refer to that letter for details as necessary. We offer the following comments:

1. We originally commented that DNR-approved shoreland ordinance was necessary and that the development must use the commercial development process. Please provide evidence that these processes have been met.
2. The project should consider alternate locations that are not adjacent or pose risk to significant natural resources, such as Eagle Lake, a Designated Wildlife Lake and Natural Environmental Lake. For context, I have included a map of the park and the lake area. From this "eagle's-eye view", one can see how this park would result in a substantial change to the area around the lake. Potential impacts on the lake due to the proximity include noise, light, and fumes which are known to disrupt growth, behavior, reproduction, and ultimately wildlife survival.
3. The project should conduct a cumulative impact climate change analysis, as referred to in the appeals court decision.
4. If the project is not able to re-locate, then the project should conduct additional studies, as referred to in the appeals court decision:
 - a. In-depth wildlife use study for the lake including nesting, migration, and other activities. Such study would be conducted by the project and include sufficient scientific rigor and standard techniques at biologically relevant times. DNR would like to review the study plans before the studies are conducted. We again included the wildlife and vegetation shallow lake surveys previously sent by DNR staff. These reports illustrate a one-day visit and are not intended to provide a full picture of wildlife use from day to day or throughout the year. Healthy shallow lakes provide unique habitat for numerous species.
 - b. Detailed noise and light studies where the results are assessed in the context of the identified wildlife species present to assess potential impacts.
5. The DNR may develop recommendations based on the documented wildlife use and impact study information. However, preliminary recommendations (in addition to those that the project recently noted in email correspondence to the DNR, noted at the bottom of this letter) include:
 - a. Limiting or restricting track use during certain times or seasons.
 - b. Provide more information on the night lighting for DNR comment. The documentation states that the track will not be lit but other lighting will be used. Provide more specific information on

proposed facility night lighting for DNR comment. This must include how the project intends to reduce/mitigate ecological impacts to sensitive species and conservation lands from artificial lighting at night (ALAN) also referred to as ecological light pollution (ELP). Measures may include but are not limited to features such as lighting directionality, type, lumens, wavelengths, shielding, duration, frequency, seasonality, energy source(s).

- c. Provide more details on hours available for use. Right now, use is proposed sun-up to sun-down. Is this correct? Are there other after-dark uses? Please specify the uses and identify those locations.
- d. Provide clarifying information on the berm and noise wall as all provided documentation has some inconsistencies.
- e. Will the area between the track berm and lake be protected with an easement? Having a permeant native vegetated easement in this location could offer some mitigation.
- f. Provide a detailed landscaping plan for DNR comment. Some preliminary considerations and recommendations on the landscaping plan are:
 - i. Consider the use of an extensive tree buffer between the berm and the lake to further reduce and filter noise, light, and fumes.
 - ii. Seed mixes should be selected based on site conditions, particularly the soil type and moisture conditions. [Example seed mixes are provided by BWSR.](#)
 - iii. Warm season short grasses and forbs may be most appropriate in many areas within the track to provide ecosystem services while also limiting nesting habitat and associated issues within the track area.
 - iv. If haying or mowing is used as a prairie management tool, restrict to after July 15.
 - v. Native plants with deep root systems will help reduce on-site stormwater.
- g. Provide a detailed and comprehensive noise compliance plan for DNR comment. That plan should be fully enacted prior to track use. Information in the documentation thus far is not specific and does not identify how the Eagle Lake Sound Committee will function (e.g. volunteers or paid positions), how sound detecting equipment will identify sounds that could impact wildlife, how quickly corrections will be made, and other critical details. Furthermore, the documentation notes that offending vehicles will be "asked" to use methods to reduce noise. The documentation also notes that noise violations would be "self-monitoring prior to the involvement of the Sound Committee." This language does not currently offer sufficient structure to address noise impacts.
- h. Use wildlife friendly erosion control, and implement invasive species control best measures.
- i. Where will the wetland impacts due to this project be mitigated?

The below points are the mitigations that the project has proposed thus far. DNR generally supports these proposals but note that additional details and studies are needed and potentially, additional mitigation may be necessary.

1. Limited turf grass (around buildings, parking lots), all natural prairie grasses around the park, and outside the noise/wildlife berms and walls
2. 10 foot berm with a 10 foot wall on top for noise reduction
3. The gap between noise berm/wall will be closed with a noise/wildlife wall to protect lake users and wildlife from noise and visual aspects of park
4. Track will be used approximately April through October, weather dependent
5. Used during daylight hours, the track will not be lighted

6. A Sound Committee will monitor noise generating activities at the track to ensure MPCA noise standards are not being violated, investigate each reasonable complaint that MPCA standards have been or are being violated, report to the City Council its findings of any investigation conducted, and make recommendations to the City Council for reasonable corrective action of any MPCA noise standard violations
7. A sound monitoring system will be installed in susceptible and/or high risk locations around the track to conduct daily monitoring of vehicles, cars that are identified as outliers and are not in compliance with noise standards will be asked to add noise mufflers.
8. Discussions with the DNR for control structure easement at the south end of South Eagle Lake for lake level management. (DNR note: this will offer further habitat mitigation)

Please let me know if you have questions on these comments. We look forward to seeing resolution of these issues and incorporation of these recommendations in the Supplemental EAW.

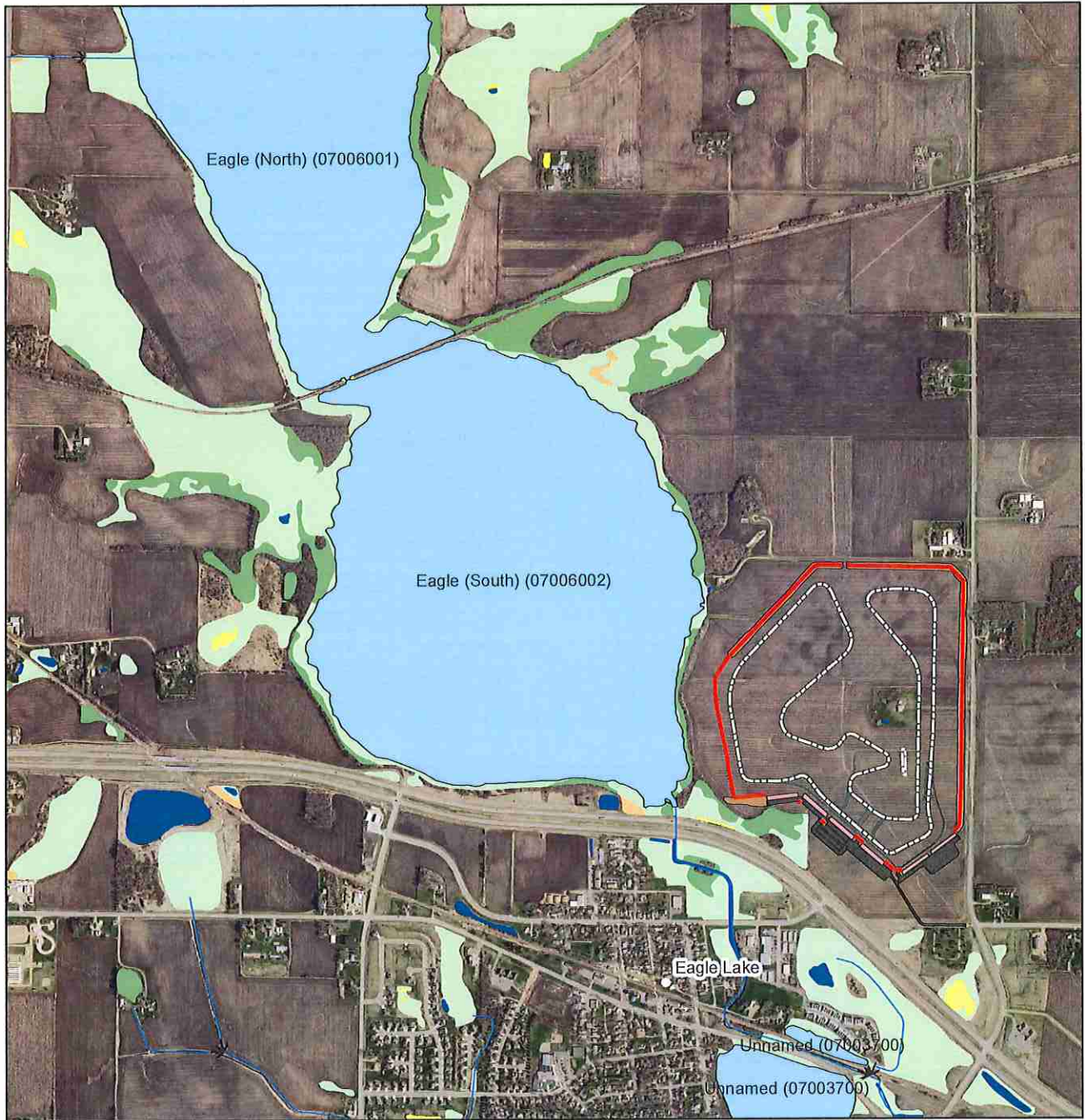
Sincerely,



Joanne Boettcher
Regional Environmental Assessment Ecologist

cc:

Stein Innvaer, DNR Area Wildlife Manager
Lisa Gelvin-Innvaer, DNR Regional Non-game Wildlife Specialist
Steve Kittelson, DNR Wildlife Lake Specialist
Megan Benage, DNR Regional Ecologist
Joseph Stangel, DNR Wildlife Assistant Regional Manager
Dave Trauba, DNR Wildlife Regional Manager
Liz Harper, DNR EWR Regional Manager
Scott Roemhildt, DNR Regional Director



Mankato Motorsports Features

- SoundWall
- Track_Centerline
- Asphalt
- Building
- EarthBank
- Track_Aspphalt

- Public Water Watercourse
- ← Confluences and Flow Direction
- Public Water

NWI Wetlands

- Aquatic Bed/Nonpersistent Emergent
- Emergent
- Forested
- Unconsolidated Bottom (Open Water)
- Scrub-Shrub

Standard Erosion Control and Invasive Species Prevention Best Practices

Take precautions when working near waterbodies to prevent sedimentation and erosion:

- Erodible surfaces should not be left exposed for greater than one day. For example, work should not commence late in the week if it will be left unfinished over a weekend.
- Work should not commence if rain is predicted.
- All wheeled or tracked construction equipment should be restricted to work areas above the stream bank.
- Fill material should not be stockpiled in the floodplain.
- Backfill placed below Ordinary High Water (OHW) should consist of clean granular material free of fines, silts, soils, and mud.
- Use [Best Practices for DNR General Public Waters Work Permit GP 2004-0001: Species Protection](#). Refer to pages: 3, 11, 14, 16, 25, 33, and 34 as relevant to a particular project.
- Vegetative “grout” should be incorporated with any installed rip rap (see page 33 of above link).
- [Native species planting/seeding](#) should be used.
- DNR Public Waters Work Permit may be required. Permit requirements must be followed.

Use wildlife friendly erosion control:

- Biodegradable netting should be used, preferably natural materials with short degradation periods.
- Erosion control blankets should be limited to bio-netting or natural netting types due to the risk of entanglement and death of small animals. [2018 MnDOT Standards Specifications for Construction](#) identify acceptable materials in Category 3N or 4N mulches.
- Do not use products that require UV-light to degrade (also called “photodegradable”), as they do not degrade properly when covered/shaded.
- Do not use products containing plastic mesh netting or other plastic components.
- Do not use mulch products that contain synthetic (plastic) fiber additives near waterbodies.
- See [Wildlife Friendly Erosion Control](#) for more information.

Take active steps to prevent invasive species introduction and spread:

- Clean all equipment (including but not limited to: vehicles, clothing, and gear) at a site prior to moving to another site. All soil, aggregate material, mulch, vegetation, seeds, animals, etc. need to be removed using a hand tool, brush, compressed air, pressure washer, or otherwise.
- If equipment is not cleaned before arriving to a work site, then clean the equipment in the parking or staging area, ensuring no material is deposited at the new site. Material cleaned from equipment should be disposed of legally.
- All equipment (including but not limited to: waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps) used for work in an “infested water” must be adequately decontaminated. See [Watercraft Decontamination Manual](#) for more information.
- See [Come Clean, Leave Clean](#) for more detailed guidance. This guidance is required for those working on DNR lands as part of grant or contract or are working under a permit, your grant, contract, or permit.

Referenced Links

https://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_chapter1.pdf

<https://bwsr.state.mn.us/seed-mixes>

<https://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf>

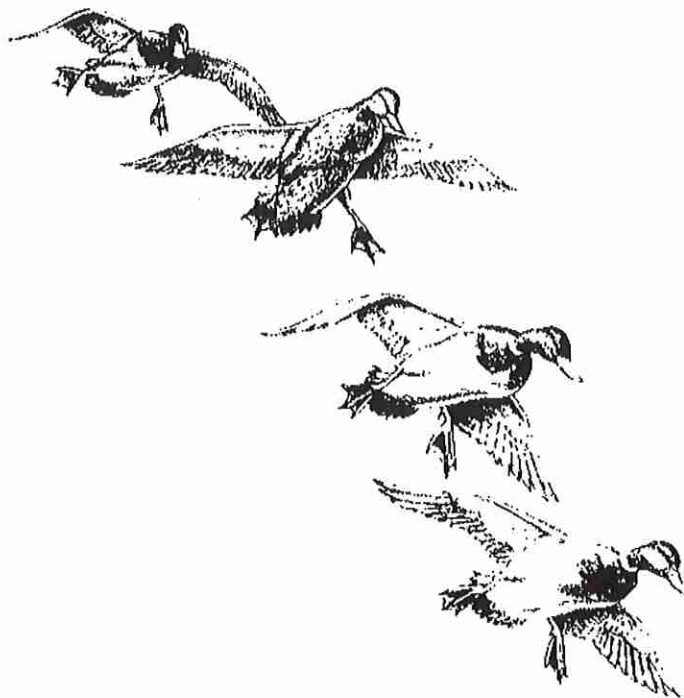
<http://www.dot.state.mn.us/pre-letting/spec/2018/2018-spec-book-final.pdf>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

https://files.dnr.state.mn.us/natural_resources/invasives/mndnr_ais_decontamination_handbook.pdf

Wildlife Lake Habitat Survey Report



NAME OF LAKE: Eagle - south basin

DOW LAKE ID #: 07006002

DATE OF SURVEY: 6/2/2010

TYPE OF SURVEY: Wildlife Lake Survey

SURVEY CREW: S. Kittelson, C. Kelling, & H. Bloom



Information Provided by:

Minnesota Department of Natural Resources
Wildlife Management Section
Shallow Lakes Program



DOW Lake ID: 07006002
Survey Date: 6/2/2010

General Lake Information

Location Information

Legal Description

Township: 108 Range: 25 Section: 7

Primary County: Blue Earth

Work Area Name:

Wildlife Work Area:

General DOW Lake Information

Basin Area (Acres): 412

Secchi Depth (feet): 0

PWI Class: P

Number of Public Accesses: 0

DOW Wetland Type: 0

Watershed ID: 32082

USGS Quad Name: Mankato East

Miles of Shoreline: 0

Survey Maximum Lake Depth: 3.0

Survey Mean Lake Depth: 2.2

Survey Maximum Secchi Depth: 3.0

Survey Mean Secchi Depth: 2.2

DOW Maximum Lake Depth: 3.0

DOW Mean Lake Depth: 0.0

Lake Survey Conditions

Time:

Temperature Air / Water (F): 75 / 75.4

Cloud Cover (%): 5% cloud cover

Wind Speed (mph): 8 Direction: NE

Previous Wildlife Lake Survey Information

Type of Survey	Survey Year	Survey Date	Survey Crew	Requested by
Wildlife Lake Survey	2003	07/03/2003	Rob Rabasco	Habitat Corridors Project DNR staff
Wildlife Lake Survey	2010	06/02/2010	S. Kittelson, C. Kelling, & H. B	Joe Stangel, AWM

Lake Survey Access Information

Ownership: MN Department of Natural Resources Access Type: Earthen

Description: Eagle Lake is at the north edge of the Town of Eagle Lake. The Public Access is located on the south end of the lower basin. It is accessible from State Highway 14.

Ownership: MN Department of Natural Resources Access Type: Carry-in

Description: Both the north and south basins are also accessible via the Sakatah Trail, which separates them.

DOW Lake ID: 07006002
Survey Date: 6/2/2010

Inlets and Outlets Information

Inlet Information

Inlet Name: Eagle Lake -north basin

Inlet Type Code (a): C

Inlet Cover Type (c) and Description:

Fish Barrier (Y/N) (e): N

Fish Barrier Description:

Inlet Flow Information

Flow (fps): Average Width (feet):

Flow (cfs): Average Depth (feet):

Method (d): Inlet Surface Temp (F)

Comments:

Sheet piling has spaces for stoplogs, but none were in place at the time of the survey. The lower sections of the stoplog bay and weir were underwater at the time of the survey.

Outlet Information

Outlet Name: Ditch

Lake or River ID:

Tributary To: Lesueur River

Water Control Structure Information

Type and Description: stoplog

Owner and Description DNR

Head Reading:

Sill Reading:

Gauge Reading

Comments:

Flow was 8' wide and 1.5' deep with moderate/light flow at the time of the survey. Tail water was 1' below the weir.

Outlet Flow Information

Flow (fps):

Flow (cfs):

Method (d):

Average Width (feet):

Average Depth (feet):

Barrier to Fish (Y/N) (e):

Fish Barrier Description:

- (a) (ID) Intermittent - Dry (no flow at mouth, still may contain water), (IF) Intermittent - Flowing (currently has flow at mouth), (C)ontinuous flow, (X) Unkown
- (b) (N)amed lake (give name), (U)nnamed lake, (M)arsh, (S)pring, (W)ell, (T)ile, (SS) Storm sewer, (D)itch, (O)ther (describe), (X) Unkown
- (c) Give up to two most common in order of abundance: (H)ardwoods, (CO)nifers, (MI)xed Forest, (G)rasses, (CR)ops, (P)asture, (MU)ncipal, (R)esidential, (O)ther (describe), (X) Unkown
- (d) (F)loating object, (C)urrent meter, (D)irect time and volume measurement (gpm / 15.9 = cfs). Describe where the flow measurement and avg. width/depth estimates were taken on the flow worksheet section
- (e) (Y)es, (N)o, (X) Unkown
- (f) List the species code for up to 4 species with known spawning runs in this inlet
- (g) (TC) type "C" with stoplogs, (SP) Sheet piling, (DI) Drop inlet with stoplogs, (CF) Concrete with fixed sill, (BD) Beaver dam, (O)ther (describe), (X) Unkown
- (h) (DNR), (UFS), (DOT), (COU)nty, (COE), (NPS), (FWS), (CIT)y, (TOW)nship, (NPS), (PRI)vate (describe), (None) (natural dam), (O)ther (describe), (X) Unkown

Other Measurements

Comments:

DOW Lake ID: 07006002

Survey Date: 6/2/2010

Observations and Field Notes

Waterfowl and Wildlife Observations / Field Notes

Waterfowl Observations:

Waterfowl utilization consisted of 1 mallard and 2 wood ducks.

Other Wildlife Observations:

Other wildlife observations included 1 beaver, 2 American white pelicans, 1 double-crested cormorant, 2 great blue herons, 2 crayfish, 1 snapping turtle, 2 painted turtles, and 15-20 common carp. A beaver lodge and muskrat house were also observed.

Field Notes:

Curly-leaf pondweed was found in patches (10 ft circles) throughout the lake, but was not often collected on the plant rake. The entire perimeter of the basin is surrounded by narrowleaf cattails. Midge larvae were commonly observed on the plant rake and anchor.

DOW Lake ID: 07006002
 Survey Date: 6/2/2010

Sample Point Data Summary

- Eagle - south basin

Sample Point Information

Minimum Depth: 1.50 Minimum Secchi: 1.50 Total Number of Points: 114
 Maximum Depth: 3.00 Maximum Secchi: 3.00 Number of Points Sampled: 69
 Mean Depth: 2.16 Mean Secchi: 2.16

Vegetation Summary

Number of Sample Points: 69
 Lakewide Species Richness: 6
 Percent of Vegetated Points: 87.0%

Vegetation Species	# of Points Occurring	Species Frequency	95% CI	High C / I	Low C / I	Frequency Value
<i>Stuckenia pectinata</i> Sago Pondweed	54	78.3%	0.1053	0.8879	0.6773	0.7826
<i>Chara species</i> Muskgrass Group	38	55.1%	0.1255	0.6762	0.4252	0.5507
No Vegetation Present No Vegetation	9	13.0%	0.0873	0.2177	0.0431	0.1304
<i>Ceratophyllum demersum</i> Coontail	3	4.3%	0.0557	0.0992	-0.0122	0.0435
<i>Potamogeton crispus</i> Curly-Leaf Pondweed	2	2.9%	0.0471	0.0761	-0.0181	0.0290
<i>Nymphaea odorata</i> Common White Waterlily	2	2.9%	0.0471	0.0761	-0.0181	0.0290
<i>Nuphar variegata</i> Common Yellow Waterlily	1	1.4%	0.0357	0.0501	-0.0212	0.0145

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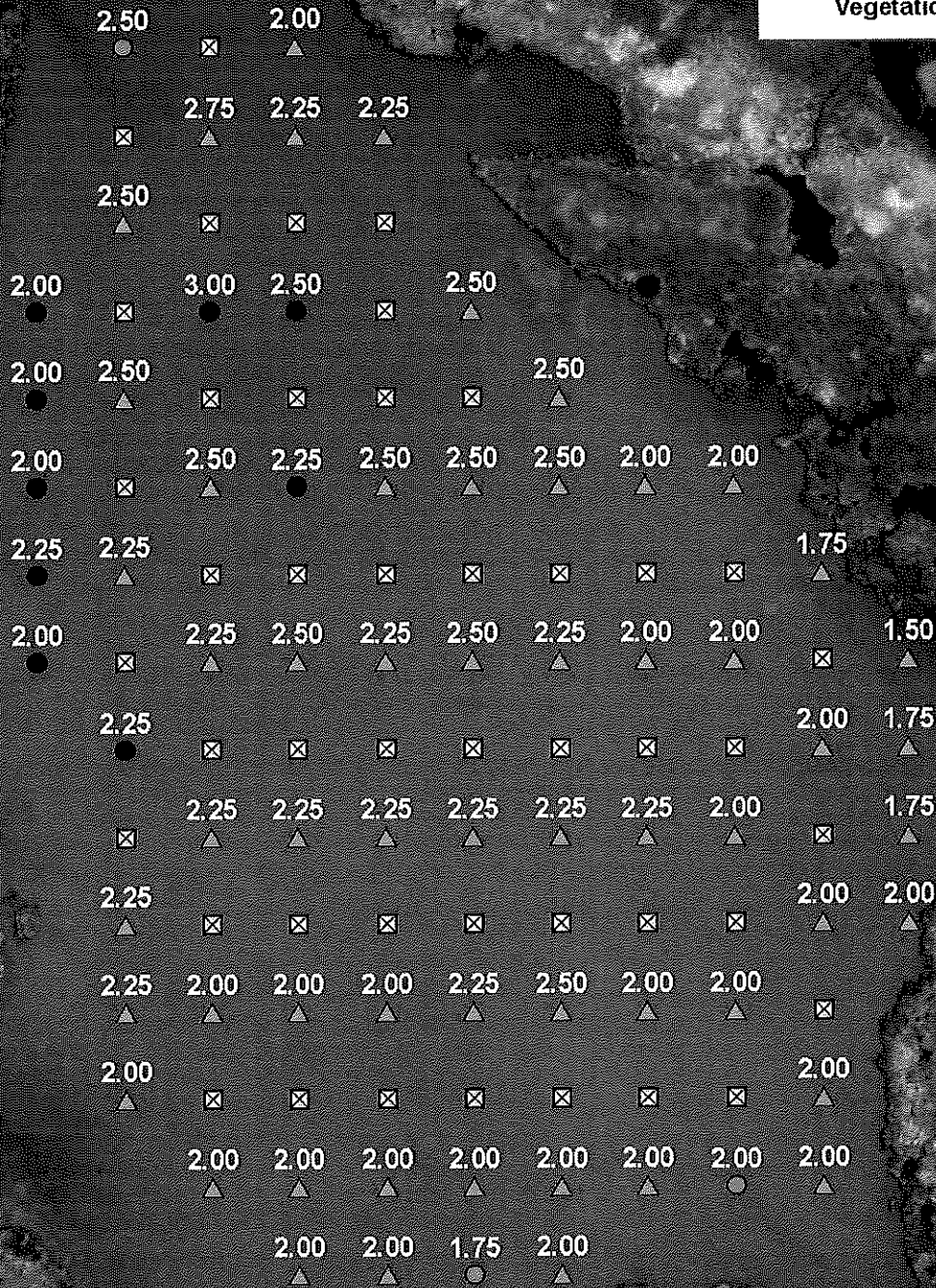
Survey Map

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Eagle (south half)

DOW# 07006002
Blue Earth County

June 2, 2010 Lake Survey
Vegetation and Depth



Wildlife Lake Survey Results

- Emergent Vegetation Observed
- ▲ Submerged Vegetation Observed
- Submerged / Emergent Vegetation Observed
- No Vegetation Observed
- X Not Surveyed

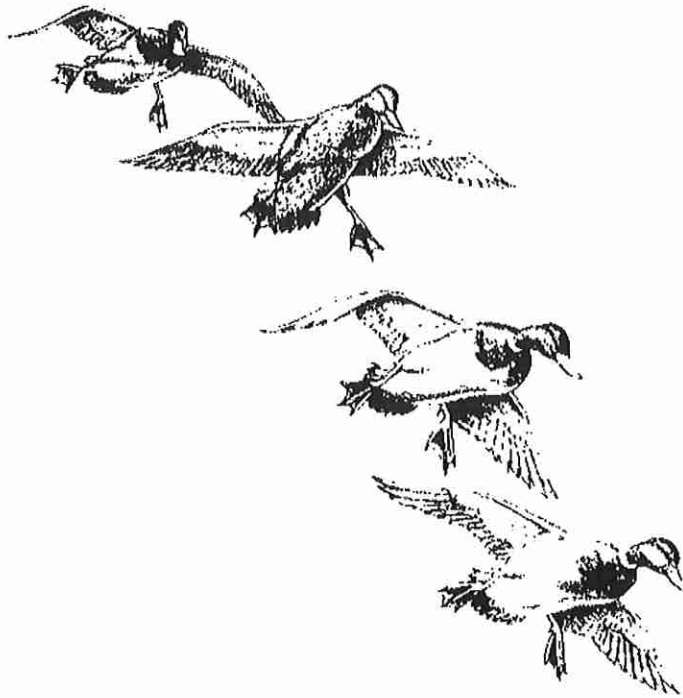


2009 FSA Orthophoto



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Wildlife Lake Habitat Survey Report



NAME OF LAKE: Eagle - south basin

DOW LAKE ID #: 07006002

DATE OF SURVEY: 7/3/2003

TYPE OF SURVEY: Wildlife Lake Survey

SURVEY CREW: Rob Rabasco



Information Provided by:

Minnesota Department of Natural Resources
Wildlife Management Section
Shallow Lakes Program



DOW Lake ID: 07006002
Survey Date: 7/3/2003

General Lake Information

Location Information

Legal Description

Township: 108 Range: 25 Section: 7

Primary County: Blue Earth

Work Area Name:

Wildlife Work Area:

General DOW Lake Information

Basin Area (Acres): 412

Secchi Depth (feet): 0

PWI Class: P

Number of Public Accesses: 0

DOW Wetland Type: 0

Watershed ID: 32082

USGS Quad Name: Mankato East

Miles of Shoreline: 0

Survey Maximum Lake Depth: 3.0

Survey Mean Lake Depth: 2.3

Survey Maximum Secchi Depth: 2.0

Survey Mean Secchi Depth: 1.2

DOW Maximum Lake Depth: 3.0

DOW Mean Lake Depth: 0.0

Lake Survey Conditions

Time: 9:00

Temperature Air / Water (F): 85 / 82

Cloud Cover (%): clear

Wind Speed (mph): 5 Direction: SW

Previous Wildlife Lake Survey Information

Type of Survey	Survey Year	Survey Date	Survey Crew	Requested by
Wildlife Lake Survey	2003	07/03/2003	Rob Rabasco	Habitat Corridors Project DNR staff
Wildlife Lake Survey	2010	06/02/2010	S. Kittelson, C. Kelling, & H. B	Joe Stangel, AWM

Lake Survey Access Information

Ownership: MN Department of Natural Resources Access Type: Earthen

Description: Eagle Lake is at the north edge of the town of Eagle Lake. The Public Access is located on the south end of the lower basin. It is accessible from State Highway 14.

Ownership: MN Department of Natural Resources Access Type: Carry-in

Description: Both lake basins are accessible from the Sakatah Trail that separates them.

Inlets and Outlets Information

Inlet Information

Inlet Name: Upper Eagle Lake

Inlet Type Code (a): ID

Inlet Cover Type (c) and Description:

O CR wetland/bog

Fish Barrier (Y/N) (e): N

Fish Barrier Description:

Inlet Flow Information

Flow (fps): Average Width (feet): 15.00

Flow (cfs): 0.0 Average Depth (feet): 4.58

Method (d): C Inlet Surface Temp (F)

Comments:

Fish can jump the sheet pile structure, or swim over during high water. At one time the north and south basins were connected and formed one basin. However, a sheet-pile structure splits the two except during high water periods.

Outlet Information

Outlet Name: Ditch

Lake or River ID:

Tributary To: Leseur River

Water Control Structure Information

Type and Description: variable crest - type "C" with s
Fish Grates

Owner and Description: DNR

Head Reading: 3.0

Sill Reading: 3.0

Gauge Reading: 0.70

Comments:

The dam is in fine working condition. However, the stop-logs for the structure are large and hard to work with.

Outlet Flow Information

Flow (fps):

Flow (cfs): 0.0

Method (d): C

Average Width (feet): 13.00

Average Depth (feet): 0.70

Barrier to Fish (Y/N) (e): Y

Fish Barrier Description:

Dam

- (a) (ID) Intermittent - Dry (no flow at mouth, still may contain water), (IF) Intermittent - Flowing (currently has flow at mouth), (C)ontinuous flow, (X) Unknown
- (b) (N)amed lake (give name), (U)nnamed lake, (M)arsh, (S)pring, (W)ell, (T)ile, (SS) Storm sewer, (D)itch, (O)ther (describe), (X) Unknown
- (c) Give up to two most common in order of abundance: (H)ardwoods, (CO)nifers, (MI)xed Forest, (G)rasses, (CR)ops, (P)asture, (MU)ncipal, (R)esidential, (O)ther (describe), (X) Unknown
- (d) (F)loating object, (C)urrent meter, (D)irect time and volume measurement (gpm / 15.9 = cfs). Describe where the flow measurement and avg. width/depth estimates were taken on the flow worksheet section
- (e) (Y)es, (N)o, (X) Unknown
- (f) List the species code for up to 4 species with known spawning runs in this inlet
- (g) (TC) type "C" with stoplogs, (SP) Sheet piling, (DI) Drop inlet with stoplogs, (CF) Concrete with fixed sill, (BD) Beaver dam, (O)ther (describe), (X) Unknown
- (h) (DNR), (UFS), (DOT), (COU)nty, (COE), (NPS), (FWS), (CIT)y, (TOW)nship, (NPS), (PRI)vate (describe), (None) (natural dam), (O)ther (describe), (X) Unknown

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Other Measurements

Comments:

DOW Lake ID: 07006002

Survey Date: 7/3/2003

Observations and Field Notes

Waterfowl and Wildlife Observations / Field Notes

Waterfowl Observations:

Observed 5 Canada Geese.

Other Wildlife Observations:

Observed 35 American White Pelicans and numerous Carp throughout the basin. The lake carried a good population of Amphipods and there was no appreciable plankton in the basin. The north basin is actively managed as a fishery, with only a sheet-pile structure separating it from the south basin. As such fish move freely between the basins in high water and jumping the structure.

Field Notes:

Only the south half of (DOW #07006002) the basin was sampled; due to error, as the lake was accidentally included on the 2003 high priority list. The entire lake (#0700600) was sampled fully in 2002. The submergent vegetation was distributed evenly on the western half of the lake. There was not a great variety of submergent vegetation. However, plants that were present were densely populated in the basin. The connectivity of the basins should be addressed. If the north basin is to be managed as a fishery and the south as a wildlife area, then a new structure with fish barriers should be installed between the basins. The current outlet structure doesn't have drawdown capabilities. This should be addressed to allow for drawdowns of the south basin (Area wildlife staff would like to see this addressed).

DOW Lake ID: 07006002

Sample Point Data Summary

- Eagle - south basi

Survey Date: 7/3/2003

Sample Point Information

Minimum Depth: 1.50 Minimum Secchi: 1.00 Total Number of Points: 114
 Maximum Depth: 3.00 Maximum Secchi: 2.00 Number of Points Sampled: 48
 Mean Depth: 2.29 Mean Secchi: 1.21

Vegetation Summary

Number of Sample Points: 48
 Lakewide Species Richness: 4
 Percent of Vegetated Points: 79.2%

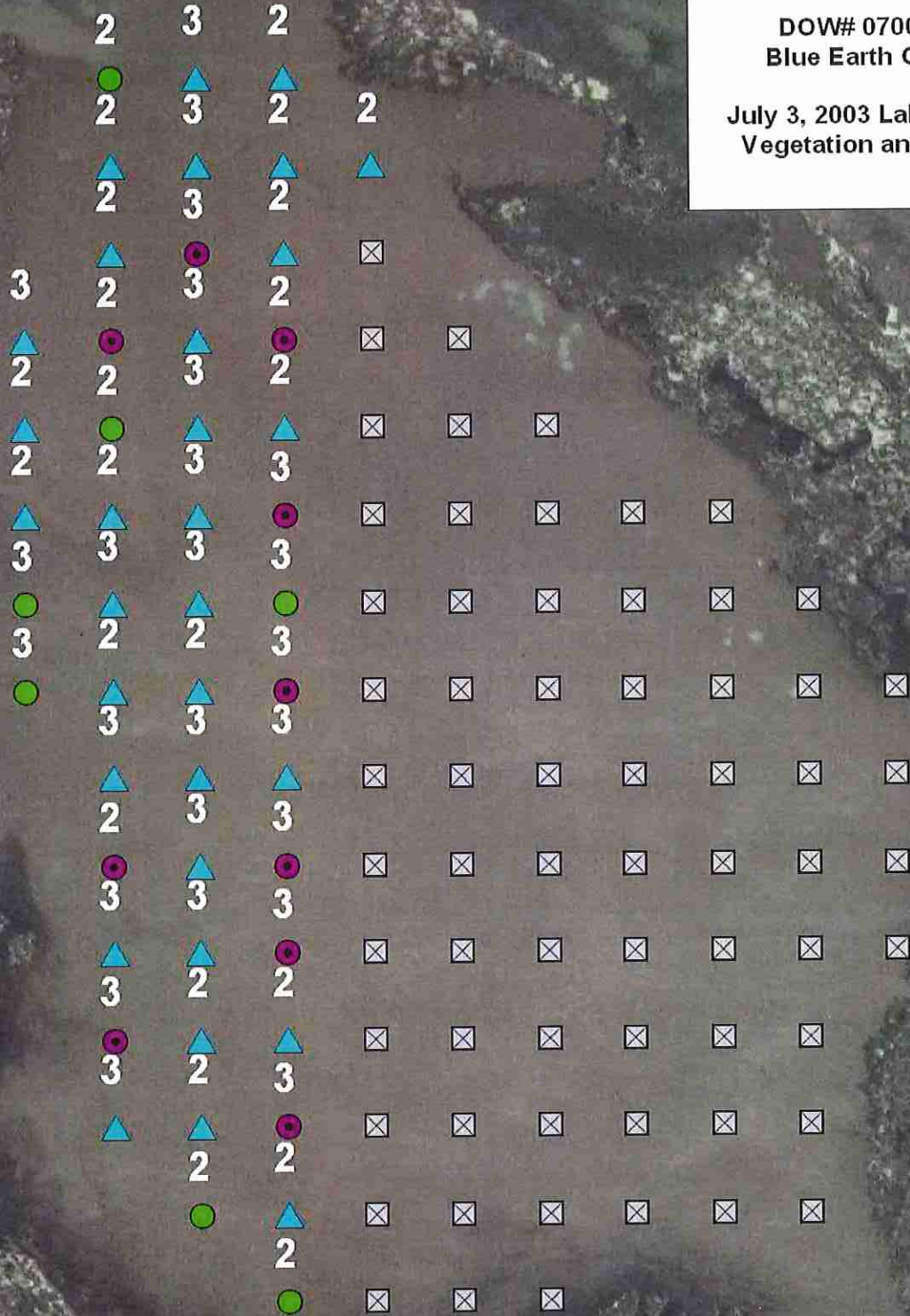
Vegetation Species	# of Points Occurring	Species Frequency	95% CI	High C / I	Low C / I	Frequency Value
<i>Ceratophyllum demersum</i> Coontail	30	62.5%	0.1488	0.7738	0.4762	0.6250
<i>Stuckenia pectinata</i> Sago Pondweed	28	58.3%	0.1514	0.7347	0.4320	0.5833
No Vegetation Present No Vegetation	10	20.8%	0.1265	0.3349	0.0818	0.2083
<i>Myriophyllum sibiricum</i> Northern Water Milfoil	7	14.6%	0.1113	0.2572	0.0345	0.1458
<i>Lemna minor</i> Lesser Duckweed	7	14.6%	0.1113	0.2572	0.0345	0.1458
<i>Potamogeton zosteriformis</i> Flat-stem Pondweed	5	10.4%	0.0978	0.2019	0.0064	0.1042

Survey Map

EAGLE (LOWER BASIN)

**DOW# 07006000
Blue Earth County**

**July 3, 2003 Lake Survey
Vegetation and Depth**



Wildlife Lake Survey Results

- Emergent Vegetation
- ▲ Submergent Vegetation
- Submergent and Emergent Vegetation
- No Vegetation
- X Not Surveyed



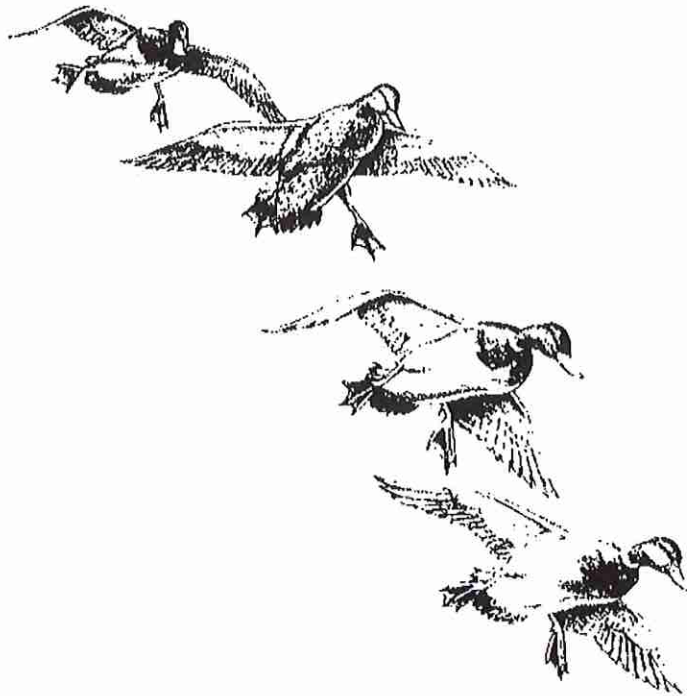
2003 - 2004 FSA orthophoto

**Survey
access**

500 Feet



Wildlife Lake Habitat Survey Report



NAME OF LAKE: Eagle

DOW LAKE ID #: 07006000

DATE OF SURVEY: 6/15/2011

TYPE OF SURVEY: Wildlife Lake Survey

SURVEY CREW: J. Croatt & D. Anderson



Information Provided by:

Minnesota Department of Natural Resources
Wildlife Management Section
Shallow Lakes Program



DOW Lake ID: 07006000
Survey Date: 6/15/2011

General Lake Information

Location Information

Legal Description

Township: 108 Range: 26 Section: 1

Primary County: Blue Earth

Work Area Name:

Wildlife Work Area:

General DOW Lake Information

Basin Area (Acres): 1,183

Secchi Depth (feet): 10

PWI Class: P

Number of Public Accesses: 1

DOW Wetland Type: 5

Watershed ID: 32082

USGS Quad Name: Mankato East

Miles of Shoreline: 9

Survey Maximum Lake Depth: 11.3

Survey Mean Lake Depth: 4.6

Survey Maximum Secchi Depth: 5.0

Survey Mean Secchi Depth: 3.3

DOW Maximum Lake Depth: 14.0

DOW Mean Lake Depth: 4.0

Lake Survey Conditions

Time:

Temperature Air / Water (F): 80 / 70.8

Cloud Cover (%): Clear

Wind Speed (mph): 5 Direction: NW

Previous Wildlife Lake Survey Information

Type of Survey	Survey Year	Survey Date	Survey Crew	Requested by
Wildlife Lake Survey				
Wildlife Lake Survey	1953	07/07/1953	CR Johnson	Unknown
Wildlife Lake Survey	1970	07/27/1970	R. Nelson and G. West	Unknown
Wildlife Lake Survey	2002	07/17/2002	Ann Geisen & Stein Innvaer	Joel Anderson, AWM
Wildlife Lake Survey	2011	06/15/2011	J. Croatt & D. Anderson	

Lake Survey Access Information

Ownership: Other

Access Type: Earthen

Description: The south basin was accessed off of Highway 14, just north of the outlet structure. There is a hidden gravel path, off of the highway, that leads to the lake.

Ownership: County

Access Type: Concrete

Description: The north basin was accessed on the north side of the lake off of County Road 26 at the Eagle Lake County Park public boat launch.

DOW Lake ID: 07006000

Survey Date: 6/15/2011

Inlets and Outlets Information

Inlet Information

Inlet Name: Unnamed

Inlet Type Code (a): C

Inlet Cover Type (c) and Description:

Fish Barrier (Y/N) (e): N

Fish Barrier Description:

Inlet Flow Information

Flow (fps): Average Width (feet):

Flow (cfs): Average Depth (feet):

Method (d): Inlet Surface Temp (F)

Comments:

Water flows in from Albert Lake on the west side of the north basin, under County Road 26 via a large concrete culvert.

Inlet Name: Unnamed

Inlet Type Code (a): IF

Inlet Cover Type (c) and Description:

Fish Barrier (Y/N) (e): N

Fish Barrier Description:

Inlet Flow Information

Flow (fps): Average Width (feet):

Flow (cfs): Average Depth (feet):

Method (d): Inlet Surface Temp (F)

Comments:

Water flows into Eagle from adjacent wetlands on the northwest side of the north basin via 2 12-inch corrugated metal pipes. The culverts sit about 2 feet above the water, and only one had flow at the time of the survey. UTM coordinates: X=428091, Y=4895098.

Outlet Information

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Outlet Name: Unnamed ditch

Lake or River ID:

Tributary To:

Water Control Structure Information

Type and Description: variable crest - type "C" with s

Owner and Description

Head Reading:

Sill Reading:

Gauge Reading

Comments:

Water flows out of Eagle Lake on the south side of the south basin and flows south, eventually emptying into the LeSueur River. Water flows through a concrete stoplog structure and into a large concrete culvert under Highway 14.

Outlet Flow Information

Flow (fps):

Flow (cfs):

Method (d):

Average Width (feet):

Average Depth (feet):

Barrier to Fish (Y/N) (e): N

Fish Barrier Description:

- (a) (ID) Intermittent - Dry (no flow at mouth, still may contain water), (IF) Intermittent - Flowing (currently has flow at mouth), (C)ontinuous flow, (X) Unkown
- (b) (N)amed lake (give name), (U)nnamed lake, (M)arsh, (S)pring, (W)ell, (T)ile, (SS) Storm sewer, (D)itch, (O)ther (describe), (X) Unkown
- (c) Give up to two most common in order of abundance: (H)ardwoods, (CO)nifers, (MI)xed Forest, (G)rasses, (CR)ops, (P)asture, (MU)ncipal, (R)esidential, (O)ther (describe), (X) Unkown
- (d) (F)loating object, (C)urrent meter, (D)irect time and volume measurement (gpm / 15.9 = cfs). Describe where the flow measurement and avg. width/depth estimates were taken on the flow worksheet section
- (e) (Y)es, (N)o, (X) Unkown
- (f) List the species code for up to 4 species with known spawning runs in this inlet
- (g) (TC) type "C" with stoplogs, (SP) Sheet piling, (DI) Drop inlet with stoplogs, (CF) Concrete with fixed sill, (BD) Beaver dam, (O)ther (describe), (X) Unkown
- (h) (DNR), (UFS), (DOT), (COU)nty, (COE), (NPS), (FWS), (CIT)y, (TOW)nship, (NPS), (PRI)vate (describe), (None) (natural dam), (O)ther (describe), (X) Unkown

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Other Measurements

Comments:

DOW Lake ID: 07006000
Survey Date: 6/15/2011

Observations and Field Notes

Waterfowl and Wildlife Observations / Field Notes

Waterfowl Observations:

Waterfowl utilization on 6/15/2011 consisted of 2 mallards. Waterfowl utilization on 6/16/2011 consisted of 3 mallards, 1 mallard with 6 young, and 2 blue-winged teal.

Other Wildlife Observations:

Other wildlife observations on 6/15/2011 included 24 American white pelicans, 4 double-crested cormorants, and 1 great blue heron. Other wildlife observations on 6/16/2011 included 40 American white pelicans, 4 double-crested cormorants, 1 bald eagle, and 4 terns.

Field Notes:

Eagle Lake is bisected by the Sakatah Trail, making a north and south basin of the lake. The south basin is shallow with thick cattail surrounding it. Waterlilies were abundant, as were Chara and filamentous algae. The north basin is deeper, and infested with curly-leaf pondweed. Two dead bullheads were observed, as well as several live fingerlings. Schools of minnows were also observed. Macroinvertebrates were observed in the filamentous algae. It appeared as though curly-leaf pondweed has not yet infested the south basin of the lake.

DOW Lake ID: 07006000

Sample Point Data Summary

- Eagle

Survey Date: 6/15/2011

Sample Point Information

Minimum Depth: 1.75 Minimum Secchi: 1.75 Total Number of Points: 85
 Maximum Depth: 11.25 Maximum Secchi: 5.00 Number of Points Sampled: 64
 Mean Depth: 4.63 Mean Secchi: 3.27

Vegetation Summary

Number of Sample Points: 64
 Lakewide Species Richness: 12
 Percent of Vegetated Points: 81.3%

Vegetation Species	# of Points Occurring	Species Frequency	95% CI	High C / I	Low C / I	Frequency Value
<i>Chara species</i> Muskgrass Group	28	43.8%	0.1303	0.5678	0.3072	0.4375
<i>Potamogeton crispus</i> Curly-Leaf Pondweed	27	42.2%	0.1298	0.5516	0.2921	0.4219
<i>Potamogeton species - narrowleaf type</i> Narrowleaf Pondweed Group	20	31.3%	0.1223	0.4348	0.1902	0.3125
No Vegetation Present No Vegetation	12	18.8%	0.1042	0.2917	0.0833	0.1875
<i>Nymphaea odorata</i> Common White Waterlily	5	7.8%	0.0741	0.1522	0.0040	0.0781
<i>Typha angustifolia or glauca</i> Narrowleaf Cattail Group	4	6.3%	0.0676	0.1301	-0.0051	0.0625
<i>Heteranthera dubia</i> Water Stargrass	4	6.3%	0.0676	0.1301	-0.0051	0.0625
<i>Stuckenia pectinata</i> Sago Pondweed	3	4.7%	0.0600	0.1069	-0.0131	0.0469
<i>Potamogeton foliosus subsp. foliosus</i> Leafy Pondweed	3	4.7%	0.0600	0.1069	-0.0131	0.0469
<i>Nuphar variegata</i> Common Yellow Waterlily	3	4.7%	0.0600	0.1069	-0.0131	0.0469
<i>Ceratophyllum demersum</i> Coontail	2	3.1%	0.0508	0.0820	-0.0195	0.0313
<i>Myriophyllum sibiricum</i> Northern Water Milfoil	1	1.6%	0.0384	0.0541	-0.0228	0.0156
<i>Elodea canadensis</i> Canada Waterweed	1	1.6%	0.0384	0.0541	-0.0228	0.0156

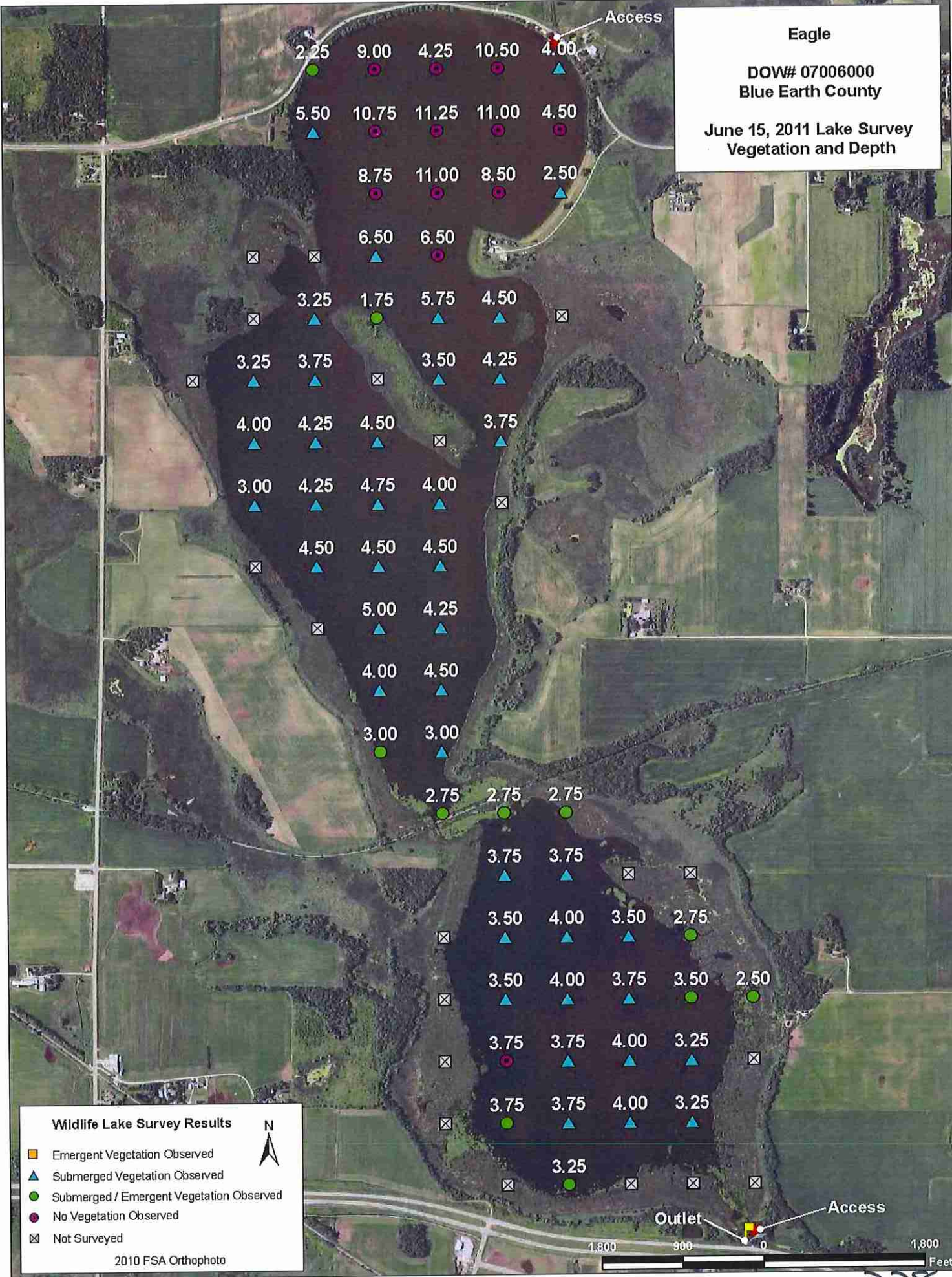
226

Survey Map

Eagle

DOW# 07006000
Blue Earth County

June 15, 2011 Lake Survey
Vegetation and Depth



Wildlife Lake Survey Results

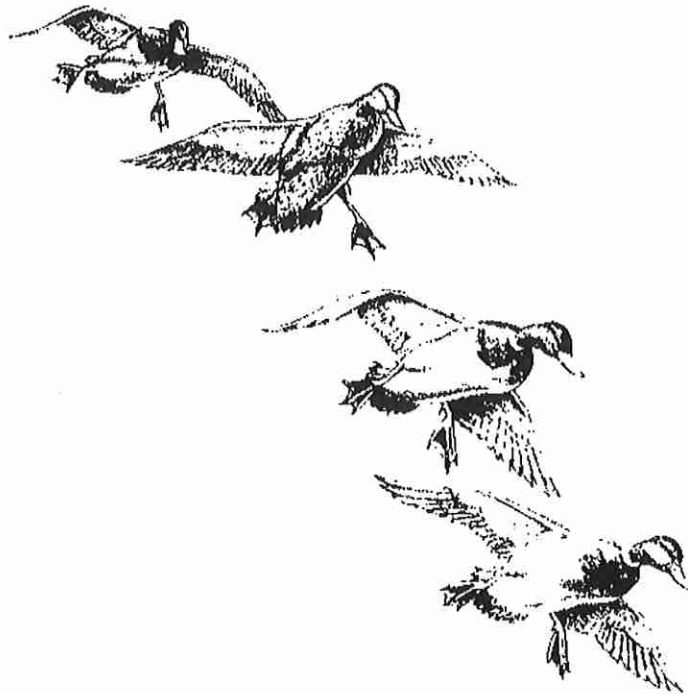
-  Emergent Vegetation Observed
-  Submerged Vegetation Observed
-  Submerged / Emergent Vegetation Observed
-  No Vegetation Observed
-  Not Surveyed



2010 FSA Orthophoto

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Wildlife Lake Habitat Survey Report



NAME OF LAKE: Eagle

DOW LAKE ID #: 07006000

DATE OF SURVEY: 7/17/2002

TYPE OF SURVEY: Wildlife Lake Survey

SURVEY CREW: Ann Geisen & Stein Innvaer



Information Provided by:

Minnesota Department of Natural Resources
Wildlife Management Section
Shallow Lakes Program



DOW Lake ID: 07006000
Survey Date: 7/17/2002

General Lake Information

Location Information

Legal Description

Township: 108 Range: 26 Section: 1

Primary County: Blue Earth

Work Area Name:

Wildlife Work Area:

General DOW Lake Information

Basin Area (Acres): 1,183

Secchi Depth (feet): 10

PWI Class: P

Number of Public Accesses: 1

DOW Wetland Type: 5

Watershed ID: 32082

USGS Quad Name: Mankato East

Miles of Shoreline: 9

Survey Maximum Lake Depth: 12.0

Survey Mean Lake Depth: 4.1

Survey Maximum Secchi Depth: 1.5

Survey Mean Secchi Depth: 0.9

DOW Maximum Lake Depth: 14.0

DOW Mean Lake Depth: 4.0

Lake Survey Conditions

Time: 14:45

Temperature Air / Water (F): 90 / 86

Cloud Cover (%): 20% cloudy

Wind Speed (mph): 0-5 Direction: SW

Previous Wildlife Lake Survey Information

Type of Survey	Survey Year	Survey Date	Survey Crew	Requested by
Wildlife Lake Survey				
Wildlife Lake Survey	1953	07/07/1953	CR Johnson	Unknown
Wildlife Lake Survey	1970	07/27/1970	R. Nelson and G. West	Unknown
Wildlife Lake Survey	2002	07/17/2002	Ann Geisen & Stein Innvaer	Joel Anderson, AWM
Wildlife Lake Survey	2011	06/15/2011	J. Croatt & D. Anderson	

Lake Survey Access Information

Ownership: Unknown

Access Type: Carry-in

Description: Located on the south side of the lake at the outlet. From Hwy. 14, take a dirt trail north to the dam and the outlet. The access is suitable for a canoe or sportboat.

Ownership: County

Access Type: Concrete

Description: Located on the north side of the lake, off of Cty. Rd. #26. This access has a dock.

DOW Lake ID: 07006000
Survey Date: 7/17/2002

Inlets and Outlets Information

Inlet Information

No Information Was Collected

Outlet Information

Outlet Name: Outlet

Lake or River ID:

Tributary To:

Water Control Structure Information

Type and Description: stoplog

Owner and Description DNR Wildlife

Head Reading:

Sill Reading:

Gauge Reading

Comments:

The outlet is located at the southeast side of the south part of the lake. There is a stop log structure, but the stop logs are quite large and very difficult to maneuver, making water level manipulations very difficult.

Outlet Flow Information

Flow (fps):

Flow (cfs):

Method (d):

Average Width (feet):

Average Depth (feet):

Barrier to Fish (Y/N) (e): N

Fish Barrier Description:

-
- (a) (ID) Intermittent - Dry (no flow at mouth, still may contain water), (IF) Intermittent - Flowing (currently has flow at mouth), (C)ontinuous flow, (X) Unkown
- (b) (N)amed lake (give name), (U)nnamed lake, (M)arsh, (S)pring, (W)ell, (T)ile, (SS) Storm sewer, (D)itch, (O)ther (describe), (X) Unknown
- (c) Give up to two most common in order of abundance: (H)ardwoods, (CO)nifers, (MI)xed Forest, (G)rasses, (CR)ops, (P)asture, (MU)nicipal, (R)esidential, (O)ther (describe), (X) Unkown
- (d) (F)loating object, (C)urrent meter, (D)irect time and volume measurement (gpm / 15.9 = cfs). Describe where the flow measurement and avg. width/depth estimates were taken on the flow worksheet section
- (e) (Y)es, (N)o, (X) Unkown
- (f) List the species code for up to 4 species with known spawning runs in this inlet
- (g) (TC) type "C" with stoplogs, (SP) Sheet piling, (DI) Drop inlet with stoplogs, (CF) Concrete with fixed sill, (BD) Beaver dam, (O)ther (describe), (X) Unkown
- (h) (DNR), (UFS), (DOT), (COU)nty, (COE), (NPS), (FWS), (CIT)y, (TOW)nship, (NPS), (PRI)vate (describe), (None) (natural dam), (O)ther (describe), (X) Unkown

DOW Lake ID: 07006000
Survey Date: 7/17/2002

Water Level and Chemistry

Water Level Information

Code: **Water Level Reading Date:**
Benchmark/Gauge Description: No water level reading was taken.
Water Level Reading (feet + or -):
Current Water Level:
Water Level Description:
Average Annual Fluctuation:
Annual Fluctuation Description:
Annual Level Fluctuation Source:
Extreme Fluctuation:
Water Level History Comments:

Water Chemistry

Lake or Inlet (L or I):	L	Station Number of Water Sample:	54
Sample Date:	7/17/2002	Depth Sample Taken (ft):	
Date Sample Analyzed:		Bottom Depth (ft):	
Nonstandard Description:			
Color Cause Code and Description:			
Water Color Code and Description:			
Total Phosphorus (ppm):	0.155	pH:	Dissolved Oxygen (ppm):
Ortho Phosphorus (ppm):		Sulphate Ion (ppm):	Biological O2 Demand (ppm):
Conductivity (umhos):	299	Chloride Ion (ppm):	Organic Dissolved Solids (ppm):
Nitrate [NO3-N] (ppm):		Total Iron (ppm):	Dissolved Solids (ppm):
Nitrite [NO2-N] (ppm):		Dissolved Iron (ppm):	Suspended Solids (ppm):
Nitrogen TLKJ (ppm):		Alkalinity (ppm):	Chlorophyll A [trichromatic] (ppm):
Ammonia [NH3-N] (ppm):		Alkalinity Method:	Chlorophyll A [pheophytin] (ppm):
Other Measurements			
Comments:			

DOW Lake ID: 07006000

Survey Date: 7/17/2002

Observations and Field Notes

Waterfowl and Wildlife Observations / Field Notes

Waterfowl Observations:

Observed 2 broods of Canada geese - 1 adult with 5 goslings, and 1 adult with 4 goslings. Also observed 2 hen wood ducks and 1 hen blue-winged teal.

Other Wildlife Observations:

Observed 21 American white pelicans, 10 double-crested cormorants, 2 great blue herons, 3 ring-billed gulls, and 2 black terns. Fish are present - 2 dead bullheads and 22 carp were seen. Most of the carp (~20) were seen at the south end of the north part of the lake, near the sheet piling structure (points #33 & 44). The north part of the lake gets a lot of fishing pressure, according to the Assistant Area Manager.

Field Notes:

The lake was surveyed July 17 & 18, 2002. Weather conditions for the 18th were: ~90F, 90% cloudy. The survey started at 9:00 am and ended at 11:30 am, just before it began to lightning and pour rain. The north part of the lake had very little submergent vegetation. Vegetation was more abundant in the south part. Species diversity was also greater in the south part of the lake. There was a fringe of cattails around most of the shoreline, and in some spots the cattails were thick enough to prevent access to the sample points. The exotic curly-leaf pondweed is present - no plants were seen, but 3 turions were found. Secchi readings were poor. Water was very green in the north part and very brown in the south part. The lake is separated into north and south basins by a sheet piling control structure located under the railroad bridge. The structure acts as a fish barrier when the water is low. There also is a stop-log structure at the outlet on the southeast side of the south basin. It is possible to manipulate water levels in the south basin affecting the north basin. It is possible to move between the two basins by crossing the sheet piling structure, but it depends on water level and boat type.

DOW Lake ID: 07006000
 Survey Date: 7/17/2002

Sample Point Data Summary

- Eagle

Sample Point Information

Minimum Depth: 1.10 Minimum Secchi: 0.30 Total Number of Points: 106
 Maximum Depth: 12.00 Maximum Secchi: 1.50 Number of Points Sampled: 91
 Mean Depth: 4.13 Mean Secchi: 0.91

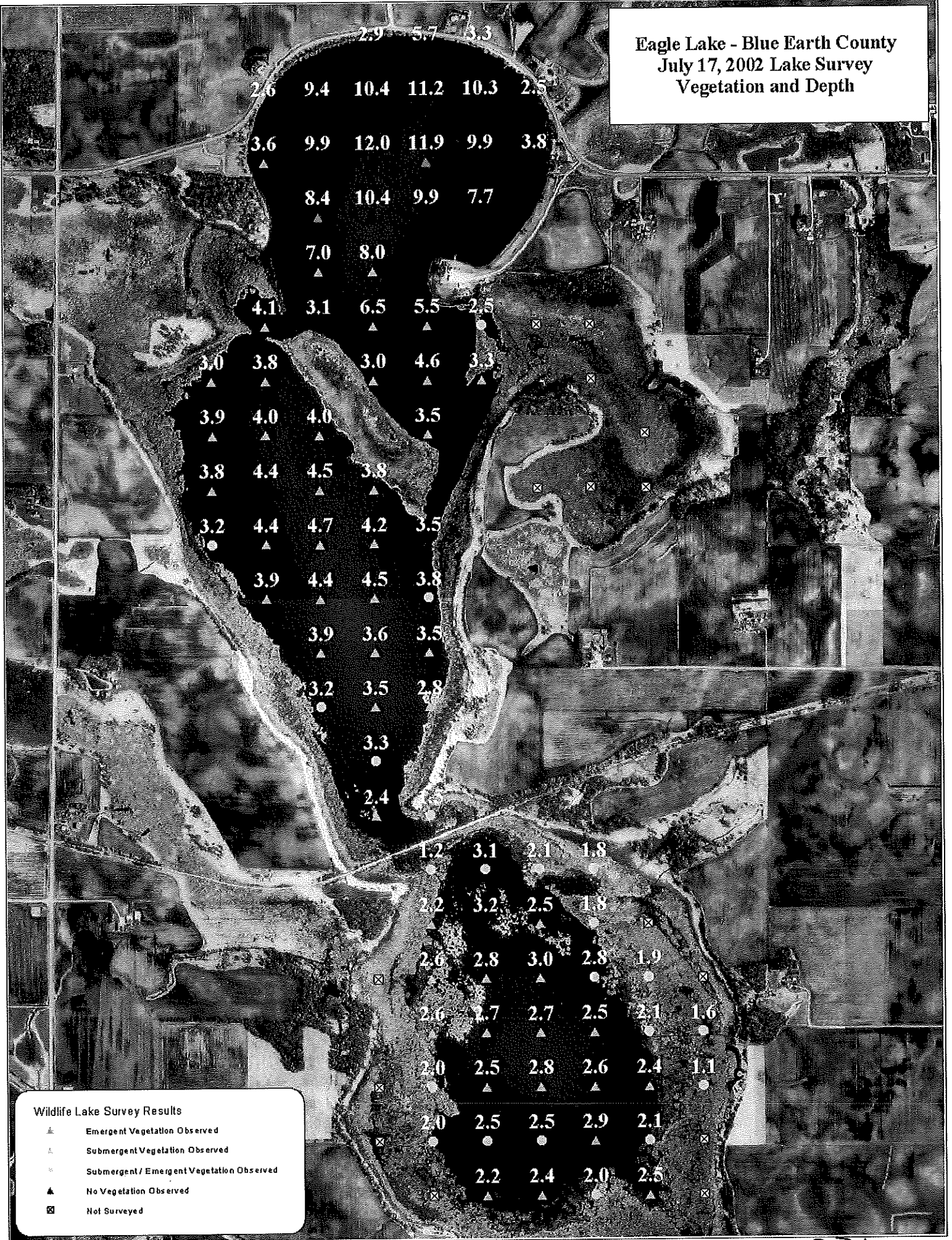
Vegetation Summary

Number of Sample Points: 91
 Lakewide Species Richness: 11
 Percent of Vegetated Points: 78.0%

Vegetation Species	# of Points Occurring	Species Frequency	95% CI	High C / I	Low C / I	Frequency Value
<i>Ceratophyllum demersum</i> Coontail	60	65.9%	0.1034	0.7628	0.5559	0.6593
<i>Chara species</i> Muskgrass Group	22	24.2%	0.0940	0.3357	0.1478	0.2418
No Vegetation Present No Vegetation	20	22.0%	0.0910	0.3108	0.1287	0.2198
<i>Potamogeton species - narrowleaf type</i> Narrowleaf Pondweed Group	17	18.7%	0.0860	0.2728	0.1008	0.1868
<i>Myriophyllum sibiricum</i> Northern Water Milfoil	17	18.7%	0.0860	0.2728	0.1008	0.1868
<i>Lemna minor</i> Lesser Duckweed	17	18.7%	0.0860	0.2728	0.1008	0.1868
<i>Nymphaea odorata</i> Common White Waterlily	9	9.9%	0.0672	0.1661	0.0317	0.0989
<i>Najas flexilis</i> Bushy Naiad	9	9.9%	0.0672	0.1661	0.0317	0.0989
<i>Stuckenia pectinata</i> Sago Pondweed	8	8.8%	0.0640	0.1519	0.0239	0.0879
<i>Typha species</i> Cattail Group	6	6.6%	0.0568	0.1227	0.0092	0.0659
<i>Elodea canadensis</i> Canada Waterweed	6	6.6%	0.0568	0.1227	0.0092	0.0659
<i>Lemna trisulca</i> Star Duckweed	4	4.4%	0.0478	0.0918	-0.0039	0.0440
<i>Potamogeton robbinsii</i> Robbins' Pondweed	2	2.2%	0.0358	0.0578	-0.0138	0.0220
<i>Nuphar variegata</i> Common Yellow Waterlily	1	1.1%	0.0270	0.0380	-0.0160	0.0110

Survey Map

Eagle Lake - Blue Earth County
 July 17, 2002 Lake Survey
 Vegetation and Depth



Wildlife Lake Survey Results

- ▲ Emergent Vegetation Observed
- ▼ Submergent Vegetation Observed
- Submergent/ Emergent Vegetation Observed
- ▲ No Vegetation Observed
- ☒ Not Surveyed

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Early Lake Survey Vegetation Report



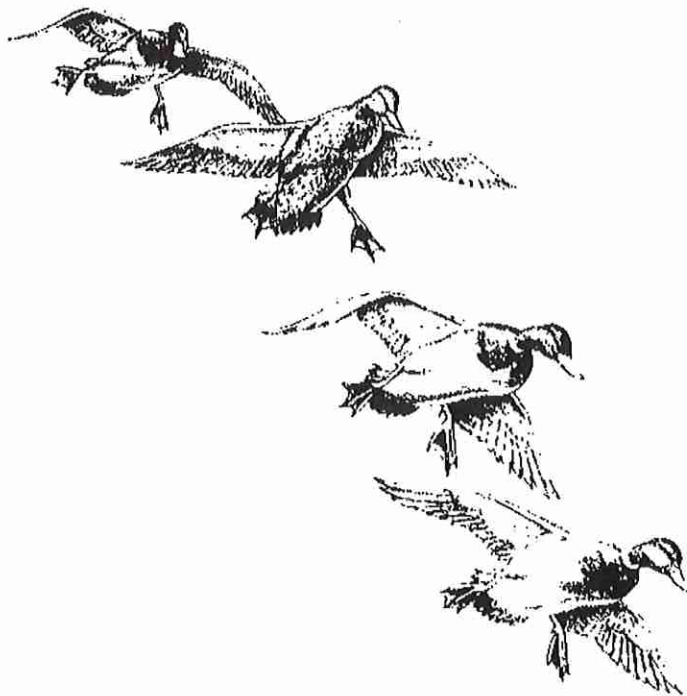
DOW#:

Survey Date:

Lake Name:

Vegetation Code	Name	Abundance	Distribution	Percent
Comments				
NF	Bushy Pondweed	5		
PP	Sago Pondweed	3		
PP	Sago Pondweed	3		
NF	Bushy Pondweed	5		
PP	Sago Pondweed	3		
C	Muskgrass spp.	1		
PP	Sago Pondweed	4		
NF	Bushy Pondweed	5		

Wildlife Lake Habitat Survey Report



NAME OF LAKE: Eagle

DOW LAKE ID #: 07006000

DATE OF SURVEY: 7/27/1970

TYPE OF SURVEY: Wildlife Lake Survey

SURVEY CREW: R. Nelson and G. West



Information Provided by:

Minnesota Department of Natural Resources
Wildlife Management Section
Shallow Lakes Program



DOW Lake ID: 07006000
Survey Date: 7/27/1970

General Lake Information

Location Information

Legal Description

Township: 108 Range: 26 Section: 1

Primary County: Blue Earth

Work Area Name:

Wildlife Work Area:

General DOW Lake Information

Basin Area (Acres): 1,183

Secchi Depth (feet): 10

PWI Class: P

Number of Public Accesses: 1

DOW Wetland Type: 5

Watershed ID: 32082

USGS Quad Name: Mankato East

Miles of Shoreline: 9

Survey Maximum Lake Depth:

DOW Maximum Lake Depth 14.0

Survey Mean Lake Depth:

DOW Mean Lake Depth: 4.0

Survey Maximum Secchi Depth

Survey Mean Secchi Depth:

Lake Survey Conditions

Time:

Cloud Cover (%):

Temperature Air / Water (F): /

Wind Speed (mph):

Direction:

Previous Wildlife Lake Survey Information

Type of Survey	Survey Year	Survey Date	Survey Crew	Requested by
Wildlife Lake Survey				
Wildlife Lake Survey	1953	07/07/1953	CR Johnson	Unknown
Wildlife Lake Survey	1970	07/27/1970	R. Nelson and G. West	Unknown
Wildlife Lake Survey	2002	07/17/2002	Ann Geisen & Stein Innvaer	Joel Anderson, AWM
Wildlife Lake Survey	2011	06/15/2011	J. Croatt & D. Anderson	

Lake Survey Access Information

DOW Lake ID: 07006000

Inlets and Outlets Information

Survey Date: 7/27/1970

Inlet Information

No Information Was Collected

Outlet Information

No Information Was Collected

-
- (a) (ID) Intermittent - Dry (no flow at mouth, still may contain water), (IF) Intermittent - Flowing (currently has flow at mouth), (C)ontinuous flow, (X) Unkown
- (b) (N)amed lake (give name), (U)nnamed lake, (M)arsh, (S)pring, (W)ell, (T)ile, (SS) Storm sewer, (D)itch, (O)ther (describe), (X) Unkown
- (c) Give up to two most common in order of abundance: (H)ardwoods, (CO)nifers, (MI)xed Forest, (G)rasses, (CR)ops, (P)asture, (MU)ncipal, (R)esidential, (O)ther (describe), (X) Unkown
- (d) (F)loating object, (C)urrent meter, (D)irect time and volume measurement (gpm / 15.9 = cfs). Describe where the flow measurement and avg. width/depth estimates were taken on the flow worksheet section
- (e) (Y)es, (N)o, (X) Unkown
- (f) List the species code for up to 4 species with known spawning runs in this inlet
- (g) (TC) type "C" with stoplogs, (SP) Sheet piling, (DI) Drop inlet with stoplogs, (CF) Concrete with fixed sill, (BD) Beaver dam, (O)ther (describe), (X) Unkown
- (h) (DNR), (UFS), (DOT), (COU)nty, (COE), (NPS), (FWS), (CIT)y, (TOW)nship, (NPS), (PRI)vate (describe), (None) (natural dam), (O)ther (describe), (X) Unkown

DOW Lake ID: 07006000

Survey Date: 7/27/1970

Water Level and Chemistry

Water Level Information

No Information Was Collected

Water Chemistry

Lake or Inlet (L or I):

Sample Date:

Date Sample Analyzed:

Nonstandard Description:

Color Cause Code and Description:

Water Color Code and Description:

Total Phosphorus (ppm):

Ortho Phosphorus (ppm):

Conductivity (umhos):

Nitrate [NO3-N] (ppm):

Nitrite [NO2-N] (ppm):

Nitrogen TLKJ (ppm):

Ammonia [NH3-N] (ppm):

Other Measurements

Comments:

pH:

Sulphate Ion (ppm):

Chloride Ion (ppm):

Total Iron (ppm):

Dissolved Iron (ppm):

Alkalinity (ppm):

Alkalinity Method:

Station Number of Water Sample:

Depth Sample Taken (ft):

Bottom Depth (ft):

Dissolved Oxygen (ppm):

Biological O2 Demand (ppm):

Organic Dissolved Solids (ppm):

Dissolved Solids (ppm):

Suspended Solids (ppm):

Chlorophyll A [trichromatic] (ppm):

Chlorophyll A [pheophytin] (ppm):

DOW Lake ID: 07006000

Survey Date: 7/27/1970

Observations and Field Notes

Waterfowl and Wildlife Observations / Field Notes

Waterfowl Observations:

Other Wildlife Observations:

Field Notes:

DOW Lake ID: 07006000
Survey Date: 7/27/1970

Sample Point Data Summary

- Eagle

Sample Point Information

Minimum Depth: Minimum Secchi: Total Number of Points: 8
Maximum Depth: Maximum Secchi: Number of Points Sampled: 8
Mean Depth: Mean Secchi:

Vegetation Summary

Number of Sample Points: 8
Lakewide Species Richness: 3

Vegetation Species	# of Points Occurring	Species Frequency	95% CI	High C / I	Low C / I	Frequency Value
<i>Stuckenia pectinata</i> Sago Pondweed	4	50.0%	0.4329	0.9329	0.0671	0.5000
<i>Najas flexilis</i> Bushy Naiad	3	37.5%	0.4211	0.7961	-0.0461	0.3750
<i>Chara species</i> Muskgrass Group	1	12.5%	0.3075	0.4325	-0.1825	0.1250

No Survey Map is Available

Early Lake Survey Vegetation Report



DOW#:

Survey Date:

Lake Name:

Vegetation Code	Name	Abundance	Distribution	Percent
Comments				
SX	Narrowleaf Cattail	5		
CA	Sedge	5		
SCF	River Bulrush	4		
ELS	Spikerush	4		
SR	Stiff Wapato	4		
PHAU	cane	4		
SE	Giant Burreed	4		
PHA	Reed Canary Grass	3		
AC	Sweet Flag	2		
SA	Hardstem Bulrush	3		
TL	Broadleaf Cattail	3		
PP	Sago Pondweed	5		
PZ	Flatstem Pondweed	4		
NYL	Little White Waterlily	4		
MYT	water milfoil	4		

Vegetation Code	Name	Abundance	Distribution	Percent
Comments				
CD	Coontail	4		
UV	Greater Bladderwort	4		
PN	Floatingleaf Pondweed	3		
RO	Widgeon Grass	3		
NUL	Little Yellow Waterlily	3		
NAG	Northern Naiad	3		
LT	Star Duckweed	3		
LM	Lesser Duckweed	3		

Appendix E: Additional Noise Information

SBP ASSOCIATES, INC.

22502 Beach Road
Deerwood, MN 56444
Phone: 952-920-1500

Memorandum

Date: February 11, 2022
To: Gina Aulwes, Bolton and Menk
From: Steve Platisha, P.E.
Re: Noise Levels on Eagle Lake

The purpose of this memorandum is to present the results of the SBP Associates, Inc. (SBP) assessment of the existing noise levels on Eagle Lake in Eagle Lake, Minnesota. The lake is adjacent to Minnesota TH 14. Existing noise levels were determined at 5 points on the lake, representing areas near the southern shore, the eastern shore, and the center portion of the lake. The receptors are shown in Figure 1. The report compares these existing noise levels to maximum noise levels at the lake receptors nearest the track (receptors R3, R4, and R5) during an event.

Modeled Existing Noise Levels – Methodology and Results

Existing noise levels were modeled using the noise analysis software MINNOISEV3.1, a modified version of the FHWA noise prediction model STAMINA 2.0. The MINNOISEV31 traffic noise model has been used by the Minnesota Department of Transportation (MnDOT) to determine noise impacts of Minnesota Highways. Traffic and truck volumes used in the modeling were based on 2019 counts conducted at the intersection of CSAH 27 and TH 14.

Table 1 presents the results of the modeling for traffic conditions during the hour with the most heavy truck traffic (9:15 am to 10:15 am), during the 6:00 am – 7:00 am hour, during the 1:00 pm to 2:00 pm hour, and during the 4:00 pm to 5:00 pm hour.

Table 1
Eagle Lake - Existing Noise Levels

	Modeled Existing Noise Levels (dBA)							
	High Noise Hour (9:15 – 10:15 am) ⁽¹⁾		6:00 am – 7:00 am (High Nighttime Noise Hour)		1:00 pm to 2:00 pm		4:00 pm to 5:00 pm	
Receptor	L10	L50	L10	L50	L10	L50	L10	L50
R1	72.7	62.6	71.1	65.6	72.5	67.4	72.6	68.0
R2	59.9	56.7	58.3	54.7	59.7	56.5	59.8	57.1
R3	59.7	56.4	58.1	54.4	59.5	56.2	59.7	56.8
R4	55.7	52.5	54.1	50.6	55.5	52.4	55.6	52.9
R5	67.5	63.1	65.9	61.1	67.3	62.9	67.4	63.5

⁽¹⁾ 9:15-10:00 am was the hour with the most heavy truck traffic during the 2019 traffic count.

Temperature Inversions and Existing Eagle Lake Noise Levels

Temperature inversions most often happen at night after the sun goes down when the ground (or water in a lake) cools off quickly, while the air above the ground remains warm. On a typical sunny afternoon, air is warmest near the ground and coolest at higher altitudes. This temperature gradient causes sound waves to bend upward, away from the ground and results in lower noise levels being heard at the listener’s position. At night, from sunset until about 2 hours after sunrise, this temperature gradient will reverse, resulting in cooler temperatures near the ground. This condition will cause sound to bend downward toward the ground and results in louder noise levels at the listener position. This downward refraction of sound is why you can hear the conversations of boaters or campers across a lake, when otherwise you would not be able to hear them. Temperature gradients can significantly influence sound propagation over long distances.

TH 14 traffic noise would propagate much further across Eagle Lake during these nighttime and early morning hours under temperature inversion conditions. Levels during these periods could be expected to be at least 5 dBA to 8 dBA greater than under neutral atmospheric conditions. (Saurenman, H., Chambers, J., Sutherland, L. C., Bronsdon, R. L., and Forschner, H. (2005). Atmospheric Effects Associated with Highway Noise Propagation. Report No. 555, prepared for the Arizona Department of Transportation, Phoenix, AZ)

Comparison of TH 14 Noise to Track Noise Impacts

The noise study conducted for the EAW used the MINNOISEV31 traffic noise model to predict noise impacts at residential locations located near the perimeter of the proposed motor sports facility. This same model was used in this analysis to predict noise levels during a track event at the Eagle Lake receptors R3 and R4 to compare these impacts to the existing noise levels experienced at these same receptors during a summer nighttime with temperature inversion conditions. Note that this model does not include additional mitigation provided by extending the barrier between the track and the lake, as is currently proposed. Table 2 presents the results of this analysis.

Table 2
Eagle Lake – Comparison Maximum Existing Noise Levels on eagle Lake vs. Maximum Noise Levels Impacts from a Track Event

	TH 14 Maximum Noise Level Impacts vs. Track Impacts (dBA)					
	Existing Maximum Noise Levels Without A Track Event ⁽¹⁾		Maximum Noise Levels During a Track Event ⁽²⁾		Difference Between Maximum Noise Levels Now vs. During a track Event	
Receptor	L10	L50	L10	L50	L10	L50
R3	63.1	59.4	62.6	59.6	-0.5	0.2
R4	58.4	55.9	58.6	55.9	-0.7	0.3
R5	67.5	63.1	67.9	63.7	0.4	0.6

⁽¹⁾ For receptors R3 and R4, existing maximum noise levels are based on modeled TH 14 traffic noise impacts during early morning (6:00 am – 7:00 am) summer temperature inversion conditions. Levels are calculated at receptors R3 and R4 by adding 5 dBA to the modeled TH 14 impacts, which did not consider temperature inversion conditions. Receptor R5 is relatively close to the highway, so temperature inversions would not be a large factor in noise levels. Existing maximum noise levels here would occur during the daytime peak noise hour. The noise level is calculated at R5 by adding the maximum noise level from the track (L10 = 57.9, L50 = 55.1) to the daytime maximum noise level from the highway.⁽²⁾ Based on track impacts with 20 cars operating 50 minutes per hour at 2 minutes per lap, and a vehicle emission rate of 87.8 dBA at 50 feet.

The results show that the existing maximum modeled noise levels from TH 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. This analysis did not include the additional proposed barrier between the track and the Lake.

Noise level comparisons are not provided for receptors R1 and R2 due to limitations of the model. However, the relative impact from the track compared to the impact from TH 14 would be lower as you move westward away from the track.

Figure 1 - Eagle Lake Noise Receptors



Appendix F: Noise Resolution

Resolution Establishment of Eagle Lake Sound Review Committee

Whereas, members of the Eagle Lake community have expressed concerns about noise likely to be generated by development of the Mankato Motorsports Park ("Project").

Whereas, residents have expressed concerns about: (i) the volume of noise,(ii) hours of operation of the track facility; (iii) potential ways to reduce noise generated by vehicles using the Motorsport track ("Track"), and (iv) enforcement of any restrictions on noise levels imposed by the City on the Project.

Whereas, the City Council has determined that it desires to establish an effective method of enforcing MPCA noise standards for the Project;

Now Therefore Be It Resolved by the Eagle Lake City Council as follows:

Establishment of Eagle Lake Sound Committee.

To effectively deal with compliance of the Developer's Project with MPCA noise standards, the Eagle Lake City Council hereby establishes the Eagle Lake Sound Review Committee ("Committee").

Purpose of the Committee.

The purpose of the Committee is to create a balance between sound generating activities at the Track with a desire for livable communities currently existing or likely to be developed in the future in proximity to the Track.

Membership on Committee.

The committee shall be composed of 5 members: 3 residents of the City of Eagle Lake selected by the City Council; 1 city staff member or city council member selected by the City Council; and 1 representative of the Developer to be selected by the Developer.

The City Attorney shall serve as legal advisor to the Committee.

Costs.

The Developer shall reimburse the City for its reasonable, necessary and documented costs of the Committee including reimbursement to the City for the City Attorney's time and reimbursement to the City for the time of an acoustics professional retained for the purpose of assisting the City in resolving any noise disputes with the Project Developer.

Committee Relationship With City Council.

The Committee is accountable to the City Council. The Committee chairperson shall prepare quarterly reports to the Council on the Committee's activities, if any. The Committee shall meet monthly or more often in the discretion of the Committee chairperson who shall be duly appointed by the City Council. Committee members can serve a maximum of 2 consecutive yearly terms.

Responsibilities of Committee.

The Committee shall: (i) monitor noise generating activities at the Track to insure that MPCA noise standards are not being violated; (ii) investigate each reasonable complaint that MPCA standards have been or are being violated; (iii) report to the Council its findings of any investigation conducted by the Committee of MPCA noise standard

violations; and (iv) make recommendations to the City Council for reasonable corrective action of any MPCA noise standard violations.

It shall be the sole responsibility of the City Council to take enforcement actions for violations of MPCA noise standards.

Dispute Resolution.

Whenever a disagreement or dispute arises between the Committee and the Developer regarding Developer's compliance with MPCA noise standards, such dispute shall be resolved in accordance with the following procedures.

Meet and Confer. The Committee shall first notify the Developer in writing of such dispute and request a meeting. No later than seven (7) business days after receipt of such request, Developer and majority of the Committee members shall meet and confer for a minimum of two (2) hours. This meeting shall be for the express purposes of (1) exchanging and reviewing all pertinent non-privileged documents and information relating to the matters and issues in dispute, (2) freely and candidly discussing Developer's and the Committee's positions, and (3) reaching agreement upon a reasonable, compromise resolution of the dispute.

Mediation. If the dispute is not resolved to the satisfaction of the Committee or Developer, either party may request mediation, which shall be compulsory. Mediation shall occur utilizing the services of a trained mediator, mutually agreed upon by both Parties, with at least three (3) years experience in mediating development disputes. Costs for such mediation shall be paid by Developer.

Council Approval.

The City Council shall have the right to approve any dispute resolution arrived at by the Developer and Committee and shall have the right to accept or reject any recommendation of the Committee in the Council's sole discretion.



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Sewer and Water Extension Project

Chad Ragan, 804 Parkway Avenue, notified the City of Eagle Lake on September 2nd that he no longer needs the City to extend sewer and water as he is now able to obtain an easement from 800 Parkway Avenue to do so. Mr. Ragan was advised that he will need to provide a bona fide utility easement with 800 Parkway Avenue to obtain a permit to connect to City sewer and water. A verbal agreement between the two properties is not acceptable.

For purposes of providing background, Mr. Ragan attended the June 7, 2021 Eagle Lake City Council meeting and informed that he had a non-compliant septic system and that he was unable to obtain an easement from 800 Parkway Avenue to connect to City sewer. The minutes reflect that Mr. Ragan explained that he was given 90 days to fix the issue and that the existing line was approximately 500 feet from his property and that he would need a grinder pump. Mr. Ragan stated that his family was not interested in granting an easement due to it creating a potential future hardship if they wanted to sell the commercial property. It was determined at that time that the City Council would grant Mr. Ragan a variance to replace his non-compliant septic system with the understanding that once the new septic system reached the end of its useful life that he would have to connect to City sewer. Then on December 6, 2021, Pete Forrey attended the City Council meeting as Mr. Ragan's representative (due to Mr. Ragan being out of town and not able to attend the meeting) to request that the City extend sewer to his property due to it not being possible to install a new septic system on his property. The minutes reflect that the sewer line would not have a lot of depth and that he may need to install a private pump for the sewer.

Since the December 6th meeting, the City has incurred engineering and legal fees (drafting engineering plans and utility easements and meetings with the Ragan family). Bids were sought and a contract awarded to Bromeling Excavating to extend sewer and water. The property owners of 800 and 804 Parkway Avenue are responsible for the cost to connect to City sewer and water.


Per a phone call with Mr. Ragan on September 6th, he was advised that the matter will be discussed this evening and that resolution needs to be reached. A decision needs to be made – proceed as planned and utility easements and agreement for connection for 804 Parkway Avenue signed or terminate the contract.

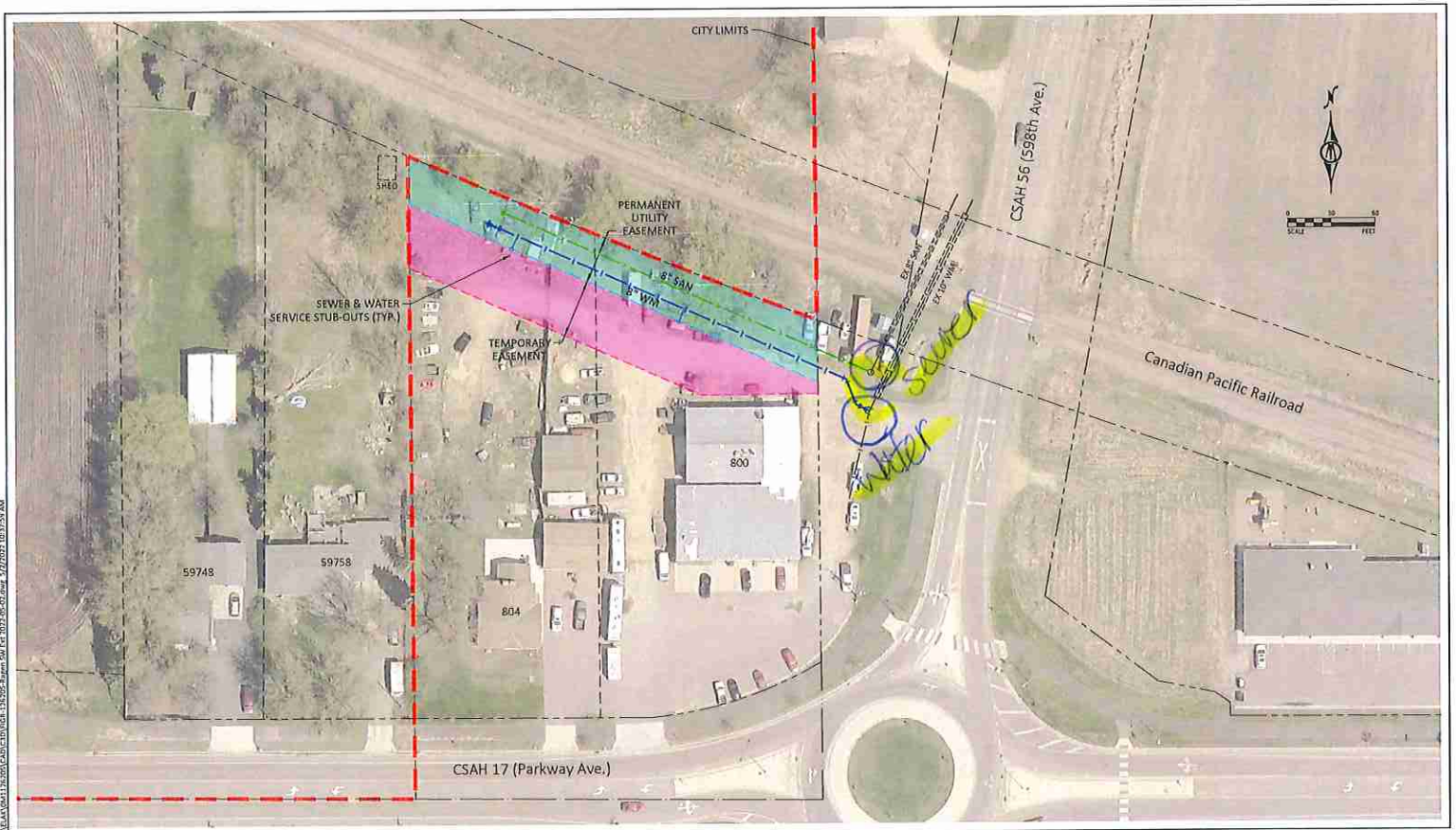
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Both 800 and 804 Parkway Avenue will be required to connect to City sewer and water at their own expense and arrange and pay for abandonment and reconstruction of private sewer and water services between their connection point and the City's water and sewer infrastructure. Sewer and water are available for 800 Parkway Avenue and they should be directed to connect immediately. It was discovered through this process that 800 Parkway Avenue is not connected to City utilities even though they are available. 804 Parkway Avenue has a non-compliant septic system and has a well for water.

Attached for reference purposes is a drawing depicting the proposed sewer and water extension. Also attached are minutes in which this matter has been discussed at City Council meetings.

Brian Sarff with Bolton and Menk will be at the meeting to answer any questions.


Jennifer J. Bromeland
City Administrator



- Council Member Rohrich moved, seconded by Council Member Steinberg, moved to approve Resolution 2021-25 to promote Ben Romig to a full-time police officer. Motion carried with Council Members Steinberg, Rohrich, White, Whittington and Mayor Auringer voting in favor.
4. Hiring of Part-Time Police Officer
- Five applications were received for the position of part-time police officer. The hiring committee, consisting of Chief Kopp, Administrator Bromeland, and the program director with MN Valley Council of Governments interviewed all five candidates. The hiring committee recommends that Evan Chirpich be hired as a part-time officer at Step 1. Mr. Chirpich recently received his Bachelor of Science degree in Law Enforcement.
 - Council Member White moved, seconded by Council Member Rohrich, to approve Resolution 2021-27 authorizing the hiring of Evan Chirpich. Motion carried with Council Members Steinberg, Rohrich, White, Whittington and Mayor Auringer voting in favor.
 - Council requested that new hires be asked to attend the Council meetings to be introduced.
5. Review Bids Received Street Repairs
- There was \$115,000 budgeted in 2021 for street repairs with an available balance of \$112,600 remaining. The unused street repair funds from 2020 were carried over to capital outlay for this purpose.
 - Three bid requests were requested with WW Blacktopping submitting the only bid in the amount of \$87,831.55 plus additional cost for unknown manhole adjustment rings and water valve irons that may be needed. The approximate cost for these items is \$3,500.
 - Public Works Director Brian Goettl stated work would be coordinated with traffic patterns relating to the Agency Street project and that crack sealing and gravel work are also being considered for 2021.
 - Council Member Steinberg moved, seconded by Council Member White, to approve WW Blacktopping's bid in the amount of \$87,831.55. Motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
6. Park Land Access Request from 1001 Timberidge Trail
- A request has been received from Pan and Dave Serdar, owners of 1001 Timberidge Trail, to access the rear of their property on limited occasions using City park land.
 - The Serdar's written request stated they would like to continue the access previous owners have occasionally used through their back gate in May and September to move their camper, occasionally for tree trimming access, and to dispose of leaves. They would ensure that they utilize their property through this access point when it is dry so as not to cause any damage to park land.
 - Discussion included the request that the Serdar's contact City staff prior to accessing the property and that the Serdars' are aware that the City may withdraw access approval in the future if the park expands.
7. Sewer Connection Variance Request from 804 Parkway Avenue
- Administrator Bromeland explained that Chad Ragan, owner of 804 Parkway Avenue, was notified some time ago by Blue Earth County of a septic system upgrade required for the property. Since that time, Mr. Ragan has been in contact with City staff to discuss connecting to City sewer. Recently, Mr. Ragan advised City staff that he is unable to obtain an easement from the owner of 800 Parkway Avenue for this purpose. After consulting with the City's engineer with Bolton and Menk, Brian Sarff, and the City's Public Works Director, Brian Goettl, it was suggested that perhaps Mr. Ragan be allowed to replace his septic system and granted a variance from connecting to City sewer until sewer is made available in front of his property along Parkway Avenue in the future.
 - If the City is agreeable to allowing Mr. Ragan to replace his septic system, the City will need to send a letter to MPCA informing them of an exception being granted for 804 Parkway Avenue. City staff has confirmed with Jesse Anderson with Blue Earth County that the county will be the entity performing the inspection and issuance of a permit for the septic system.
 - Mr. Chad Ragan explained he has 90 days to fix the issue. The existing line is approximately 500 feet from his property and he would need a grinder pump. The family is not interested in granting an easement due to potential future hardship of selling the commercial property.
 - Administrator Bromeland stated that the City has the ability to authorize the septic system and also require the property owner to connect to future city services once the new septic system reaches the end of its useful life.
 - Council Member White moved, seconded by Council Member Rohrich, to approve the variance request allowing a new septic system for 804 Parkway Avenue. Motion carried with Council Members Steinberg, Rohrich, White, Whittington, and Mayor Auringer voting in favor.
 - Brian Sarff with Bolton and Menk stated that Mr. Rykhus, 524 Agency Street, has a similar situation and that Mr. Sarff will bring connection information to the Council at the July meeting.

- Residents were encouraged to submit a ticket with MetroNet if they have questions or concerns relating to the build out.
5. Pete Forrey with Forrey Septic and Representative for Chad Ragan: Sewer Extension Needed for 804 Parkway Avenue
- Mr. Forrey explained that he was contacted by Chad Ragan to install a new septic system on his property at 804 Parkway Avenue and that the only portion of the property in which it would be possible is the extreme northern part, but due to the fill in that area he would not recommend constructing in that area.
 - Mr. Forrey asked for Council consideration to extend the sewer line to this property.
 - Mr. Sarff stated he has pulled together one concept design that would serve this and the property to its east. A small water main could be added, as well as a hydrant, which will need to be flushed. The estimated cost for such a project would be \$33,000 for sewer and \$27,000 for water for an estimated total of \$60,000. He also stated that it would be better to move the new line further to the south.
 - The sewer line would not have a lot of depth and that Mr. Ragan may need to install a private pump for the sewer.
 - Discussion included if the property owners to the west of 804 Parkway Avenue are interested in connecting to the new water and sewer lines, they would first need to be annexed into city limits and would need to submit a petition for annexation. An easement would need to be obtained from the Chuck's Body Shop.
 - Bolton and Menk will develop preliminary plans for project.
 - Council Member Whittington moved, seconded by Council Member Steinberg, to authorize Bolton and Menk to obtain an easement for this project. The motion carried with Council Members Steinberg, Rohrich, Whittington, and Mayor Auringer voting in favor.

NEW BUSINESS

1. Revisit Petition for Annexation Received for Parcel
- Administrator Bromeland stated that the petition for annexation was discussed at the November 22, 2021 special city council meeting with no action taken due to Council asking for additional information. Since the last Council meeting Mr. Jackson has been in contact with some residents in the Eagle Heights Subdivision to try to address their concerns. There is a revised design concept for Council information. This concept is for informational purposes only. The only action for Council is the request for annexation which has no timeframe to be acted upon. The next step is to schedule a public hearing.
 - If the parcel is annexed into the City the Planning Commission would make a recommendation as to how this parcel should be rezone.
 - Brian Sarff stated the sewer lift station has capacity and that the primary concern is related to water looping. The current line comes in from Agency Street and is in good condition. If this line breaks there would be an issue for water service to affected properties. Discussion included how water main looping could be addressed.
 - Council discussion included how the proposed development would affect water run off to developed properties. Mr. Sarff stated that it is the contractor's burden to ensure water run off can be handled.
 - Mr. Jackson stated he likes the idea of not annexing the parcel if Council is not favorable to the project.
 - Bernie Davey, 60321 21st Street, stated this project sets a precedent for rental units in the area and that he is not sure if anyone would want to build single family housing in the area if this project goes through.
 - Pam Davey, 60321 21st Street, stated there is a high need for senior housing and asked if this could be a possibility. She also stated that Mr. Jackson has been very accommodating with this process.
 - A resident asked if there is a better way to get into Eagle Lake, stating the high speed of traffic in this area. Council discussion included the desire to consider installing a four way stop at Maple Lane and 21st Street.
 - Through MAPO, a pedestrian connectivity study will be completed for this area.
 - Tony Dickmeyer, 256 Oak Drive, stated he would like to see infrastructure needs be addressed before any more development occurs.

in any unsanitary manner on public or private property within the City, or in any area under jurisdiction, any human or animal excrement, garbage or objectionable waste.

Subd. 3. Except as provided hereinafter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of wastewater.

Subd. 4. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purpose from which wastewater is discharged, and which is situated within the City and adjacent to any street, alley, or right-of-way in which there is not located, or may in the future be located, a public sanitary sewer of the City, shall be required, at the owner(s) expense, to install a suitable service connection to the public sewer in accordance with provisions of this Ordinance, within thirty (30) days of the buildings constructed on property adjacent to the public sewer shall be required to immediately connect to the public sewer. If sewer connections are not made pursuant to this Section, an official thirty (30) day notice shall be serviced instructing the affected property owner to make said connection.

Subd. 5. In the event an owner shall fail to connect to a public sewer in compliance with a notice given under Section 9.03, Subd. 4 of the Ordinance, the City must undertake to have said connection made and shall assess the cost thereof against the benefited property. Such assessment, when levied, shall bear interest at the rate determined by the City Council and shall be certified to the Auditor of the County of Blue Earth, Minnesota and shall be collected and remitted to the City in the same manner as assessments for local improvements. The rights of the City shall be in addition to any remedial or enforcement provisions of this Ordinance.

SECTION 9.040 PRIVATE WASTEWATER DISPOSAL

Subd. 1. Where a public sewer is not available under the provisions of Section 9.030, Subd. 4, the building sewer shall be connected to a private wastewater disposal system with the provisions of this system.

Subd. 2. Prior to commencement of construction of a private wastewater disposal system, the owner(s) shall first obtain a written permit signed by the City. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary to the City. A permit and inspection fee of five dollars (\$5.00) shall be paid to the City at the time the application is filed.

Subd. 3. A permit for a private wastewater disposal system shall not become effective until the installation is complete to the satisfaction of the City or its authorized representative. The City or its representative shall be authorized to inspect the work at any stage of construction, and, in any event, the applicant for the permit shall notify the City when work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within 4 business hours of the receipt of notice.

Subd. 4. The type, capacity, location, and layout of a private wastewater disposal system shall comply with all requirements of Minnesota Rule Chapter 7080 entitled, "Individual Sewage Treatment System Standards". No septic tank or cesspool shall be permitted to discharge to any natural outlet.

Subd. 5. At such time as a public sewer of the City becomes available to a property serviced by a private wastewater disposal system, a direct connection shall be made to the public sewer within thirty (30) days in compliance with the Ordinance, and within sixty (60) days any septic tank, cesspool, and similar private wastewater disposal system shall be cleaned of sludge. The bottom shall be broken to permit drainage, and the tank or pit filled with suitable material.

Subd. 6. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times at no expense to the City.

Subd. 7. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the MPCA or the Department of Health of the State of Minnesota.

SECTION 9.050 BUILDING SEWERS AND CONNECTIONS

Subd. 1. Any new connections to the sanitary sewer system shall be prohibited unless sufficient capacity is available in all downstream facilities including, but not limited to, capacity for flow, CBOD5, and Suspended Solids, as determined by the Superintendent.

Subd. 2. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

Subd. 3. Applications for permits shall be made by the owner or authorized agent and the party employed to do the work, and shall state the location, name of owner, street number of the building to be connected, and how occupied. No person shall extend any private building drain beyond the limits of the building or property for which the service connection permit has been given.

Subd. 4. There shall be two (2) classes of building sewer permits: (a) for residential and commercial service, and (b) for service to establishments producing industrial wastes. In either case, the application shall be supplemented by any plans, specifications, or any other information considered pertinent in the judgment of the City. The industry, as a condition of permit authorization, must provide information describing its wastewater constituents, characteristics, and type of activity. A permit and inspection fee of ten dollars (\$10.00) shall be paid to the City at the time the application is filed.

Subd. 5. All costs and expenses incidental to the installation and connection of the buildings sewer shall be borne by the owner(s). The owner(s) shall indemnify the City



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Hazardous Buildings Report for Regency Manufactured Home Park

The City's Building Inspector, Dan Murphy, was asked to inspect eleven homes in the Eagle Lake Regency Manufactured Home Park. As per Mr. Murphy's report, a copy of which is attached, all eleven homes have been deemed structurally unsafe per MN Rules 1300.0180. The unsafe homes shall be demolished and placed in a licensed landfill/recycling center per MN Statute 463.15.

According to Mr. Murphy, it is estimated that it will cost approximately \$6,000 per structure for demolition and removal. Further, according to Mr. Murphy, Regency Manufactured Home Park does not have title to the structures.

For reference purposes, attached is a copy of an agreement between Regency and the City of Eagle Lake from April 2015 in which the City agreed to remove a large special assessment of unpaid utility bills in exchange for Regency replacing sewer infrastructure within the park. A provision of the agreement references vacant homes and the demolition timeline and process. This applies to homes within the ownership of Regency.

Regency's Park Manager, Kim Stumne, advised that she is unable to attend the meeting this evening in person but that she is working with corporate on a timeline to remove the homes and will stay in communication.

Mr. Murphy is also unable to attend the meeting this evening but recommends that the City establish a timeline that is reasonable for Regency to be able to demolish the structures due to the potentially large upfront cost to the City if abatement is initiated.

Discussion should ensue about provisions to include in an agreement with a timeline for the homes to be removed from Eagle Lake. If the homes are not removed as agreed upon, the City could enter the property, remove the homes, and then assess the costs to the property.

A concern with the City initiating abatement is that the City will have to be prepared to pay the costs upfront for demolition and removal and then assess the costs with no guarantee that the City will be reimbursed if property taxes are not paid.



Jennifer J. Bromeland
City Administrator

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705 Parkway Ave,
PO Box 159
Eagle Lake MN 56024
507.257.3218 phone 507.257.3220 fax
www.eaglelakemn.com

September 1, 2022

Kim Stumne
Regional Manager
Regency of Minnesota, Inc.

RE: Hazardous buildings.

Dear Kim,

On Wednesday, August 31, 2022, I met with Randy and inspected eleven homes in Country Manor Court. The following homes were inspected #19, 26, 35, 43, 84, 86, 91, 92, 93, 96, and 122. My observations in all the manufactured homes are as follows.

- Roofs are leaking water causing rotting of roof sheathing and trusses.
- Due to water intrusion the floor sheathing is rotting causing floor system failures throughout.
- Walls/siding are rotting due to water intrusion.
- Plumbing, electrical and HVAC systems have been open to the elements and are no longer usable.
- Feral cats have infested the structures creating unsanitary conditions.

The above listed homes have been deemed structurally unsafe per Minnesota Rules 1300.0180. The unsafe homes shall be demolished and placed in a licensed landfill/recycling center per statute 463.15.

Respectfully,

Daniel J. Murphy

Daniel J. Murphy
Building Official #2638

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1300.0180 UNSAFE BUILDINGS OR STRUCTURES.

A building or structure regulated by the code is unsafe, for purposes of this part, if it is structurally unsafe, not provided with adequate egress, a fire hazard, or otherwise dangerous to human life.

Building service equipment that is regulated by the code is unsafe, for purposes of this part, if it is a fire, electrical, or health hazard; an unsanitary condition; or otherwise dangerous to human life. Use of a building, structure, or building service equipment constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purposes of this part, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary, and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in the code are unsafe building appendages.

The building official shall order any building or portion of a building to be vacated if continued use is dangerous to life, health, or safety of the occupants. The building official shall have the authority to order disconnection of utility services to the building, structure, or system, regulated by the code, in case of an emergency to eliminate a hazard to life or property. The order shall be in writing and state the reasons for the action.

All unsafe buildings, structures, or appendages are public nuisances and must be abated by repair, rehabilitation, demolition, or removal according to Minnesota Statutes, sections 463.15 to 463.26.

Jennifer Bromeland

From: dan@buildingcodeinfo.com
Sent: Thursday, September 8, 2022 2:26 PM
To: kimstumne@hotmail.com
Cc: Jennifer Bromeland
Subject: Country Manor
Attachments: Country Manor Order 9.1.22.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Kim,

Thank you for the open and understanding conversation. I have attached the letter I spoke about, so you have something for your files. I understand this helps you with the demolition process since the homes titles are not available. You said you were in the process of hiring a new manager and may have someone from corporate/out state to assist in demolishing the homes listed in my letter and will have a plan/timeline put together in the next couple of weeks. You also mentioned you want to be able to have someone within your organization to demolish the homes due to the high cost associated with the tear downs.

Thanks again for your time,

Daniel J. Murphy
Building Official #2638
City Building Inspection Svcs. LLC.
877-333-5620
C 507-330-5034

Jennifer Bromeland

From: dan@buildingcodeinfo.com
Sent: Thursday, September 8, 2022 2:45 PM
To: kimstumne@hotmail.com; Jennifer Bromeland
Subject: secure homes

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Kim,

I forgot to mention in my previous email that we should secure the homes from unwanted entry.

Daniel J. Murphy
Building Official #2638
City Building Inspection Svcs. LLC.
877-333-5620
C 507-330-5034

CITY OF EAGLE LAKE BLUE EARTH COUNTY, MINNESOTA

AGREEMENT FOR REGENCY OF MINNESOTA INC AND THE CITY OF EAGLE LAKE

THIS AGREEMENT made and entered into this 30th day of April, 2015, by and between the City of Eagle Lake, a municipal corporation in the State of Minnesota, hereafter called "City", and Regency of Minnesota Inc, hereafter called the "Regency".

WHEREAS, the City has past utility bills for Regency in the amount of \$79,520 that are due on the property and have been specially assessed, and;

WHEREAS, Regency is objecting to the proposed assessment; and

WHEREAS, if there is no action of this agreement, the City of Eagle Lake will levy the outstanding assessment on the property in accordance with state statute and the process will commence on October 1, 2015.

WHEREAS, the City and Regency make the following agreement in regards to the assessment, whereas the City will reduce the assessment owed to zero (0) in exchange for the following as listed below:

NOW THEREFORE IT IS HEREBY AGREED AS FOLLOWS:

Items that will be completed by Regency of Minnesota, Inc. for their property within the City of Eagle Lake with the Blue Earth County Property ID Number R121018451001.

Park Updates -

Regency agrees to invest \$79,520 in improvements (equal to assessed sewer charges) to their internal sanitary sewer system to reduce inflow and infiltration by replacing sewer lines and other sewer apparatus including replacement of the current sewer meter. The City of Eagle Lake and Regency will agree upon the replacement of the sewer meter that will be used and the costs will be borne by Regency the estimated costs is between \$7,000 and \$14,000. The meter will be located in the manufactured home park metering manhole and will be placed in a manner that is agreeable to the City of Eagle Lake. When the meter is operational, it will be used to calculate future sewer charges, until that time the parties agree that the current meter will be used.

If there are funds in excess of repairs to the sewer Regency may use these funds to update their private electrical service system and water system within the mobile home park or other improvement agreed to by the City of Eagle Lake, which agreement shall not be unreasonably withheld.

A list of these improvements will be provided by Regency to the City within 45 days for review and approval by the City before construction begins. Said approval shall not be unreasonably withheld. If these improvements are not completed within 12 months from the date of this Agreement, they will be completed by the City and paid with the funds and assessed by the City of Eagle Lake.

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Park Rules and Management-- As part of this agreement Regency Park agrees to the following park rules within the Mobile Home Park.

Meeting with Park Members and City of Eagle Lake -- Regency agrees to have a Regional Management at a meeting with the Mobile Home Park residents on an annual basis.

Vacant Homes -- Once a mobile home is vacant and within the ownership of Regency, the City Building Official will conduct an inspection of the home within 7 days of vacancy. The inspection will determine if the home may be occupied for future tenants, improvements that will need to be completed or if it should be removed from the property. Demolition shall be completed within 3 days of commencement. The City will require a Demolition Permit for each unit that is being demolished, however will not charge a Building Permit Fee.

New Units brought into the Park - Any new units that will be brought into the Mobile Home will be 1995 or newer.

Citation of Violations -- If there is a violation of the City Ordinances as it pertains to property maintenance or condition, the occupant of the mobile home shall be issued a citation along with the Representative from the Corporation.

Contract for Title - If Mobile Homes area purchased on a "contract for title" basis they will be required to have a City rental license which includes a Building Inspection.

Items that will be completed by the City of Eagle Lake

1. The City agrees upon execution of this agreement by all parties, the City shall remove the \$79,520 special assessment shown on the, real estate tax bill within 3 days after execution of this Agreement.
2. Within 15 days after execution of this Agreement the City shall remove the utility lien in the amount of \$65,792.99 filed against the subject property.

General Provisions

1. All disputes associated with this Agreement shall be in writing and shall be mailed (and emailed) to the Regency of Minnesota LLC by registered mail at the following address:

Regency of Minnesota, Inc. a Delaware Corporation
40 North 4th Street
Carbondale, CO 81623
peter@churchill-group.com

Or

City Administrator
City of Eagle Lake
705 Parkway Ave
P.O. Box 159
Eagle Lake, MN 56024
cityadmin@eaglelakemn.com



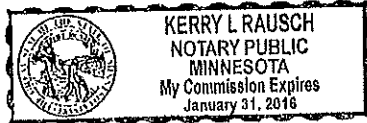
3. It is further stipulated and agreed by the parties that all appeal rights relating to this appeal except as to those rights relating to enforcement, are hereby waived.
4. It is further stipulated and agreed by the parties by Petitioner that this Stipulation Agreement and Order is binding upon Petitioner; as well as Petitioner's subsidiaries, purchasers, assigns and successors in interest.

By: *[Signature]* Mayor
 By: *[Signature]* City Administrator

STATE OF MINNESOTA
 COUNTY OF BLUE EARTH

The foregoing instrument was acknowledged before me this 4th day of May 2015, by Tim Aurlinger, Mayor and by Brad Potter, City Administrator of Eagle Lake, a Minnesota municipal corporation, on behalf of the corporation and pursuant to the authority of the City Council

[Signature]
 Notary Public

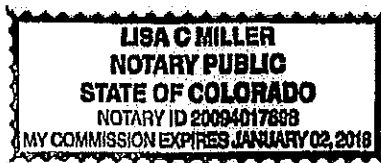


By: *[Signature]* K.P.
 Regency of Minnesota, Inc. a Delaware Corporation

STATE OF COLORADO
 COUNTY OF GARFIELD

The foregoing instrument was acknowledged before me this 30th day of April 2015, by Peter Bakus, and by _____ of Regency of Minnesota, Inc.

[Signature]
 Notary Public





705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Copier Proposal from Loeffler

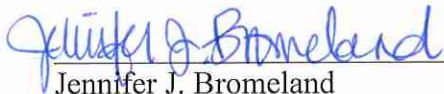
The City of Eagle Lake currently leases its copier from Metro Sales. Under the current agreement with Metro Sales, there is a cost escalator for black and white and color copies. Depending on print volume, our monthly cost can vary significantly. For 2022, we have averaged approximately \$800 per month.

Kirk Hankins with Loeffler recently reached out with a proposal for a copier that has all the same features as we do currently and would allow us the ability to make unlimited black and white and color copies. The proposal from Loeffler entails a 60-month agreement at \$388.00 per month (pricing is locked for 60 months). The proposal includes new copier equipment; delivery, installation, on site training, and networking; ship back via Loeffler truck of the current copier with Metro Sales; and \$1,482 for Loeffler to satisfy the current lease with Metro Sales. All toner, parts, and labor are included. The proposal from Loeffler would result in an immediate cost savings of at least 50% of our monthly copier lease and printing costs. The current lease with Metro Sales is set to expire in September 2023.

Attached is a proposal from Loeffler.

Metro Sales was contacted and asked about opportunities to match what Loeffler is proposing but no proposal has been received.

Due to the significant monthly cost savings that will be realized by switching to Loeffler, City staff recommends that the proposal from Loeffler be approved.



Jennifer J. Bromeland
City Administrator

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Investment Information

Acquisition Options:

System	60 Month –EZ Rate
Canon ImageRUNNER ADVANCE C3830i w/ external finisher	\$388.00
Canon ImageRUNNER ADVANCE C3830i w/ inner finisher	\$366.00
Canon ImageRUNNER ADVANCE C3826i w/ inner finisher	\$288.00

Pricing Includes:

- New equipment
- Delivery, installation, on site training, and networking
- Includes ship back via Loffler truck of the current copier
- **Includes up to \$1,482 for Loffler to satisfy the current lease**

Service & Supply Agreements

- EZ Rate Service Agreement Option – Already included in each of the lease options listed above.
- **Unlimited Color & B&W at no additional cost**
- All pricing is locked for 60 months
- Includes ALL Toner, Parts, and Labor.

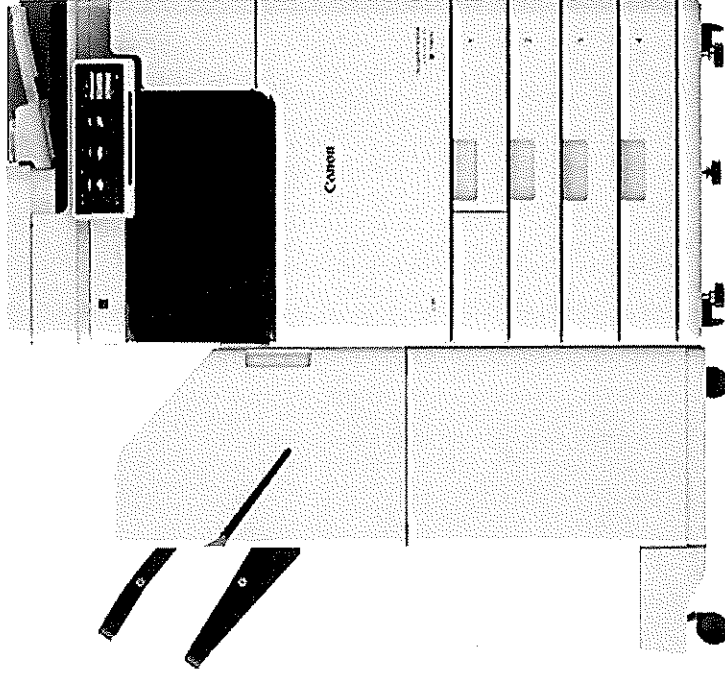
Proposal Date:

August 4, 2022

Canon imageRUNNER Advance C3830i – Includes UNLIMITED Color And B&W

Standard Features:

- Copy / Print / Scan / Store / Send / FAX
- Up to 30 Pages per Minute (B&W & Color)
- First copy out time – As fast as 6.1 seconds
- 10.1" intuitive touchscreen with smartphone-like usability
- **Staple Finisher**
- **2/3 Hole Puncher Unit**
- 200 Sheet Duplex Auto Document Feeder
- Scan up to 135 single 270 (double sided) images per minute
- 1200 x 1200 dpi print resolution
- (4) 550 sheet Paper Cassettes + 100 sheet multi purpose tray
- **Up to 12" x 18" print/copy size**
- 1.8 GHz Dual Core Processor
- 3.5 GB RAM & 256 GB HDD
- **Supports mobile solutions and integration with many popular Cloud services like Google Drive**
- Power Requirements/Plug: 120V / 8.5A
- 120-volt surge protector



LOFFLER Helping You Succeed

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Loffler Support Team – Mankato

Kirk Hankins

Account Executive - Southern Minnesota

O: 507-779-7844

Email: kirk.hankins@loffler.com

Jeff Bass

Field Services Manager – Mankato

Direct Dial: 507.344.6421

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John Hastings

Senior Vice President of Sales

Direct Dial: 952.925.6860

Email: John.hastings@loffler.com

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Jennifer Bromeland

From: Ken Anderson <kanderson@metrosales.com>
Sent: Wednesday, August 24, 2022 9:32 AM
To: Jennifer Bromeland
Subject: Regarding Andrew Larson - Metro Sales Inc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Jennifer

Just a quick note to let you know Andrew resigned his position with MSI to pursue other interests. We will be working to assign another representative to your account but for now, please contact me with any issues or concerns regarding your equipment program.
Thank You

Ken Anderson  Let's connect on LinkedIn
Sales Manager



An Employee-Owned Company
195 W Lind Ct | Mankato, MN 56001
Direct: 507 778 5231 | Mobile: 507 271 8488



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705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax


September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Sale of 2006 Leaf Vac Unit

Following the Special City Council meeting on August 22nd, the 2006 leaf vac unit was posted on Surplus Services (minnbid.org) website. The bidding closed on Thursday, September 1st. A high bid in the amount of \$6,550 was received.

The sale proceeds should be credited to the 201 Storm Water Fund. The auction administrative fee is 8 percent of the sales price.

A motion is necessary to approve the sale and designate the sale proceeds to the 201 Storm Water Fund.



Jennifer J. Bromeland
City Administrator



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

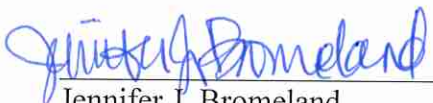
September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Electronic Funds Transfer Policy

As electronic banking becomes more widely accepted, the City of Eagle Lake has experienced an uptick in the number of vendors requiring or requesting electronic payment. The purpose of the attached proposed Electronic Funds Transfer Policy is to ensure that electronic funds transfers are completed in a manner that conforms to Minnesota Statutes governing electronic or wire transfers to pay claims or make investments.

For reference purposes, attached is an “Avoiding Pitfall” from the Minnesota Office of the State Auditor (MN OSA) regarding Electronic Funds Transfers and a copy of Minnesota Statute 471.38. According to the MN OSA, while electronic transactions are convenient, they present unique opportunities for fraud. As a result, state law requires local units of governments to adopt certain policies and procedures before electronic transfers are made. These policy controls include delegating on an annual basis a designated person the authority to make electronic funds transfers, the disbursing bank must keep on file a certified copy of the delegation of authority; the person initiating the electronic transfer must be identified; the person initiating the electronic transfer must document the request and obtain approval from the designated person before initiating the transfer; written confirmation of the transaction must be made within one business day after the transaction; and a list with all transactions made by electronic funds transfer must be submitted to the governing body at its next regular meeting.

A motion is necessary to adopt the proposed City of Eagle Lake Electronic Funds Transfer Policy.



Jennifer J. Bromeland
City Administrator

**CITY OF EAGLE LAKE
ELECTRONIC FUNDS TRANSFER POLICY**

Purpose and Need for Policy

It is the policy of the City of Eagle Lake to allow electronic or wire transfers out of the City's bank or investment accounts in a manner complying with the requirements of this policy and conforming to Minnesota Statute 471.38 governing electronic or wire transfers to pay claims or make investments.

The purpose of this policy is:

- to develop overall guidelines for when electronic or wire transfers can be performed,
- to provide proper procedures to ensure electronic or wire transfers are properly approved, and
- to establish delegation of authority and internal controls.

Scope

This policy applies to all electronic or wire transfers out of the City's bank or investment accounts and to all City employees that have control over city disbursement transactions.

Internal Controls

Internal controls are designed to prevent loss of public funds due to fraud, error, misrepresentation, or imprudent actions. All claims paid by electronic or wire transfers must follow the same procedures for claims paid by check and are required to be submitted to the City Council at the next regular meeting following the transfer if not submitted beforehand. All other electronic or wire transfer of funds from investment accounts require written approval of the City Administrator and are required to be submitted to the City Council at the next regular meeting following the transfer.

Authorized Uses of Electronic or Wire Transfers

The primary purpose of the City's investments is to maximize the rate of return while minimizing security risks of the funds of the City. This principle is best served by allowing electronic transfers of funds on a timely basis when desirable. This policy allows the use of electronic transfer of funds between investment accounts and depository accounts of the City.

Certain liabilities incurred by the City require the use of electronic payment (i.e., FICA, federal withholding, state withholding, etc.). In addition, certain vendors require electronic payment. Electronic payment or wire transfers of funds will only be utilized in payment of an obligation of the City when the situation requires immediate good funds or when it is the most efficient and most inexpensive method to settle a transaction. If a more inexpensive mechanism can be utilized to effect payment of the obligation (i.e., paper check), the City shall make payment with the more inexpensive mechanism.

1. Accounts Payable

- A. Vendor Payment Approvals
 - Payments must have proper approval by department head or designee.
 - The Deputy City Clerk will prepare the Vendor payments and the City Administrator will review and approve for payment.
 - A list of all electronic fund transfers shall be submitted to the City Council at the next regular City Council meeting following the transfer.
- B. Additional Processes:
 - The Deputy City Clerk will conduct an annual review of vendors
 - i) Remove duplicate vendors
 - ii) Inactive old or unused vendors
 - iii) Review for unusual activity such as fluctuation in payment amounts, activity or inactive vendors
 - Always require a signed Form W-9 from every new payee in advance of making any payments or change in a mailing address.
- 2. Payroll
 - A. Direct Deposit Authorization Form
 - All employees must bring in a voided check or bank document upon start of employment. This will be reviewed by the Deputy City Clerk.
 - Any changes requested by an employee must be made by bringing in a new voided check or bank document. A follow up phone call (to a trusted phone number not obtained with the change request) is required from the Deputy City Clerk to verify identity, if employee did not personally turn in the form.
 - The City Administrator will approve payroll prior to being uploaded to ADP.
- 3. Receivables
 - A. Online One-Time Utility Billing Payments
 - Payments are initiated by the customer and reconciled against the city's accounting software to verify the amount sent by the merchant transact processor matches the amount processed through the city's financial software.
 - B. Recurring Utility Billing ACH and Credit Card Payments
 - The customer must complete the automatic payment form for any ACH recurring payments. The customer is offered one payment date.
 - The Administrative Clerk creates and uploads the monthly recurring utility bill ACH file. The Deputy City Clerk reviews and approves file for payment prior to final processing.
 - C. Miscellaneous Receipts
 - Any intergovernmental or other payments received electronically by the city are reconciled to the bank by the Deputy City Clerk. It is the City's policy to limit customers with authorization to credit the City's bank account. Therefore, unless transactions are part of a professional relationship with a vendor, the City prefers to collect payments via cash, check, or credit card. For example, a fire call invoice should be paid by cash, check or credit card, but a credit card merchant company can electronically deposit settlement batches into the City's bank account.

On an annual basis, the governing body must delegate the authority to make electronic funds transfers. The disbursing bank must keep on file a certified copy of the delegation of authority. The person initiating the transaction must be identified. The person initiating the electronic transfer must document the request and obtain approval from the City Administrator before initiating the transfer. Written confirmation of the transaction must be made within one business day after the transaction. A list with all transactions made by electronic funds must be submitted to the City Council at its next regular meeting,

Passed and adopted this 12th day of September 2022.

Tim Auringer, Mayor

ATTEST:

Jennifer J. Bromeland, City Administrator

Electronic Funds Transfers

To pay vendor claims, many local government entities may use electronic funds transfers instead of checks. Electronic funds transfers may also be used to purchase and sell investments.

While these transactions are convenient, they present unique opportunities for fraud. As a result, state law requires local units of government to adopt certain policies and procedures before electronic funds transfers are made. The law now specifically requires counties, local social service agencies, school districts, towns, park districts, and home rule charter cities of the second, third or fourth class to have all of the following policy controls in place before using electronic funds transfers:

- On an annual basis, the governing body must delegate to a designated business administrator the authority to make electronic funds transfers;
- The disbursing bank must keep on file a certified copy of the delegation of authority;
- The person initiating the electronic transfer must be identified;
- The person initiating the electronic transfer must document the request and obtain approval from the designated business administrator before initiating the transfer;
- Written confirmation of the transaction must be made within one business day after the transaction; and
- A list with all transactions made by electronic funds transfer must be submitted to the governing body at its next regular meeting.

These requirements are mandatory for the local government entities listed above, and they provide guidance for other units of government when drafting their policies and procedures.

Statutes governing electronic funds transfers include [471.38](#) (counties, local social service agencies, school districts, towns, park districts, and home rule charter cities of the second, third or fourth class) and [471.381](#) (cities, towns, and counties).

Date this Avoiding Pitfall was most recently published: 04/17/2020



How can we help?

Tel (651) 296 - 2551
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TDD (800) 627 - 3529

525 Park Street, Suite 500
St. Paul, Minnesota 55103

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Office of the Revisor of Statutes

2021 Minnesota Statutes

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471.38 CLAIMS.

Subdivision 1. **Itemization; declaration.** Except as provided in subdivision 2, if an account, claim, or demand against a local government for any property or services can be itemized in the ordinary course of business, the board or officer authorized by law to audit and allow claims shall not audit or allow the claim until the person claiming payment, or the person's agent, provides to the board or officer an itemized list in writing or in an electronic transaction record. By making the claim for payment, the person making the claim is declaring that the account, claim, or demand is just and correct and that no part of it has been paid. The board or officer may in its discretion allow a claim prepared by the clerk or secretary of the board or officer prior to the declaration by the claimant if the declaration is made on the check or order-check by which the claim is paid, as provided in section 471.391, subdivision 2. For the purposes of this section, "local government" means any county, local social services agency, school district, town, or home rule charter city of the second, third, or fourth class, or any park district.

Subd. 2. **Application.** The provisions of this section do not apply to any claim or demand for an annual salary or fees of jurors or witnesses, fixed by law, nor to the salary or wages of any employee whose salary or wages have been fixed on an hourly, daily, weekly or monthly basis, by the governing board of the municipality, and which is now authorized by law to be paid on a payroll basis.

Subd. 3. **Electronic funds transfer.** Electronic funds transfer is the process of value exchange via mechanical means without the use of checks, drafts, or similar negotiable instruments. A local government may make an electronic funds transfer for the following:

- (1) for a claim for a payment from an imprest payroll bank account or investment of excess money;
- (2) for a payment of tax or aid anticipation certificates;
- (3) for a payment of contributions to pension or retirement fund;
- (4) for vendor payments; and
- (5) for payment of bond principal, bond interest and a fiscal agent service charge from the debt redemption fund.

Subd. 3a. **Eligibility.** The authorization in subdivision 3 extends only to a local government that has enacted all of the following policy controls:

(a) the governing body shall annually delegate the authority to make electronic funds transfers to a designated business administrator or chief financial officer or the officer's designee;

(b) the disbursing bank shall keep on file a certified copy of the delegation of authority;

(c) the initiator of the electronic transfer shall be identified;

(d) the initiator shall document the request and obtain an approval from the designated business administrator, or chief financial officer or the officer's designee, before initiating the transfer as required by internal control policies;

(e) a written confirmation of the transaction shall be made no later than one business day after the transaction and shall be used in lieu of a check, order check or warrant required to support the transaction;

(f) a list of all transactions made by electronic funds transfer shall be submitted to the governing body at its next regular meeting after the transaction.

History: (766) *RL s 438; 1949 c 416 s 1; 1951 c 350 s 1; 1953 c 50 s 1; 1955 c 312 s 1; 1959 c 56 s 1; 1961 c 5 s 1; 1976 c 44 s 68; 1979 c 334 art 6 s 25; 1986 c 444; 1989 c 329 art 9 s 29; 1994 c 631 s 31; 2001 c 13 s 1; 2017 c 52 s 1*



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Utility Rate Discussion and Recommendations - Water, Sewer, and Storm Water Rate Analysis

Attached is a letter from Shannon Sweeney with David Drown Associates with utility rate recommendations for water, sanitary sewer, and storm water. Mr. Sweeney is not able to attend tonight's meeting due to another meeting commitment.

The water utility is making debt payments on the 2021 bonds and planning a water tower rehab project for 2023 that is estimated to cost approximately \$500,000. The impact of these expenditures will require modifications to water rates. **A 5% annual increase is recommended for years 2023 through 2026, and a 3% annual increase for years 2027 and 2028.**


Based on inflation and operating costs, it is recommended that sewer rates be increased 4% annually for years 2023 through 2028.

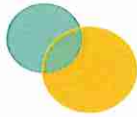
A 15% annual storm water rate increase is recommended to cover debt service contributions for the 2021 bonds and operating costs.

See attached for an illustration of the projected monthly increase for an average residential customer based on an average monthly water consumption of 4,300 gallons. Under this scenario, and using 2022 rates, the overall monthly utility bill (includes water, sewer, storm, refuse, recycling, and tax) totals \$96.76. Factoring in the recommended rate increases for 2023, the monthly total increases from \$96.76 to \$100.16, a difference of \$3.40. No increases are projected for refuse and recycling for 2023.

Discussion should ensue. The recommended rate increases would take effect with January's usage that is billed in February. If approved this evening, notice of the upcoming rate increase can be included in the fall newsletter which will go out at the end of September.

A motion is necessary to approve the recommended rate increases for 2023 for water, sewer, and storm water.


Jennifer J. Bromeland
City Administrator



DDA

David Drown Associates, Inc.
Public Finance Advisors

Cologne Office:
10555 Orchard Road
Cologne, MN 55322
Phone: (952) 356-2992
shannon@daviddrown.com

September 8, 2022

City of Eagle Lake
Attn: Jennifer Bromeland, City Administrator
P.O. Box 159
Eagle Lake, MN 56024

RE: Water/Sanitary Sewer/Storm Rate Analysis

Dear Ms. Bromeland:

I have had the opportunity to update and review the financial history and projections for the water, sanitary sewer, and storm sewer enterprises for the purpose of projecting future rates needed to support modifications to operating costs and a water tower rehabilitation project presently under consideration. My utility rate recommendations for discussion purposes include the following:

Water Enterprise:

The Water utility will be making debt payments on the 2021 bonds in 2023, and is considering a water tower rehabilitation project at an estimated cost of approximately \$500,000. If that project is financed over 10-years, debt payments of approximately \$61,000 have been assumed. The impact of those additional expenditures will require modifications to water rates. I have incorporated 5% increases each year for 2023 through 2026 to reach a break even result in that year recognizing that small deficits will be incurred in 2024 and 2025.

For 2027 and 2028 I have projected 3% increases each year to generate a surplus and rebuild cash reserves. Debt service payments of \$50,000 on the 2008 bonds will end in 2028 which will create capacity for other projects. The water treatment facility has not been factored into the projection as it is anticipated that the project will rely on grant funding for implementation.

A 5,000 gallon per month water user presently pays \$31.30 per month based on the existing rate structure. By 2026 when break even is achieved, it is estimated that the same usage will result in a bill of approximately \$38.05 per month.

Wastewater Enterprise:

Based on inflation and a reallocation of operating costs, it is anticipated that wastewater rates will need to be increased from approximately \$43.30 per month for a 5,000 gallon/month customer in 2022 to approximately \$52.68 per month by 2027. The attached projection provides for annual increases of 4% during that time period to achieve break-even results in 2027.

Storm Water Enterprise:

Based on debt service contributions for the 2021 bonds and a reallocation of operating costs, it is anticipated that storm water rates will need to be increased from approximately \$3.16 per month for a residential customer in 2022 to approximately \$6.36 per month by 2027 recognizing that deficits will be incurred in that enterprise until that time. I have assumed 15% annual increases in storm water rates until breakeven results are achieved.

As discussed, I am happy to modify the projections as determined to be appropriate to consider additional alternatives. Let me know if I can be of any additional assistance in the interim.

Sincerely,

A handwritten signature in cursive script that reads "Shannon Sweeney".

Shannon Sweeney, Associate
David Drown Associates, Inc.

City of Eagle Lake, Minnesota
Sewer Fund Analysis

	Annual Rate Increases: 2.0%										Budgeted		
	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Operating Revenues													
User Charges	543,371	522,277	509,411	498,356	515,000	515,000	535,600	557,024	579,305	602,477	626,576	651,639	677,705
Miscellaneous	-	-	24,200	47,406	8,000	8,000	8,320	8,653	8,999	9,359	9,733	10,123	10,527
Connection Fees	4,000	4,000	2,800	4,213	5,000	5,000	5,200	5,408	5,624	5,849	6,083	6,327	6,580
Total Operating Revenue	547,371	526,277	536,411	550,975	525,000	528,000	549,120	571,095	593,928	617,685	642,393	668,088	694,812
Operating Expenses													
Distribution System	317,543	343,780	442,987	327,549	332,742	341,999	348,533	355,504	362,614	369,866	377,263	384,809	392,505
General & Administrative	2,596	13,910	9,044	12,866	13,000	13,000	13,260	13,525	13,796	14,072	14,353	14,640	14,933
Depreciation	43,480	43,770	46,452	46,653	46,653	46,653	46,653	46,653	46,653	46,653	46,653	46,653	46,653
Wages & Benefits	60,847	76,784	86,516	69,988	160,154	162,251	165,496	169,906	172,182	175,626	179,138	182,721	186,375
Total Operating Expenses	424,466	478,244	585,039	457,056	552,549	563,603	573,942	584,488	595,244	606,216	617,408	628,823	640,466
Operating Income	122,905	48,033	(48,628)	93,919	(27,549)	(35,603)	(24,822)	(13,403)	(1,316)	11,469	24,985	39,266	54,346
Net cash provided by operations	354,882	(68,112)	99,781	(10,989)	19,104	11,050	21,831	33,250	45,337	58,122	71,638	85,919	100,989
Investment Income	-	-	-	-	-	-	-	-	-	-	-	-	-
Other Income/Grants	-	-	-	-	-	-	-	-	-	-	-	-	-
Debt Service	(296,566)	-	-	(5,821)	-	(11,000)	(11,000)	(11,000)	(11,000)	(11,000)	(11,000)	(11,000)	(11,000)
Issuance of Bonds/Notes	-	-	-	-	-	-	-	-	-	-	-	-	-
Transfers	(100,000)	(57,210)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)	(50,000)
Net Increase in Cash	(41,684)	(125,322)	(49,781)	(65,809)	(30,896)	(49,553)	(39,169)	(27,750)	(15,663)	(2,878)	10,638	74,919	89,939
Cash Beginning of Year	1,121,014	1,079,330	954,008	1,003,789	936,980	906,084	866,134	816,965	789,215	773,552	770,674	761,312	866,281
Cash End of Year	1,079,330	954,008	1,003,788	936,980	906,084	856,531	816,965	789,215	773,552	770,674	761,312	866,231	946,230
Fixed Fee:	\$ 7.00	\$ 7.00	\$ 7.00	\$ 7.00	\$ 7.00	\$ 7.28	\$ 7.57	\$ 7.87	\$ 8.19	\$ 8.52	\$ 8.86	\$ 9.21	\$ 9.58
Flow Charge:	\$ 7.26	\$ 7.26	\$ 7.26	\$ 7.26	\$ 7.26	\$ 7.55	\$ 7.85	\$ 8.17	\$ 8.49	\$ 8.83	\$ 9.19	\$ 9.55	\$ 9.94
Typical 5,000 Gallon Customer:	\$ 43.30	\$ 43.30	\$ 43.30	\$ 43.30	\$ 43.30	\$ 45.03	\$ 46.93	\$ 48.71	\$ 50.65	\$ 52.66	\$ 54.79	\$ 56.98	\$ 59.26

City of Eagle Lake, Minnesota
Storm Water Fund Analysis

Annual Inflation Rate: 2%
Annual Rate Increases: 15%

	Budgeted		Budgeted		2024	2025	2026	2027	2028
	2021	2022	2023	2023					
Operating Revenues									
User Charges	48,969	49,000	56,350	64,803	74,523	85,701	98,557	113,340	
Miscellaneous	468	1,000	1,150	1,323	1,521	1,749	2,011	2,313	
Connection Fees	-	-	-	-	-	-	-	-	
Total Operating Revenue	49,437	50,000	57,500	66,125	76,044	87,450	100,568	115,653	
Operating Expenses									
Distribution System	55,364	33,450	35,750	36,465	37,194	37,938	38,697	39,471	
General & Administrative	-	-	-	-	-	-	-	-	
Depreciation	-	-	-	-	-	-	-	-	
Wages & Benefits	11,946	11,081	34,464	35,153	35,856	36,573	37,305	38,051	
Total Operating Expenses	67,310	44,531	70,214	71,618	73,051	74,512	76,002	77,522	
Operating Income	(17,873)	5,469	(12,714)	(5,493)	2,993	12,939	24,566	38,131	
Net cash provided by operations	(17,873)	5,469	(12,714)	(5,493)	2,993	12,939	24,566	38,131	
Investment Income	-	-	-	-	-	-	-	-	
Other Income/Grants	-	-	-	-	-	-	-	-	
Debt Service	-	-	-	-	-	-	-	-	
Property Plant & Equip/Other	(222,623)	(11,000)	(11,000)	(11,000)	(11,000)	(11,000)	(11,000)	(11,000)	
Issuance of Bonds/Notes	222,623	-	-	-	-	-	-	-	
Transfers	-	-	(8,953)	(8,922)	(8,892)	(9,337)	(9,241)	(9,232)	
Net Increase in Cash	(17,873)	(5,531)	(32,667)	(25,415)	(16,899)	(7,398)	4,325	17,899	
Cash Beginning of Year	0	(17,873)	(23,404)	(56,071)	(81,486)	(98,385)	(105,784)	(101,459)	
Cash End of Year	(17,873)	(23,404)	(56,071)	(81,486)	(98,385)	(105,784)	(101,459)	(83,559)	
EDU Charge:	\$ 3.16	\$ 3.16	\$ 3.63	\$ 4.18	\$ 4.81	\$ 5.53	\$ 6.36	\$ 7.31	
Typical Residential Customer:	\$ 3.16	\$ 3.16	\$ 3.63	\$ 4.18	\$ 4.81	\$ 5.53	\$ 6.36	\$ 7.31	

2023

Current Meter Read	4300
Previous Meter Read	<u>0</u>
Usage	4300

Water Calc	
0-6999	4300
7000-9999	0
10000+	<u>0</u>
Total Usage	4300

Current Meter Read	0
Previous Meter Read	<u>0</u>
Outside Usage	0

Sewer Calc	
Usage	4300

Meter Charge	0.81
Storm Water Drainage	3.63
Refuse	15.44
Recycling	4.82
Tax (on refuse)	<u>1.51</u>
Total New Charges	95.16

Previous Balance	0.00
TOTAL CURRENT	<u>95.16</u>
Late fee (if applicable)	5.00
TOTAL (after xx/25)	<u>100.16</u>

2022

Current Meter Read	4300
Previous Meter Read	<u>0</u>
Usage	4300

Water Calc	
0-6999	4300
7000-9999	0
10000+	<u>0</u>
Total Usage	4300

Current Meter Read	0
Previous Meter Read	<u>0</u>
Outside Usage	0

Sewer Calc	
Usage	4300

Meter Charge	0.81
Storm Water Drainage	3.16
Refuse	15.44
Recycling	4.82
Tax (on refuse)	<u>1.51</u>
Total New Charges	91.76

Previous Balance	0.00
TOTAL CURRENT	<u>91.76</u>
Late fee (if applicable)	5.00
TOTAL (after xx/25)	<u>96.76</u>



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Drug and Alcohol Testing and Drug-Free Workplace Act Policy for Non-DOT Employees

Attached is a proposed Drug and Alcohol Testing and Drug-Free Workplace Act Policy for Non-DOT Employees based on a model policy provided by the League of Minnesota Cities. The policy reflects recent changes due to legislation passed that went into effect related to legalized cannabinoids, including tetrahydrocannabinol (THC), in some circumstances.

Once adopted, all employees will receive a copy and be required to sign an acknowledgement form.

A motion is necessary to adopt the Drug and Alcohol Testing and Drug-Free Workplace Act Policy for Non-DOT Employees.

Jennifer J. Bromeland
City Administrator

Jennifer Bromeland

From: Joyce Hottinger via LMC - MemberLink <Mail@ConnectedCommunity.org>
Sent: Friday, July 8, 2022 2:57 PM
To: Jennifer Bromeland
Subject: MCMA : Updated Non DOT Drug and Alcohol Testing Policy

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.



MCMA

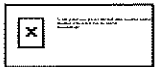
Post New Message

Updated Non DOT Drug and Alcohol Testing Policy

Reply to Group

Reply to Sender

Reply to Sender via Email



Jul 8, 2022 2:57 PM

Joyce Hottinger

Good Afternoon,

Just a note to share that we have provided an initial update to the Non DOT Drug and Alcohol Testing Policy: www.lmc.org/wp-content/uploads/documents/...

The most significant updates at this time include:

- Removal of the term "control substance" throughout the policy. The new Minnesota law has legalized cannabinoids, including tetrahydrocannabinols, in certain circumstances. To provide the greatest flexibility to employers, cities may want to consider using the term "drug" as opposed to "controlled substance" to capture cannabinoids which were consumed legally but whose use still violates this policy.
- Page 4 – refer to the Prohibition against drug and alcohol section– includes references to edibles or beverages containing cannabinoids and notes the fact that cannabinoids may be lawfully purchased and consumed in some circumstances does not permit anyone to use, possess, or be impaired by them in the workplace.
- Page 9 – definition of drug includes a reference to all cannabinoids

We are working to update additional reference materials, including the Drug and Alcohol testing toolkit memo, and will let you know when those are ready.

Have a wonderful weekend.

July 6, 2022

Jennifer Bromeland
City Administrator
City of Eagle Lake
705 Parkway Avenue
Post Office Box 159
Eagle Lake MN 56024

Re: Legal Update

Dear Jennifer:

At the end of its last session the Minnesota Legislature passed legislation that went into effect on July 1, 2022 that makes it legal to sell certain edibles and beverages infused with tetrahydrocannabinol (THC), which can be extracted from hemp. The law revised Minnesota Statute Section 151.72.

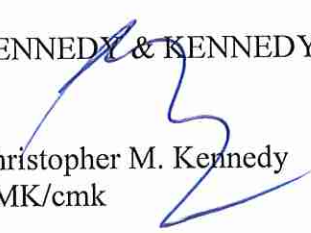
The new law expressly allows for the sale of edible CBD products. The new law is silent in regards to local regulation. Eagle Lake may want to consider if any regulation by the city would be appropriate.

It is also important that the City consider both federal and state laws regarding the workplace and employee CBD use. Any employee that has a commercial driver's license (CDL) are regulated by the Federal Department of Transportation and Federal Law preempts State law in regards to CBD use. The Department of Transportation, in a 2012 notice, stated that the DOT does not authorize the use of any Schedule I drug which would include marijuana (THC). As a result the city should continue to follow the current drug testing procedures in regards to CDL holders and enforce the prohibition of use a cannabis (THC) for employees that need a CDL regardless of the change in State law.

There is a similar federal restrict that applies to law enforcement officers that carry a firearm. Under Federal Law the city if prohibited from providing firearms or ammunition to any an employee that it knows is using cannabis.

Sincerely,

KENNEDY & KENNEDY


Christopher M. Kennedy
CMK/cmk

City of Eagle Lake, Minnesota
Drug and Alcohol Testing and Drug-Free Workplace Act Policy for
Non-Commercial Drivers (Non-DOT)

Purpose and Objectives

The city of **Eagle Lake** (“city”) has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The city of Eagle Lake does not intend to intrude into the private lives of its employees, but strongly believes that a drug- and alcohol-free workplace is in the best interest of employees and the public alike. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers’ compensation claims, higher insurance rates, and an increase in theft of city property. The city of Eagle Lake’s Drug and Alcohol Testing Non-DOT policy has been established for the purpose of providing a safe workplace for all.

City employees and applicants required to hold a commercial driver’s license by the United States Department of Transportation (“DOT”) for their job will be tested under the city’s Policy on Controlled Substance and Alcohol Testing for Commercial Drivers (the “DOT Policy”). All other employees and job applicants offered employment with the city must undergo testing as described by this policy.

To ensure the policy is clearly communicated to all employees and applicants to whom offers of employment have been made, and to comply with state law, employees and applicants are required to review this policy and sign the “policy acknowledgement.” A job applicant will also acknowledge in this form that he/she understands that passing the drug test is a requirement of the job.

Persons Subject to Testing and Circumstances Under Which Testing May Be Required

Under this policy, the city may test any applicant to whom an offer of employment has been made and may test any employee for alcohol and/or drugs under any of the following circumstances with a properly accredited or licensed testing laboratory, in accordance with Minn. Stat. § 181.953, subd. 1.

(1) Pre-Employment Testing:

Every job applicant offered employment with the city receives the offer conditioned upon successful completion of an alcohol and/or drug test, among other conditions. If the job offer is withdrawn based on alcohol and/or drug test results, the city will inform the applicant of the reasons for the withdrawal. A failure of the alcohol and/or drug test, a refusal to take the test, or failure to meet other conditions of the offer will result in a withdrawal of the offer of employment even if the applicant’s provisional employment has begun. A negative or positive dilute test result (following a second collection), which has been confirmed, will also result in immediate withdrawal of an offer of employment to an applicant.

Temporary and seasonal employees are not subject to this policy except for those designated by the hiring department as safety-sensitive positions.

(2) Reasonable Suspicion Testing:

Consistent with Minn. Stat. § 181.951, subd. 3, employees will be subject to alcohol and/or drug testing when reasonable suspicion exists to believe that the employee:

- Is under the influence of alcohol or a drug; or
- Has violated written work rules prohibiting the use, possession, sale or transfer of drugs or alcohol while working, while on city property, or while operating city vehicles, machinery or any other type of equipment; or
- Has sustained a personal injury as defined in Minn. Stat. § 176.011, subd. 16 or has caused another employee to sustain an injury or;
- Has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident.

Reasonable suspicion may be based upon, but is not limited to, facts regarding appearance, behavior, speech, breath, odor, possession, proximity to or use of alcohol or drugs or containers or paraphernalia, poor safety record, excessive absenteeism, impairment of job performance, or any other circumstances that would cause a reasonable employer to believe that a violation of the city's policies concerning alcohol or drugs may have occurred. These observations will be reflected in writing on a Reasonable Suspicion Record Form.

For off-site collection, employees will be driven to the employer-approved medical facility by their supervisor or a designee. For an on-site collection service, the employee will remain on site and be observed by the supervisor or designee. The medical facility or on-site collection service will take the urine or blood sample and will forward the sample to an approved laboratory for testing.

Pursuant to the requirements of the Drug-Free Workplace Act of 1988, all city employees, as a condition of continued employment, will agree to abide by the terms of this policy and must notify the City Administrator of any criminal drug statute conviction for a violation occurring in the workplace not later than five days after such conviction. If required by law or government contract, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

(3) Treatment Program Testing:

In accordance with Minn. Stat. § 181.951, subd. 6., the city may request or require an employee to undergo drug and alcohol testing if the employee has been referred by the city for chemical dependency treatment or evaluation or is participating in a chemical dependency treatment program under an employee benefit plan. In such a case, the employee may be requested or required to undergo drug or alcohol testing without prior notice during the evaluation or treatment period and for a period of up to two years following completion of any prescribed chemical dependency treatment program.

(4) Routine Physical Examination Testing:

The city may request or require an employee to undergo drug and/or alcohol testing as part of a routine physical examination. The city, in accordance with Minn. Stat. § 181.951, subd. 3, will request or require this type of testing no more than once annually, and the employee will be provided with at least two weeks' written notice that the test will be required as part of the physical examination.

(5) Random Testing:

In accordance with Minn. Stat. § 181.951, subd. 4, the city may require an employee to submit to random testing if the employee is in a safety-sensitive position.

Right of Refusal:

Employees and job applicants have the right to refuse to submit to an alcohol and/or drug test under this policy. However, such a refusal will subject an employee to immediate termination. If an applicant refuses to submit to applicant testing, any conditional offer of employment will be withdrawn.

Any intentional act or omission by the employee or applicant that prevents the completion of the testing process constitutes a refusal to test.

An applicant or employee who substitutes, or attempts to substitute, or alters, or attempts to alter a testing sample is considered to have refused to take a drug and/or alcohol test. In such a case, the employee is subject to immediate termination of employment, and in the case of an applicant, the job offer will be immediately withdrawn.

Refusal on Religious Grounds:

An employee or job applicant who, on religious grounds, refuses to undergo drug and/or alcohol testing of a blood sample will not be considered to have refused testing, unless the employee or job applicant also refuses to undergo drug and/or alcohol testing of a urine sample.

Cost of Required Testing:

The city will pay for the cost of all drug and/or alcohol testing requested or required of all job applicants and employees, except for confirmatory retests. Job applicants and employees are responsible for paying for all costs associated with any requested confirmatory retests.

Prohibition against Drugs and Alcohol

Use and Possession of Alcohol or Drug(s):

Employees are prohibited from the use, possession, transfer, transportation, manufacture, distribution, sale, purchase, solicitation to sell or purchase, or dispensation of alcohol, drugs, or drug paraphernalia while on duty; is on city premises; while operating any city vehicle, machinery, or equipment; or when performing any city business, except (1) pursuant to a valid medical prescription used as properly instructed; (2) the use of over-the-counter drugs used as intended by the manufacturer; or (3) when necessary for approved law enforcement activity.

Besides having a zero-tolerance policy for the use or possession of alcohol, illegal drugs, or misused prescription drugs on the worksite, we also prohibit the use, possession of, impairment by any cannabis or medical cannabis products (e.g., hash oils, edibles or beverages containing

cannabinoids, or pills) on the worksite by a person working as an employee at the city or while “on call” and subject to return to work. Having a medical marijuana card, patient registry number, and/or cannabis prescription from a physician does not allow anyone to use, possess, or be impaired by that drug here. Likewise, the fact that cannabinoids may be lawfully purchased and consumed in some circumstances does not permit anyone to use, possess, or be impaired by them here. The federal government still classifies cannabis as an illegal drug, even though some states, including Minnesota, have decriminalized its possession and use in certain circumstances. There is no acceptable concentration of marijuana metabolites in the blood or urine of an employee who operates our equipment or vehicles or who is on one of our worksites. Applicants and employees are still subject to being tested under our drug and alcohol testing policy. And employees are subject to being disciplined, suspended, or terminated after testing positive for cannabis if the employee used, possessed, or was impaired by cannabis, including medical cannabis, while on the premises of the place of employment or during the hours of employment.

While Impaired of Alcohol or Drug(s):

Employees are prohibited from being under the influence of alcohol or drugs or having a detectable amount of an illegal drug in the blood or urine when reporting for work; while on duty; is on the city’s premises; while operating any city vehicle, machinery, or equipment; or when performing any City business, except (1) pursuant to a valid medical prescription used as properly instructed; or (2) the use of over-the-counter drug used as intended by the manufacturer.

Driving While Impaired:

A conviction of driving while impaired in a city-owned vehicle at any time during business or non-business hours, or in an employee-owned vehicle while conducting city business, may result in discipline, up to and including discharge.

Criminal Drug Convictions:

Any employee convicted of any criminal drug statute must notify his or her supervisor [and the City Administrator] in writing of such conviction no later than five days after such conviction. Within 30 days after receiving notice from an employee of a drug-related conviction, the city will take appropriate personnel action against the employee up to and including discharge or require the employee to satisfactorily participate in a drug abuse assistance or rehabilitation program as an alternative to termination. In the event notice is not provided to the supervisor and the employee is deemed to be incapable of working safely, the employee will not be permitted to work and will be subject to disciplinary action, including dismissal from employment. In accordance with the Federal Drug-Free Workplace Act of 1988, if the city is receiving federal grants or contracts of over \$25,000, the city will notify the appropriate federal agency of such conviction within 10 days of receiving notice from the employee.

Failure to Disclose Lawful Drugs:

Employees taking a lawful drug, including prescription and over-the-counter drugs, which may impair their ability to perform their job responsibilities or pose a safety risk to themselves or others, must advise their supervisor of this before beginning work. It is the employee’s responsibility to seek out written information from his/her physician or pharmacist regarding medication and any job performance impairment and relay that information to his/her supervisor.

In the event of such a disclosure, the employee will not be authorized to perform safety-sensitive functions.

Review and Notification of Test Results

Notification of Negative Test Results:

In the case of job applicants and in accordance with Minn. Stat. § 181.953, (Human Resources) will notify a job applicant of a negative drug result within three days of receipt of result by the city, and the hiring process will resume. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result. A "Negative Test Results Notification" form will be sent to the job applicant, and the job applicant may request a copy of the test result report from (Human Resources).

In the case of current employees and in accordance with Minn. Stat. § 181.953, (Human Resources) will notify the employee of a negative drug and/or alcohol result within three days of receipt of result by the city. A "Negative Test Results Notification" form will be sent to the employee, and he or she may request a copy of the test result report from (Human Resources/the City Administrator).

Notification of Positive Test Results:

In the event of a confirmed positive blood or urine alcohol and/or drug test result, the city will notify the employee of a positive drug and/or alcohol result within three days of receipt of the result. The City Administrator will send to the employee or job applicant a "Positive Test Results Notification" letter containing further instructions. The employee or job applicant may contact Human Resources to request a copy of the test result report if desired. In accordance with Minn. Stat. § 181.953, subd. 3, a laboratory must report results to the city within three working days of the confirmatory test result.

Right to Provide Information after Receiving Test Results:

Within three working days after notice of a positive drug or alcohol test result on a confirmatory test, the employee or job applicant may submit information to the city to explain the positive result. In accordance with Minn. Stat. § 181.953, subd. 10, if an employee submits information either before a test or within three working days after a positive test result that explains the positive test result, (such as medications the employee is taking), the city will not take an adverse employment action based on that information unless the employee has already been under an affirmative duty to provide the information before, upon, or after hire.

Right to Confirmatory Retest:

A job applicant or employee may request a confirmatory retest of the original sample at the job applicant's or employee's own expense after notice of a positive test result on a confirmatory test. Within five working days after notice of the confirmatory test result, the job applicant or employee must notify the city in writing of the job applicant's or employee's intention to obtain a confirmatory retest. Within three working days after receipt of the notice, the city will notify the original testing laboratory that the job applicant or employee has requested the laboratory to conduct the confirmatory retest or transfer the sample to another qualified laboratory licensed to conduct the confirmatory retest. The original testing laboratory will ensure the control and custody procedures are followed during transfer of the sample to the other laboratory. In accordance with Minn. Stat. § 181.953, subd. 3, the laboratory is required to maintain all samples

testing positive for a period of six months. The confirmatory retest will use the same drug and/or alcohol threshold detection levels as used in the original confirmatory test.

In the case of job applicants, if the confirmatory retest does not confirm the original positive test result, the city's job offer will be reinstated, and the city will reimburse the job applicant for the actual cost of the confirmatory retest. In the case of employees, if the confirmatory retest does not confirm the original positive test result, no adverse personnel action based on the original confirmatory test will be taken against the employee, the employee will be reinstated with any lost wages or salary for time lost pending the outcome of the confirmatory retest result, and the city will reimburse the employee for the actual cost of the confirmatory retest.

Access to Reports:

In accordance with Minn. Stat. § 181.953, subd. 10, an employee will have access to information contained in his or her personnel file relating to positive test results and to the testing process, including all information gathered as part of that process.

Dilute Specimens:

A negative or positive dilute test result (following a second collection) which has been confirmed will subject an employee to immediate termination.

Consequences for Employees Engaging in Prohibited Conduct

Job Applicants:

The city's conditional offer of employment will be withdrawn from any job applicant who refuses to be tested or tests positive for illegal drugs as verified by a confirmatory test.

Employees:

- No Adverse Action without Confirmatory Test. The city will not discharge, discipline, discriminate against, or request or require rehabilitation of an employee based on a positive test result from an initial screening test that has not been verified by a confirmatory test.
- Suspension Pending Test Result. The city may temporarily suspend a tested employee with or without pay or transfer that employee to another position at the same rate of pay pending the outcome of the requested confirmatory retest, provided the city believes that it is reasonably necessary to protect the health or safety of the employee, co-employees, or the public. The employee will be asked to return home and will be provided appropriate arrangements for return transportation to his or her residence. In accordance with Minn. Stat. § 181.953, subd. 10, an employee who has been suspended without pay will be reinstated with back pay if the outcome of the requested confirmatory retest is negative.

Discipline and Discharge:

Confirmatory Positive Test Result:

The city will not discharge an employee for a first confirmatory positive test unless the following conditions have been met:

- The city has first given the employee an opportunity to participate in either a drug or alcohol counseling or rehabilitation program, whichever is more appropriate, as

determined by the city after consultation with a certified chemical use counselor or physician trained in the diagnosis and treatment of chemical dependency. Participation by the employee in any recommended substance abuse treatment program will be at the employee's own expense or pursuant to the coverage under an employee benefit plan. The certified chemical use counselor or physician trained in the diagnoses and treatment of chemical dependency will determine if the employee has followed the rehabilitation program as prescribed; and

- The employee has either refused to participate in the counseling or rehabilitation program or has failed to successfully complete the program, as evidenced by withdrawal from the program before its completion or by a refusal to test or positive test result on a confirmatory test after completion of the program.

Other Misconduct:

Nothing in this policy limits the right of the city to discipline or dismiss an employee on grounds other than a positive confirmatory test result, including conviction of any criminal drug statute for a violation occurring in the workplace or violation of other city personnel policies.

Emergency Call Back to Work Provisions:

If an employee is called out for a city emergency and he or she reports to work and is suspected of being under the influence of drugs or alcohol, he or she will not be subject to the testing procedures of this policy but may be subject to discipline and will not be allowed to work. Appropriate arrangements for return transportation to the employee's residence will be made. It is the sole responsibility of the employee who is under the influence of alcohol and/or drugs and who is called out for a city emergency, to notify his or her supervisor of this information and advise if he or she is unable to respond to the emergency call back.

Non-Discrimination

The city of Eagle Lake policy on work-related substance abuse is non-discriminatory in intent and application; however, in accordance with Minn. Stat., ch. 363, disability does not include conditions resulting from alcohol or other drug abuse which prevents an employee from performing the essential functions of the job in question or constitutes a direct threat to property of the safety of individuals.

Furthermore, the city will not retaliate against any employee for asserting his or her rights under this policy.

Policy Contact for Additional Information

If you have any questions about this policy or the city's drug and alcohol testing procedures, you may contact your immediate supervisor, Deputy City Clerk, or the City Administrator to obtain additional information.

By this policy, the city of Eagle Lake has established a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace and its policy of maintaining a drug-free workplace. Each city employee will receive a copy of this policy and will be required to read it.

Definitions

Alcohol: Means the intoxicating agent in beverage alcohol or any low molecular weight alcohols such as ethyl, methyl, or isopropyl alcohol. The term includes but is not limited to beer, wine, spirits, and medications such as cough syrup that contain alcohol.

Alcohol use or usage: Means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

Applicant: Means a person applying for a job with the city.

City: Means the city of Eagle Lake.

City premises: Means, but is not limited to, all city job sites and work areas. For the purposes of this policy, city premises also includes any other locations or modes of transportation to and from those locations while in the course and scope of employment of the city.

City vehicle: Means any vehicle which employees are authorized to use solely for city business when used at any time; or any vehicle owned or leased by the city when used for city business.

Collection site: Means a place designated by the city where job applicants and employees present themselves for the purpose of providing a specimen of their breath, urine, and/or blood to be analyzed for the presence of drugs and alcohol.

Confirmatory test: Means a drug and/or alcohol test on a sample to substantiate the results of a prior drug and/or alcohol test on the same sample, and that uses a method of analysis allowed under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Drug: Includes any “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4, and also includes all cannabinoids, including those that are lawfully available for public consumption that do not otherwise qualify as being a “controlled substance” as defined in Minn. Stat. § 152.01, subd. 4.

Drug and/or alcohol testing, and drug and/or alcohol test: Mean analysis of a body component sample according to the standards established under one of the programs listed in Minn. Stat. § 181.953, subd.1, for the purpose of measuring their presence or absence of drugs, alcohol, or their metabolites in the sample tested.

Drug paraphernalia: Has the meaning set forth in Minn. Stat. § 152.01, subd. 18.

Employee: Means a person who performs services for compensation for the city and includes independent contractors except where specifically noted in this policy.

Initial screening test: Means a drug and/or alcohol test that uses a method of analysis under one of the programs listed in Minn. Stat. § 181.953, subd. 1.

Job applicant: Means a person who applies to become an employee of the city and includes a person who has received a job offer made contingent on the person passing drug testing.

Positive test result: Means a finding of the presence of alcohol, drugs, or their metabolites that exceeds the cutoff levels established by the city. Minimum threshold detection levels are subject to change as determined in the city's sole discretion.

Random selection basis: Means a mechanism for selection of employees that (1) results in an equal probability that any employee from a group of employees subject to the selection mechanism will be selected, and (2) does not give an employer discretion to waive the selection of any employee selected under the mechanism.

Reasonable suspicion: Means a basis for forming a belief based on specific facts and rational inferences drawn from those facts.

Safety-sensitive position: Means a job, including any supervisory or management position, in which an impairment caused by drug and/or alcohol usage would threaten the health or safety of any person.

Under the influence: Means (1) the employee tests positive for alcohol or drugs, or (2) the employee's actions, appearance, speech, and/or bodily odors reasonably cause the city to conclude that the employee is impaired because of illegal drug use or alcohol use.

Adopted by the Eagle Lake City Council this _____ day of _____, 2022.

Tim Auringer, Mayor

Jennifer J. Bromeland, City Administrator



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax


September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: Fire Department Policy and Procedures Manual

Attached is a proposed Policy and Procedures Manual for the Eagle Lake Fire Department. The policy was drafted by the Fire Department and reviewed by the Minnesota Valley Council of Governments.

Once adopted, the policy will be reviewed with the Fire Department and an acknowledgement form signed by all members.

A motion is necessary to adopt the Eagle Lake Fire Department Policy and Procedures Manual.


Jennifer J. Bromeland
City Administrator

Formatting to be completed once adopted & page #15 updated

Eagle Lake Fire Department

Established 1951



POLICY AND PROCEDURES MANUAL

Revised 2022

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Introduction

This document establishes standard fire department specific policies. These policies are meant to provide guidance when dealing with fire department-specific issues and situations and to help ensure department activities are consistent, effective, efficient, and safe. The Department shall provide for the safety, health, and wellness of department members by establishing a fire-department-specific policy manual and accompanying procedures. All fire department personnel shall understand and follow these policies and accompanying procedures to the best of their ability. Officers of the department are responsible for ensuring the members understand and follow these policies and procedures. Officers will document and report deviations to the Fire Chief, or his/her designee, for review.

This policy can neither anticipate every situation nor answer every question about membership. Neither the member nor the City of Eagle Lake is bound to continue the membership relationship if either chooses, at its will, to end the relationship at any time, with or without a cause. All activities and operations of the Department shall be carried out in compliance with State Law and City Codes, and in the event of conflict, State Law and City Code shall govern.

Any previously adopted by-laws/personnel policies are hereby specifically revoked and rescinded, and the provisions therein are no longer of any force or effect. Membership or continued membership following the adoption of this policy by the City Council shall be subject

to the provisions of this manual. This document is the sole and exclusive source of information regarding membership, other than applicable membership benefit documents and applicable personnel policies of the City of Eagle Lake.

Mission Statement

The mission of the Eagle Lake Fire Department is to minimize loss of life, property and the environment resulting from fires, natural disasters, and life-threatening situations, and to assist other emergency agencies.

Equal Opportunity Employment

It is the policy of the City of Eagle Lake to provide equality in employment to all persons. This policy expressly prohibits discrimination because of race, color, creed, religion, national origin, sex, marital status, sexual orientation, status with regard to public assistance, disability or age except where there is a bona fide occupational qualification, and all other characteristics or traits are protected by law. This policy applies to all phases of employment, including, but not limited to hiring, discharging, or discriminating with respect to benefits or conditions of employment. This policy also applies to the use of all facilities and participation in all City sponsored employee activities.

Employees have the right to seek redress in the event of discrimination.

It is the responsibility of all supervisors to enforce this policy.

Relief Association

Each firefighting member will be a member in good standing of the Relief Association. Daytime rescue members are not members of the Relief Association. Refer to Eagle Lake Fire Department Relief Association Bylaws.

Chain of Command

Chief, Assistant Chief 1, Assistant Chief 2, Captain 1, Captain 2, Medical Officer, Training Officer, Assistant Training Officer, Senior Fire Fighter (experienced based).

Job Descriptions

Essential duties of a Fire Fighter: The job of Fire Fighter/First Responder involves extremely difficult working conditions, both during training and actual emergency calls. Firefighting/First Responder activities include driving apparatus, operating pumps and related fire equipment, laying hose, performing fire combat, containment and extinguishment, providing patient care at medical emergencies and fire scenes, and operating medical equipment. Duties also include teaching and participating in training classes and drills and performing general maintenance on firefighting equipment and maintaining a clean environment in the department facilities.

Working conditions-

- Indoor and outdoor in all-weather situations
- Hazardous environments (chemical, physical [extreme heat and bitter cold], biological)

Definitions:

Frequent- occurs at majority of functions
 Occasional- occurs at more than half of functions
 Sometimes- occurs at less than half of functions
 Rare- occurs at few functions, not graded

Physical Requirement

Demand

Stand, walk, sit, balance	Frequent
See, talk, hear	Frequent
Use hands to, handle, feel	Frequent
Reach with hands, arms	Frequent
Lift, carry 10 lbs., reach with arms overhead	Frequent
Stoop, kneel, crouch, crawl	Occasional
Climb ladders, stairs	Occasional
Lift, carry 50 lbs.	Occasional
Smell, detect odors	Sometimes
Lift, carry greater than 100 lbs.	Sometimes
Don SCBA and personal protective equipment	Sometimes
Drive emergency vehicles	Sometimes
Lift, carry and/or drag greater than 150 lbs.	Rare
Exposure to smoke, fumes, dusts vapors, heat	Frequent
Work at heights	Rare

All of the following positions must be able to perform the essential duties of a firefighter as listed above.

Chief: The fire chief provides direction and leadership for all firefighting functions, operations, and personnel through the supervision of staff and a review of their activities. In addition, the Fire Chief is responsible for minimizing the loss of life, property and the environment resulting from fires, natural disasters, life threatening situations, and for providing assistance to other emergency agencies. The chief performs 360 a review of each emergency scene to ensure safety of all individuals. He/she chief is knowledgeable of the state and local fire codes and assures maintenance and cleaning of the station and equipment is completed. The chief works with the fire department officers to develop the department budget and maintain the annual budget and operating funds He/she is responsible for overseeing the purchase of all department Personal Protective Equipment (PPE) and supplies for all current members and new hires. The chief has the authority to appoint officers for the Eagle Lake Fire Department and is responsible for maintaining community relations and maintaining good working relationships with surrounding fire departments. The Chief notifies the City Administrator and the President of any concerns or known violations of the personnel policy. The City Administrator will handle all disciplinary issues. Minimum requirement: Must have five consecutive years of experience as an active fire fighter, with two years as an officer on the Eagle Lake Fire Department. The Chief will serve a two-year term; this is an elected position by the members of the Eagle Lake Fire Department, which will be recommended to the city council.

Assistant Chief: Under direction of the Fire Chief, the Assistant Chief plans, organizes, directs, and administers all emergency and non-emergency operations of the fire department assigned by

the Fire Chief within the authority delegated. In the absence of the Fire Chief, the Assistant Fire Chief shall perform all applicable duties of the Fire Chief in a sufficient manner until arrival/return of the Fire Chief. The Assistant Chief also may perform the same duties as a firefighter. Minimum requirement: must have three years of experience on the Eagle Lake Fire Department.

Captain: Under direction of the Chief, plans, organizes, coordinates, and directs the emergency and non-emergency activities of the fire department; commands emergency response scenes; directs and performs a variety of staff support functions, including recruitment, fire inspection, and prevention programs; and performs related work as assigned. A Captain may also perform the same duties as a Firefighter. Minimum requirement: must have three years of experience on the Eagle Lake Fire Department.

Medical Officer: The Medical officer will work closely with resources such as South Central Minnesota Emergency Medical Services (SCMNEMS) and follow direction from the medical director for the Eagle Lake Fire Department. The medical officer will be in charge of making sure supplies are stocked for any medical calls. If the medical officer is present on calls, that person will offer guidance and assistance in providing assessment and treatment. This person will also remain current on new devices that could be used in treating patients and relay that information to the department. Minimum requirement: must have three years of experience on the Eagle Lake Fire Department.

Training officer: Responsible for performance- and skills-based-training, and evaluation programs for fire/rescue personnel of the department. The Training Officer plans, organizes, facilitates, and delivers regular monthly drill programs and special training sessions; and coordinates ordinate with government agencies and Minnesota Board of Firefighting Training and Education (MBFTE). This program is to be responsive to specific employee, departmental, city-, county- and state-wide requests and needs. The training program will meet all local, state, and federal guidelines. This program will be comprehensive for all ranks. The training officer maintains accurate training records to report activities to required and various agencies, evaluates effectiveness of programs through participant feedback, test instructions, and reports from students, instructors, and supervisory personnel; and ensures adequate and well-maintained training materials, equipment, props, and resources are available for the programs. Minimum requirement: must have three years of experience on the Eagle Lake Fire Department.

Assistant Training Officer: Works closely with the Training Officer to carry out the above listed duties and objectives and must be able to step in and conduct trainings if the Training Officer is unavailable.

Safety Officer: This person oversees the safety of all members and will be designated ad-hoc by the Chief or officer in charge of an incident scene or training session. The responsibilities of the safety officer include:

- Maintain contact with Incident Command;
- Perform 360 review of the emergency and training scenes;
- Wear appropriate identification – i.e., Safety Officer vest;
- Identify hazardous areas of operation;

- Assess apparatus placement;
- Identify, assess, and make appropriate changes and/or stop any unsafe actions;
- Maintain a continuous assessment of the condition of the structure and any potential for collapse along with the total area of operations to make sure the scene remains safe; and
- Assume responsibility of assuring accountability is established if no Accountability Officer is assigned.

Accountability Officer: This person, designated by Incident Command, is responsible on the scene of an emergency for collecting tags; maintaining the clipboard with the cycle; and rotation of groups going internal to combat the fire; and returning the tags to the respective firefighter.

Firefighter: To provide fire suppression, emergency medical services (EMS), or other emergency assistance as qualified and under the appropriate supervision of any officer or designated firefighter. Firefighters have completed all required trainings according to National Fire Protection Association (NFPA) standards.

Entry Level Firefighter: The Entry Level Firefighter has not completed entry level firefighter coursework, and during emergency situations is not permitted to participate in structural firefighting activities that require the individual to wear a self-contained breathing apparatus (SCBA) or enter or be in close proximity to the building, enclosed structure, vehicle, or vessel. A green helmet signifies entry level for quick identification on scene. Entry Level Firefighters are not permitted to drive apparatus to an emergency call. Entry Level Firefighters are under the appropriate supervision of any officer or designated firefighter. Entry Level Firefighters will not be permitted to operate on vehicle extrication scenes, hazmat, etc.

Daytime Rescue: Provides daytime support and coverage for medical calls and accident scenes. Daytime Rescue personnel must maintain certification as, but not limited to, Emergency Medical Responder (EMR), and remain current on training, and must participate in required trainings with the department when requested by the Training Officer. Members of Daytime Rescue will provide coverage during, but not limited to daytime hours but may not — under any circumstance— partake in fire suppression activities or any other activity that requires a SCBA. Daytime Rescue personnel are under the appropriate supervision of any officer or designated firefighter. Daytime Rescue personnel are not members of the Relief Association.

President: Develops agendas for regularly scheduled meetings and special meetings; conducts and maintains the meetings in a respectful manner to accomplish the business set before the department in accordance with the agenda; reviews and reassigns items, as needed that are not taken care of in business meetings; ensures all interdepartmental communications occur on a regular and timely basis among members. The president works closely with the vice president, trustees, secretary, and the officers. The president notifies the City Administrator and the Chief of any concerns or known violations of the personnel policy.

Vice President: Works closely t-with the President. This role will assume responsibility for the president's role if that member is unavailable.

Trustee: All three (3) trustees are expected to participate in the interview process for potential fire department candidates. This process takes place with the Chief. The trustees also will provide feedback to the Chief and the department on recommending a reserve/probationary member to the City Council to be placed on the active roster. Trustees will coordinate with each other on the nomination process for department positions(Chief, President, Vice President, Secretary, and Trustees). The Trustees will be committee members and recruit other members to be a part of each committee. A trustee must have a minimum of 3 years of experience as an active firefighter in good standing.

Secretary: Responsible for recording attendance and all meeting notes, storing those meeting notes and distributing to department members prior to one week ahead of the next meeting. The Secretary relays all pertinent information to department members and works closely with the President. The Secretary is responsible for coordinating meetings if the President or Vice President is not present.

Communications/Social Media Coordinator: The communications and social media coordinator is responsible for promoting the fire department in a positive manner through means of social media. This person also will be responsible for relaying information to department members, which includes, but is not limited to, funeral notices, special events, and other activities. This person will work closely with the Chief, President and Secretary ,and department officers. The coordinator, at any time, may assign this task to another member in the event of an absence.

Members interested in holding an elected position on the Eagle Lake Fire Department will express their interest to the Trustees in order to be nominated by the October business meeting. Elections are held in December each year. Elected positions include: Chief, President, Vice President, Trustee and Secretary.

As an elected or appointed official of the Eagle Lake Fire Department, one is held to higher standard and expected to fulfil the job descriptions above. Any member that is not in good standing with the Eagle Lake Fire Department will not have any voting rights. Good standing is defined as being an active member of the Eagle Lake Fire Department who is meeting or exceeding their obligations to the fire department and to this policy and is not on probation or subject to any disciplinary action.

Application process

The Eagle Lake Volunteer Fire Department requires the following commitment:

- Complete and submit an application to the city (electronic or hard copy);
- Complete the interview process and pass a background check; applicant must possess a valid MN driver's license and be at least 18 years of age;
- Pass pre-employment physical examination;
- Pass physical work performance test which may include the following:
 - SCBA Use - Familiarize with self-contained breathing apparatus
 - Victim rescue - Carry or drag 100-pound rescue dummy 100 feet
 - Stairway climb - Carry a 50-foot section of 3-inch hose to the top floor of Fire Station and return same to the starting point
 - Ladder - Climb up and down a 35-foot ladder

- Hose Operation - Advance a charged 1 3/4" line 150 feet and operate nozzle in full turn-out gear

Must complete the physical portion of the assessment within the first 6 months or prior to becoming active.

-Approved by the city council

Probationary period

All new members of the Fire Department are considered reserve members until a minimum of six (6) Eagle Lake Fire Dept. sanctioned training events are completed. At this time the reserve member will be considered for the entry level fire fighter position by the Chief, Training Officer and Trustees. After the six (6) trainings have been completed and approved, firefighters will be able to attend normally scheduled monthly meetings.

Each Entry Level Firefighter will be required to successfully complete the Entry Level Firefighter courses.

NFPA1001 and EMR or EMT

- Attend monthly meetings (Second Tuesday of each month)
- Attend monthly drills (Fourth Tuesday of each month)
- Will not be allowed to have beards. Neatly trimmed mustaches and goatees will be allowed, providing the facial hair does not interfere with the mask seal AND does not extend beyond the edge of the jaw line.
 - Attend functions of Fire Department
 - Additional training is required after becoming an active member of the Fire Department. Firefighters will be required to:
 - Start NFPA Basic (Essentials) course within first two (2) years and complete within two (2) years from starting date of class. Entry Level Firefighters are excused from meeting and training requirements during this period.(Tuition paid by Fire Department)
 - Complete Emergency Medical Responder or Emergency Medical Technician training within two years
 - Attend Hazardous Material training
 - Attend Regional Schools
 - Attend training as recommended-by the Fire Department or its officers.

Being a firefighter is an emotionally and physically challenging job and provides individuals with self-respect and self-satisfaction. Firefighting requires training and demands team effort, collaboration, and respect from each member of the department:

Training

Training is the single most important element for a safe, professional, and effective fire department, and includes training in the incident command system. It is imperative all members are properly trained on all aspects of firefighting to help safeguard their own lives, the lives of other firefighters and the lives of those we serve.

- A. Prepares a firefighter to perform firefighting duties safely.
 - B. Prepares a firefighter for any change in a procedure or technology or for any new hazard identified in the work environment.
 - C. Prepares a new firefighter to perform emergency operations.
 - D. Prepares firefighter for structural firefighting, wildland suppression and automotive firefighting consistent with established fire ground operating procedures.
 - E. Prepares a firefighter for special hazards exposure which may occur during fires and other emergencies.
 - F. Includes procedures for firefighters engaged in fire ground operations to make a safe exit from a dangerous area if equipment fails or fire conditions change suddenly.
- Any training of firefighters that includes live firefighting exercises will be conducted in compliance with NFPA 1001- Standard for Fire Fighter Professional Qualifications and NFPA 1403- Standard on Live Fire Training Evolutions.

Training-General

•Members must attend nine (9) training events each calendar year and six (6) of these trainings must be considered “in-house” events. (In-house training is training that is held on the regularly scheduled training night each month OR is an event several members attend as the Department - i.e., a house burn, RIT class, medical refresher, etc.). In-house status will be determined by the Training Officer. Members must attend one monthly ELFD scheduled drill per quarter each calendar year.

The following (annual) training requirements must be completed each year: fit testing, right to know, blood borne pathogens, drug variance and annual physical. If a firefighter is absent, these must be made up and communicated with the training officer and or Chief and rescheduled in a timely manner.

- Example- a 12-hour Firefighter Rescue course, attended with other members of the Department, qualifies as one (1) in-house event as well as three (3) events in computing the nine (9) total needed.
- Any member failing to attend nine (9) trainings in a calendar year shall be placed on training probation during the next calendar year.
- Any member failing to attend six (6) in-house trainings in a calendar year shall be placed on training probation during the next calendar year.
- Members must attend at least two medical training events each calendar year. Any training event in which medical issues, patient treatment, patient care, or use of medical equipment is the focus qualifies for this requirement. This training can be in-house training, special training or extra drill, as approved by the Department. (Blood borne pathogen training alone will not qualify for this requirement).
- Any member failing to attend at least two (2) medical trainings each year shall be placed on training probation during the next calendar year. The intent of this policy is to complete a minimum of two medical training events each calendar year (this does not include blood borne pathogen training/drug variance training).
- Members must attend at least one SCBA use training event each calendar year. Any training event such as interior search and rescue, RIT training, live fire training, SCBA use and inspection, and firefighter safety, OR other event as approved by the Department qualifies as this requirement. This training can be in-house training, special training or

extra drill, as approved by the Department. The intent of this policy is complete a minimum of SCBA training once per calendar year.

- Any member failing to attend an SCBA event each year shall be placed on training probation during the next calendar year.

Training-Advanced Medical

- Members will be required to complete the EMT initial course or First Responder initial course within two (2) years of being placed on the active roster, unless already certified.
- Any member failing to do so shall be placed on training probation during the next calendar year.
- Members must keep their EMT or First Responder training current (attending refresher courses as needed throughout their tenure on the Department). CPR certification alone will not be allowed for any active member.

Training- Advanced Fire

- Members will be required to begin the approved Firefighter 1 course within two (2) years of being placed on the active roster AND must complete the course within two (2) years of being placed on the active roster.
- Members failing to do so shall be placed on training probation during the next calendar year.
- Firefighters will be encouraged to refresh their knowledge and learn new skills at schools throughout the area.

Training Exemptions

- New members, with less than 10 months of active service for the calendar year shall be exempt from the required nine (9) training events that year and shall be exempt from the six (6) in-house events. They will only be required to have training attendance equal to 50 percent of the monthly trainings for which they are active. If member is active for an odd number of months, that member is required to make the number of events less the fraction.
- Any member attending the Firefighter 1 training, initial EMT training and/or initial first responder training will be exempt from these requirements.
- For any member on formal leave of absence lasting longer than three (3) months, the training requirement will be prorated for the remainder of the calendar year.
- As a general rule, exceptions to policies and procedures should not be made unless there is a clear business or safety reason for doing so, such as an urgent and compelling circumstance that makes the exception necessary. The Fire Department should always strive to apply its policies in a uniform manner. Exceptions may be approved by the City Council upon recommendation of the City Administrator and the Fire Chief as being clearly in the best interest of the City and the Fire Department.

Failure to meet training requirements:

A member whose active status is in jeopardy due to failing to meet training requirements will receive verbal and written warnings from the Chief, President, and/or Training Officer.

A member whose status is changed from active to probationary status will receive a written notification from the Chief, President and/or Training Officer. At this time, a meeting will be

scheduled with that member and the Chief, President, Training Officer and Trustee's, to discuss requirements and actions needed.

Training Probation

- Any member failing to meet the requirements set forth shall be placed on training probation the next calendar year. Training probation will be used to ensure that said member is adequately trained to respond to and act at emergency situations. The probation type will be based on which requirement was failed. Members who are placed on training probation are still considered as an active fire fighter. If the member fails to complete the required training during the probation period, the fire fighter will be removed from the active roster until the training is complete and said member is adequately trained to respond to and act at emergency situations. See Training Probation Discipline on page 23.
- Member fails to make required number of training events in a year: Probation will require member to make up every event short in the following year. Example: member required to make 9, but only made 8; member will be required to make one more than normally required the next year.
- Member fails to make required number of in-house events: Probation will require member to make up every event short in the following year. Example: member required to make 6, but only made 5; member will be required to make one more than normally required the next year.
- Member fails to attend a Medical Training event in a year: Probation will require member to make up an extra event the next year (this event DOES NOT have to be medical related, as long as the required medical training for the current year has been met).
- Member fails to attend an SCBA training event in a year: Probation will require member to make up an extra event the next year (this event DOES NOT have to be SCBA related, as long as the required SCBA training for the current year has been met).
- Member fails to complete Advanced Medical training: Probation will require member to complete the class at the next local offering and that member cannot respond to any medical calls.
- Member fails to complete Advanced Fire Training: Probation will require member to complete the class at the next local offering.

Training Calendar

The Training Officer will coordinate and update the monthly drills for the upcoming calendar year (subject to change throughout the year). The Training Officer will have the calendar made available for all firefighters to see ahead of time (quarterly basis). This calendar will go into detail only as far as to know if the drill for that month will be medical, SCBA, etc., in order for members to meet the required number of trainings per year.

Training Attendance

Training attendance will be reviewed on a monthly basis by the Training Officer and/or Assistant Training Officer. The Training Officer will notify any member who is failing to meet training requirements. Members must make a good faith effort to attend trainings in a timely manner and remain in attendance and engaged for the duration of the training and members also must sign

out at the end of the training session. This information will be published for any member to review.

In the event that a member is going to be late or have to leave early, they are expected to notify the Chief or Training Officer prior to the scheduled start time of the training.

Any member not meeting these requirements will be in violation of this policy.

Meeting Attendance

Members must attend six (6) regularly scheduled department meetings each calendar year and may not have three (3) consecutive unexcused absences in any time period. Members must make a good faith effort to attend meetings in a timely manner and remain in attendance and engaged for the duration of the meeting, which includes truck check. In the event that a member is going to be late or have to leave early, they are expected to notify (preferably in writing which can include a text message or e-mail) the Chief, President, or Secretary prior to the scheduled start time of the meeting.

Any member not meeting these requirements will be in violation of this policy.

- After second consecutive unexcused missed meeting: a verbal warning from the Chief, President or City Administrator will be given to the member. This will be documented in their personnel file.
- After third consecutive unexcused missed meeting: a written letter will be sent by the Chief and forwarded to the City Administrator and President to the member in violation and forwarded to the city for their file and to determine disciplinary action, including but not limited to a leave of absence and/or removal from the active roster. A written explanation response must come from that member to the city.
- Members shall maintain sufficient competency to properly perform their duties and assume the responsibilities of their positions. This is a duty to our fellow fire department members, the citizens of Eagle Lake and neighboring communities. Failure to attend the minimum required meetings shall imply a lack of interest in maintaining competency. If the absence is unexcused at the time of the scheduled meeting, this will be defined as an unexcused absence if the member misses the meeting requirements in a calendar year.
- A third consecutive unexcused absence forces a leave of absence and will begin retroactively at the date of the second consecutively missed meeting. If the member is able to rectify this situation or attendance at meetings, they must supply a written letter of explanation requesting reinstatement, and they will be placed on the active roster, effective the next meeting date. This letter should be sent to the City of Eagle Lake and forwarded to the Chief and President prior to the next scheduled meeting. This leave of absence shall extend for a maximum period of 12 months. In case of any leave of absence lasting longer than 12 months, the member will be separated from the department.
- Excused absences: department sanctioned training or external meetings (ex: regional meeting), military duty, medical (must have doctors note while still being able to perform the essential duties of a firefighter), bereavement. The maximum number of excused absences in a calendar year is six (6) and the member must meet the minimum number of six (6) meetings within a calendar year.
- Military duty – falls under federal regulations when it comes to leave of absence for employment.

As a general rule, exceptions to policies and procedures should not be made unless there is a clear business or safety reason for doing so, such as an urgent and compelling circumstance that makes the exception necessary. The Fire Department always should strive to apply policies in a uniform manner. Exceptions may be approved by the City Council upon recommendation of the City Administrator and the Fire Chief as being clearly in the best interest of the City and the Fire Department.

Online/virtual meeting policy

While allowing this option, it still is important all members are involved in the truck check process.

- Truck assignments will be scheduled on an annual basis, so firefighters know for which truck they are scheduled. Members who are going to be absent, please communicate with the officer in charge of that truck for that month about what you will take care of doing for your assigned truck. Truck check for each month still is required if you're absent from meeting. This must be completed within the same week of our normally scheduled meeting. Please sign and print your name on the truck check sheet for that month in the binder. Those present will complete truck check as they normally have.
- The Eagle Lake Fire Department will provide an online meeting account to be used for department meetings. The meeting room at the fire department has been set up and equipped with a camera and speakers/microphones to provide the best experience possible for all meeting attendees.
- If attending the meeting virtually, please keep in mind your meeting etiquette. Your camera will be required to be on, microphone muted when not speaking, and please provide a distraction free space for yourself and as a courtesy to other members. In this case, attendance must be virtual, cannot be using the dial in option. (This means not operating a motor vehicle, machinery, etc.).
- The online meeting can be used by any member a maximum of two (2) times each calendar year to be counted for attendance records.
- In the case that national, state or local restrictions are put in place for emergency situations, the department will elect the option of online meetings as the standard until deemed not necessary.

Leave of absence

Purpose: The purpose of this guideline is to provide a uniform understanding to the requirements of fire department personnel requesting a leave of absence for any purpose.

Definitions:

Personal Leave of Absence - A requested leave of absence by a fire department member for personal reasons.

Medical Leave of Absence - A requested leave of absence due to the inability to perform required firefighter duties because of a medical condition.

Military Leave of Absence - A requested leave of absence for the purpose of serving in a branch of the military for on-duty training or deployment.

General Provisions:

1. All leave of absence requests must be made in writing and submitted to the Chief. At this time, all access to the Fire Department must be turned in. This includes but is not limited to pager,

keys, radio, and access to Active911. Access to the Fire Station, Fire Trucks and Equipment is strictly prohibited.

2. All absence requests must include information detailing the reason for the leave.
3. All leave of absence requests must include an approximate length of duration with an end date.
4. All leave of absence requests must be approved by the department. Details cannot be provided (ex: medical, personal). The City Administrator will be advised of the leave of absence request and a copy maintained in the fire department member's Personnel File.
5. A notation of the leave of absence request will be made in the department's record management system. All leaves of absence along with the associated documentation shall be recorded in the department's record management system under the department member's personnel record.
6. Fire department officers will be advised when fire department members are granted an approved leave of absence request via e-mail at the time of approval.
7. A copy of the leave of absence request will be provided to the Training Officer and Secretary for use when compiling the monthly fire department statistics.
8. Fire department members who are on a leave of absence during the time period of the annual training sessions must coordinate with the Training Officer and/or the Assistant Training Officer to complete the required annual training.
9. Fire department members who are returning from a leave of absence shall be placed on probation until the following the annual training requirements have been met. The requirements are annual fit testing, Right to Know, Blood Borne Pathogens, and annual physical. EMR and EMT certificates must be up to date. After the training requirements are met, the Chief shall inform all officers via e-mail or during a monthly officer meeting that the member has completed all training requirements and will be placed in the active roster.
10. Return from a leave of absence request must be made in writing and submitted to the Chief before department personnel may return to active status. A meeting will be setup with the member, Chief and President to lay out the requirements to return to active duty.
11. While on a leave of absence, the member shall not participate in any fire department trainings or respond to any calls.

Limitations:

Personal Leaves of Absence: Fire department personnel requesting a personal leave of absence are relieved of all attendance or participation requirements until such time a written return to active-duty request has been received and approved by the Fire Chief.

Medical Leaves of Absence:

1. Fire department personnel requesting a medical leave must provide written documentation of any imposed duty restrictions from their physician.
2. A medical leave of absence relieves the fire department member from all participation requirements until such time as written documentation is received from their physician-stating they are able to return to duty without restrictions.
3. The Fire Department reserves the right to require evaluation before return to duty.
4. Fire department members who are on medical leave of absence shall provide written documentation of all visits to their attending physician where a change in their condition is determined.
5. A medical leave of absence request may only be terminated with a statement from a physician indicating the member may return to full duty without restrictions.

Military Leaves of Absence:

1. Fire department members requesting a military leave of absence are relieved of any participation requirements during the time of their leave.

Response Time

Members must have primary residence within seven (7) minutes of the Eagle Lake Fire Station OR work full time within seven (7) minutes of the Eagle Lake Fire Station. The response time will be determined by common mapping software or application.

Social Media Policy

Social networking in government serves two primary functions: to communicate and deliver messages directly to citizens and to encourage citizen involvement, interaction, and feedback. Information that is distributed via social networking must be accurate, consistent, and timely and meet the information needs of the city's customers. Since social media is used for social networking, this policy seeks to ensure proper use of the City of Eagle Lake's social media sites by its representatives.

The City of Eagle Lake wishes to establish a positive and informative social media presence. City representatives have the responsibility to use the city's social media resources in an efficient, effective, ethical, and lawful manner pursuant to all existing city and departmental policies. This policy also provides guidelines and standards for city representatives regarding the use of social media for communication with residents, colleagues and all other followers.

Policy

The City of Eagle Lake will determine, at its discretion, how its web-based social media resources will be designed, implemented, and managed as part of its overall communication and information sharing strategy. City social media sites may be modified or removed by the city at any time and without notice, as described in this document.

City of Eagle Lake social media accounts are considered a city asset, and administrator access to these accounts must be securely administered in accordance with the city's Computer Use policy. The city reserves the right to shut down any of its social media sites or accounts for any reason without notice.

All social media web sites created and utilized during the course and scope of an employee's performance of his/her job duties will be identified as belonging to the City of Eagle Lake, including a link to the city's official web site.

Scope

This policy applies to any existing or proposed social media web sites sponsored, established, registered or authorized by the City of Eagle Lake. This policy also covers the private use of the city's social media accounts by all city representatives, including its employees and agents, council members, appointed board or commission members and all public safety volunteers to the extent they affect the city. Questions regarding the scope of this policy should be directed to the City Administrator.

Definition

Social media are internet and mobile-based applications, websites and functions, other than email, for sharing and discussing information, where users can post photos, video, comments and links to other information to create content on any imaginable topic. This may be referred to as “user-generated content” or “consumer-generated media.”

Social media includes, but is not limited to:

- Social networking sites, such as Facebook, LinkedIn, Twitter, Nextdoor, and online dating services/mobile apps;
- Blogs;
- Social news sites, such as Reddit and BuzzFeed;
- Video and photo sharing sites, such as YouTube, Instagram, SnapChat, and Flickr;
- Wikis, or shared encyclopedias, such as Wikipedia;
- An ever-emerging list of new web-based platforms generally regarded as social media or having many of the same functions as those listed above.

As used in this policy, “employees and agents” means all City representatives, including its employees and other agents of the City, such as independent contractors or Council members.

Rules of Use

City employees and agents with administrator access are responsible for managing social media websites. Facilities or departments wishing to have a new social media presence must initially submit a request to the City Administrator in order to ensure social media accounts are kept to a sustainable number and policies are followed. All approved sites will be clearly marked as the City of Eagle Lake site and will be linked with the official city website (www.eaglelakemn.com). No one may establish social media accounts or websites on behalf of the city unless authorized in accordance with this policy.

Administration of all social media web sites must comply with applicable laws, regulations, and policies as well as proper business etiquette.

City social media accounts accessed and utilized during the course and scope of an employee’s performance of his/her job duties may not be used for private or personal purposes or for the purpose of expressing private or personal views on personal, political, or policy issues or to express personal views or concerns pertaining to city employment relations matters.

No social media website may be used by the city or any city employee or agent to disclose private or confidential information. No social media web site should be used to disclose sensitive information; if there is any question as to whether information is private, confidential or sensitive, contact the City Administrator.

When using social media sites as a representative of the city, employees and agents will act in a professional manner. Examples include but are not limited to:

- Adhere to all city personnel and Computer Use policies
- Use only appropriate language

- Proofread all information before posting to avoid misspellings and other grammatical errors

Be aware that content will reflect not only on the writer but also on the City of Eagle Lake as a whole, including elected officials and other city employees and agents. Make sure information is accurate and free of grammatical errors.

- Not providing private or confidential information, including names, or using such material as part of any content added to a site.
- Not negatively commenting on community partners or their services or using such material as part of any content added to a site.
- Not providing information related to pending decisions that would compromise negotiations.
- Be aware that all content added to a site is subject to open records/right to know laws and discovery in legal cases.
- Always keep in mind the appropriateness of content.
- Comply with any existing code of ethical behavior established by the ty.

Where moderation of comments is an available option, comments from the public will be moderated by city staff, with administrative rights, before posting. Where moderation prior to posting is not an option, sites will be regularly monitored by city staff during normal working hours. Non-exempt employees are not authorized to be posting or commenting on behalf of the city during non-working hours. A disclaimer should be posted that staff may not respond to every comment or question posted on the city's social media sites. Any responses to comments will be posted within office hours and within the varying parameters of staff availability.

City of Eagle Lake's staff with administrative rights will not edit any posted comments. However, comments posted by members of the public will be removed if they are abusive, obscene, defamatory, in violation of the copyright, trademark right or other intellectual property right of any third party, or otherwise inappropriate or incorrect. The following are examples of content that may be removed by city staff before or shortly after being published:

- Potentially libelous comments;
- Obscene or racist comments;
- Personal attacks, insults, or threatening language;
- Plagiarized material;
- Private, personal information published without consent;
- Comments totally unrelated to the topic of the forum;
- Commercial promotions or spam;
- Hyperlinks to material that is not directly related to the discussion.

Personal Social Media Use

The City of Eagle Lake respects employees' and agents' rights to post and maintain personal websites, blogs, and social media pages and to use and enjoy social media on their own personal devices during non-work hours. The City requires employees and agents to act in a prudent manner with regard to website and internet postings that reference the City of Eagle Lake, its personnel, its operation, or its property. Employees, agents, and others affiliated with the city

may not use a City of Eagle Lake logo on their personal sites, nor post information that purports to be the position of the city without prior authorization.

City employees and agents are discouraged from identifying themselves as city employees or agents when responding to or commenting on blogs with personal opinions or views. **If an employee or agent chooses to identify him or herself as a City of Eagle Lake employee or agent, and posts a statement on a matter related to city business, a disclaimer like the following must be used:**

“These are my own opinions and do not represent those of the city.”

Occasional access to personal social media websites during work hours is permitted, but employees and agents must adhere to the guidelines outlined in the city’s Computer Use policy and the city’s Respectful Workplace policy. Employees and agents should also review the Data Ownership section of this policy (below).

There may be times when personal use of social media (even if it is off-duty or using the employee’s own equipment) may spill over into the workplace and become the basis for employee coaching or discipline. Examples of situations where this might occur include:

- Cyber-bullying, stalking or harassment;
- Release of confidential or private data; if there are questions about what constitute confidential or private data, contact the City Administrator.
- Unlawful activities;
- Misuse of City-owned social media;
- Inappropriate use of the city’s name, logo or the employee’s position or title;
- Using city-owned equipment or city-time for extensive personal social media use.

Each situation will be evaluated on a case-by-case basis because the laws in this area are complex. If you have any questions about what types of activities might result in discipline, please discuss the type of usage with the City Administrator.

Data Ownership

All social media communications or messages composed, sent, or received on city equipment in an official capacity are the property of the city and will be subject to the Minnesota Government Data Practices Act. This law classifies certain information as available to the public upon request. The City of Eagle Lake also maintains the sole property rights to any image, video or audio captured while a city employee is representing the city in any capacity.

The city retains the right to monitor employee’s social media use on city equipment and will exercise its right as necessary. Users should have no expectation of privacy. Social media is not a secure means of communication.

Policy Violations

Violations of the policy will subject the employee to disciplinary action up to and including discharge from employment

Drug and Alcohol Policy

INSERT NEW CITY POLICY

Firearm Policy:

The City of Eagle Lake hereby establishes a policy prohibiting all employees, except sworn employees of the Police Department, from carrying or possessing firearms while acting in the course and scope of employment for the city. The possession or carrying of a firearm by employees other than sworn Police Officers is prohibited while working on city property or while working in any location on behalf of the city. This includes but is not limited to:

- Driving on city business;
- Riding as a passenger in a car or any type of mass transit on city business;
- Working at city hall or any other city-owned work site;
- Working off-site on behalf of the city;
- Performing emergency or on-call work after normal business hours and on weekends;
- Working at private residences and at businesses on behalf of the city;
- Attending training or conferences on behalf of the city.

When responding to on-call work from home after regular work hours, an employee is prohibited from bringing a firearm in their private vehicle unless the vehicle remains in a parking lot and is not needed in order to respond to the call.

This policy applies to all employees, including volunteer fire department members. Elected officials are not considered employees, and, therefore, this policy does not apply to them. Violations of this policy are subject to disciplinary action in accordance with the city's disciplinary procedures policy.

Discipline

In all cases where a member fails to meet requirements, the Eagle Lake Fire Department will communicate the situation with the city and follow the City of Eagle Lake discipline policy.

Meeting attendance

- Any member acquiring three (3) consecutive unexcused absences in any time period shall be required to provide the department a letter of explanation outlining reasons for the missed meetings. A letter also will be forwarded to the City of Eagle Lake, and the employee will be placed into a leave of absence.
- Any member failing to attend six (6) business meetings each calendar year shall be required to provide the department a letter of explanation outlining reasons for the missed meetings. A letter also will be forwarded to the City of Eagle Lake, and the employee will be placed into a leave of absence.
- Any member in violation of meeting requirements in consecutive years automatically will be dropped from the active roster.
- Any member acquiring three (3) meeting requirement violations in five (5) years automatically will be dropped from the active roster.
- Any member acquiring five (5) meeting requirement violations during their time of service automatically will be dropped from the active roster.

Training requirements

- Any member failing to complete training probation shall be dropped from the active roster.
- Supervisors are responsible for maintaining compliance with city standards of employee conduct. The objective of this policy is to establish a standard disciplinary process for employees of the City of Eagle Lake. City employees will be subject to disciplinary action for failure to fulfill

their duties and responsibilities at the level required, including observance of work rules and standards of conduct and applicable city policies.

Discipline will be administered in a non-discriminatory manner. An employee who believes discipline applied was either unjust or disproportionate to the offense committed may pursue a remedy through the grievance procedures. Refer to the section title "Chain of Command" to determine who to contact regarding a grievance. The supervisor and/or the City Administrator will investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

No Contract Language Established

This policy is not to be construed as contractual terms and is intended to serve only as a guide for employment discipline.

Process

The city may elect to use progressive discipline with any employee. There may be circumstances that warrant deviation from the suggested order or where progressive discipline is not appropriate. Nothing in these personnel policies implies that any city employee has a property right to the job he/she performs.

Documentation of disciplinary action taken will be placed in the employee's personnel file held with the city with a copy provided to the employee.

The following are descriptions of the types of disciplinary actions:

Oral Reprimand

This measure will be used where informal discussions with the employee's supervisor have not resolved the matter. All supervisors have the ability to issue oral reprimands without prior approval.

Oral reprimands are normally given for first infractions on minor offenses to clarify expectations and put the employee on notice the performance or behavior needs to change, and what the change must be. The supervisor will document the oral reprimand including date(s) and a summary of discussion and corrective action needed.

Written Reprimand

A written reprimand is more serious and may follow an oral reprimand when the problem is not corrected, or the behavior has not consistently improved in a reasonable period of time. Serious infractions may require skipping either the oral or written reprimand, or both. Written reprimands are issued by the supervisor with prior approval from the City Administrator.

A written reprimand will: (1) state what did happen; (2) state what should have happened; (3) identify the policy, directive, or performance expectation that was not followed; (4) provide history, if any, on the issue; (5) state goals, including timetables, and expectations for the future; and (6) indicate consequences of recurrence.

Employees will be given a copy of the reprimand to sign acknowledging its receipt. Employees' signatures do not mean they agree with the reprimand. Written reprimands will be placed in the employee's personnel file held by the city.

Suspension With or Without Pay

The City Administrator may suspend an employee without pay for disciplinary reasons.

Suspension without pay may be followed with immediate dismissal as deemed appropriate by the City Council, except in the case of veterans. Qualified veterans will not be suspended without pay in conjunction with a termination.

The employee will be notified in writing of the reason for the suspension, either prior to the suspension or shortly thereafter. A copy of the letter of suspension will be placed in the employee's personnel file held by the city.

An employee may be suspended or placed on involuntary leave of absence pending an investigation of an allegation involving that employee. The leave may be with or without pay depending on a number of factors including the nature of the allegations. If the allegation is proven false after the investigation, the relevant written documents will be removed from the city's personnel file on the employee, and the employee will receive all compensation and benefits due had the suspension not taken place.

Demotion and/or Transfer

An employee may be demoted or transferred if attempts at resolving an issue have failed, and the City Administrator determines a demotion or transfer to be the best solution to the problem. The employee must be qualified for the position to which the/she is being demoted or transferred. The City Council must approve this action.

Dismissal

The City Administrator, with the approval of the City Council, may dismiss an employee for the substandard work performance, serious misconduct, or behavior not in keeping with city standards.

If the disciplinary action involves the removal of a qualified veteran, the appropriate hearing notice will be provided, and all rights will be afforded the veteran in accordance with Minnesota law.

Driving

EMERGENCY VEHICLE RESPONSE OPERATING GUIDELINES OF THE EAGLE LAKE FIRE DEPARTMENT

Purpose

Responding to any emergency call, the Eagle Lake Volunteer Fire Department places a great deal of responsibility on the drivers of its emergency vehicles. Not only must emergency vehicle drivers provide prompt delivery of the apparatus, equipment, and personnel with which to provide service to those in need, but as importantly, must accomplish this task in the safest and most prudent manner possible. Emergency vehicle drivers have in their care, custody, and control most of the major assets possessed by this organization (the vehicle, portable equipment, personnel). Emergency vehicle drivers also have a higher standard of care to provide to the general motoring public and must make every attempt possible to provide due regard for the safety of others. Drivers must constantly monitor and reduce the amount of risk and exposure to potential losses during every response. **Safe arrival at the emergency scene shall be, and must always remain, the first priority of all emergency vehicle drivers.** In order to accomplish this enormous task, all emergency vehicle drivers shall become familiar with, and constantly abide by the following guidelines:

Guidelines

Qualifications for Drivers

1. All personnel, as a condition of driving, are required to understand and obey all local, state, and federal laws and regulations as they pertain to driving.
2. All personnel who drive a Fire Department vehicle shall possess a valid driver's license from the State of Minnesota classed for the particular type of vehicle to be driven. Personnel shall comply with all requirements established by State of Minnesota for the appropriate class of license.
 - Any active member who receives a DWI/DUI will lose the privilege of driving for an ELFD function until their driving record is clean.
3. All personnel who drive a Fire Department vehicle shall be a member in good standing of the Eagle Lake Fire Department for at least one year.
4. Personnel shall comply with all requirements established by the Fire Department for the safe operation of motor vehicles regardless of vehicle ownership and/or insurance coverage.
5. All personnel who drive a pumper truck must attend and pass a department approved basic pump operations class.
6. All personnel who drive an aerial truck must attend and pass a department approved aerial operations class.
7. All drivers shall successfully complete the following requirements for each apparatus:
 - a. Road test with an officer in which the firefighter demonstrates awareness of the truck's features and their ability to drive the truck.
 - b. Operations test with an officer in which the firefighter demonstrates his/her ability to run all the truck's components.
 - c. Upon completion of the road test, a signed letter will be placed in the member's file indicating authorization to drive each apparatus.

General Driving Rules

1. Vehicle drivers shall operate apparatus in such a manner as not to discredit themselves or the Eagle Lake Fire Department.
2. Drivers shall not attempt to drive any Fire Department vehicle while under the influence of any alcoholic beverage or after taking any medicine, drug, or compound which may impair their senses or interfere with their ability to operate such vehicle.
3. The department requires all persons riding on fire apparatus to be seated in approved riding positions and be secured to the vehicle by seat belts whenever the vehicle is in motion. The emergency vehicle driver and/or the person riding in the officer position shall verify that all personnel ~~are personnel~~ are properly seated and in seat belts before the vehicle is moved. The department prohibits the riding on tail steps, sidesteps, running boards, or any other exposed position.
4. Apparatus shall not be placed in such a position as to endanger either personnel or apparatus. The apparatus may be placed in a hazardous manner in order to protect personnel. Apparatus taken off the road shall be maneuvered with extreme caution and discretion. Drivers shall carefully check the ground conditions prior to going off road and shall do so only when necessary. Should safe passage be questionable, an alternate route shall be sought.

5. Apparatus drivers shall back their vehicles safely and only after the unit officer-in-charge has dismounted and proceeded to the rear of the apparatus to provide backing directions. The unit officer-in-charge must maintain visual contact with the driver. All other personnel shall remain on the apparatus until directed by the unit officer-in-charge to dismount. In the event the driver is alone, the firefighter should obtain backing assistance. If no assistance is available, the vehicle can be backed exercising extreme caution. Prior to backing, the driver must dismount the vehicle and check around the entire vehicle to ensure that the vehicle can be backed in a safe manner.
6. Apparatus drivers shall place a wheel chock in the proper position immediately after stopping and dismounting from the cab of the vehicle, other than when in quarters. Hand or foot brakes, spring parking brakes, and "PARK" position on automatic transmissions shall not be the sole means for holding vehicles stationary.
7. Vehicles and apparatus equipped with engine, transmission or driveline retarders or Jake brakes shall operate with the retarder in the "on" position. Due to the slippery nature of wet, snow- or ice-covered roads, the retarder or brake is to be placed in the "off" position when encountering these conditions.

Emergency Response

The following provision under this guideline shall not relieve any driver of an emergency vehicle from exercising extreme due caution for the safety of all persons. These provisions will not protect the driver from the consequences of any reckless disregard for the safety of others. Drivers shall use prudence when operating any emergency vehicle. Drivers that choose to disregard provisions in this section may be held personally liable for their actions.

Warning Devices and True Emergencies

When responding to a true emergency¹, all audible and visual warning devices will be operated at all times regardless of time of day and/or traffic conditions. All emergency vehicle drivers must understand that warning devices are not always effective in making other vehicle operators aware of your presence. Warning devices only request the right-of-way, they do not insure the right-of-way.

There are three response codes that are utilized when driving an emergency apparatus. Code 1 is no lights and no sirens. Code 2 is lights with no sirens (not recommended), and Code 3 is lights and sirens.

¹ The definition of a true emergency is a situation in which there is a high probability of death or serious injury to an individual or significant property loss, and actions by an emergency vehicle driver may reduce the seriousness of the situation.

Best practice would be to use air horns and alternate siren tones at major intersections and roundabouts.

Vehicle Control and Right-of-Way

All drivers shall attempt to maintain control of the vehicle they are operating in such a manner as to provide the maximum level of safety for both their passengers and the public. Emergency vehicle drivers should be aware civilian vehicle operators may not react in the manner in which is expected or felt to be appropriate. An attempt should be made to have options available when passing or overtaking vehicles. If another vehicle operator fails to yield the right of way to an emergency vehicle, the emergency vehicle driver cannot force the right of way, nor can you assume the right of way, therefore you do not have the right of way until the other vehicle yields to you. When operating the apparatus in an emergency situation, the driver will follow traditional rules of the road.

Response Speeds

When responding to a true emergency only, drivers shall maintain a speed that is safe under the prevailing conditions. Emergency vehicle drivers must exercise extreme due caution and the safety of all persons and property are not endangered. Examples of conditions requiring slower response speeds include but are not limited to:

- slippery road conditions,
- inclement weather,
- poor visibility,
- heavy or congested traffic conditions,
- sharp curves.

Intersection Practices

Emergency vehicle drivers shall reduce the speed of the vehicle sufficiently at all intersections to negotiate a full stop when the intersection cannot be safely entered. All emergency vehicle drivers shall yield the right-of-way to any vehicle that is already in an intersection and shall not enter an intersection until all oncoming traffic has yielded the right-of-way and the intersection can be negotiated safely. Upon entering the intersection, the vehicle shall be under complete control and driven at such a speed that it can be safely stopped to avoid a collision should another vehicle enter the intersection. Emergency vehicle drivers shall realize the "right-of-way" must be granted by the other driver.

Drivers shall use caution and ensure it is safe to proceed prior to crossing any railroad tracks. Apparatus shall not drive around crossing gates that have been lowered or proceed through a crossing with activated signals (non-gated). The only exceptions shall be:

- When it has been confirmed by railroad personnel the gates or signal are activated due to a malfunction or maintenance.

- When there appears to be an obvious malfunction, and the company officer has left the vehicle and has visually confirmed the absence of any approaching trains in either direction.

Multiple Apparatus Response

When emergency vehicle drivers who are responding behind another responding emergency vehicle, they shall use extreme caution. The driver shall reduce the speed of the vehicle and/or regulate the travel distance between the two vehicles to negotiate a full stop and avoid a collision if the vehicle in front stops abruptly. The vehicle driver shall be prepared to negotiate a full stop and avoid a collision if other vehicles pull into the path after yielding the right of way to the first vehicle.

School Buses

Emergency vehicle drivers shall stop for all school buses displaying flashing lights and shall proceed only after the driver of the school bus signals it is safe to do so and all flashing lights are turned off.

Response in Privately Owned Vehicles

When any member responds to the station in a private vehicle, each member must strictly adhere to all applicable motor vehicle laws. Privately owned vehicles are not provided with the same exemptions that are provided to emergency vehicles. No member of the organization will be permitted to violate any motor vehicle laws, including but not limited to:

Speed limits,
Going through traffic control devices,
Passing in an unsafe manner.

While it is recognized timeliness in response to an emergency is important, it is imperative all drivers understand their **private vehicles are not emergency vehicles, and, therefore, are not afforded any exemptions or special privileges under state law**. Any driver observed breaking any traffic laws or operating any vehicle in an aggressive or unsafe manner will be subject to disciplinary action.

Driver Only Emergency Response Discouraged

Driver only emergency response should be minimized to the extent possible. The risk factors are greatly increased due to the level of excitement and the urgency of the call. In addition, members of the public are often distracted and can become panicked when they hear sirens and see lights. Having multiple firefighters onboard actively watching the response is essential to help ensure safe arrival at the emergency scene.

The driver is responsible for making sure the apparatus is placed back into service and ready for the next emergency call.

Acknowledgment

I _____ acknowledge I have received a copy of the Eagle Lake Fire Department Emergency Vehicle Response Plan and also have been trained and understand the items and instructions contained in this guideline. I also understand the importance of safe operation of this organization's vehicles and will abide by all of the tactical and administrative operating guidelines contained in this document. I understand the safe arrival at the emergency scene shall be and must always remain the first and highest priority of all emergency drivers.

Firefighter _____ Date _____

Fire Chief _____ Date _____

Personal use:

Any personal use of ELFD Fire Apparatus or Emergency Equipment is strictly prohibited. Using Fire Apparatus or Emergency Equipment for personal use takes that item out of service (even if it is for a very short amount of time) and prevents it from responding to an emergency immediately (direct conflict with the ELFD Mission). Non-emergency equipment, such as tables and chairs, are available for ELFD members' use as long as it is outside of the time when ELFD needs it. Third party loans are not permitted (ELFD members only). If a member needs to borrow a piece of non-emergency equipment, get the approval of the Chief or an Officer and leave a note as to the date(s) the item will be needed. Do not take any non-emergency equipment without the approval of the Chief or an Officer. Return all items in the condition you found them. If you damage or lose an item, it is your responsibility to buy a replacement of equal quality immediately. Equipment is never to be removed from any Fire Apparatus for personal use.

Firefighter Code of Ethics:

I understand I have the responsibility to conduct myself in a manner that reflects proper ethical behavior and integrity. In so doing, I will help foster a continuing positive public perception of the fire service. Therefore, I pledge the following:

- Always conduct myself, on and off duty, in a manner that reflects positively on myself, my department and the fire service in general.
- Accept responsibility for my actions and for the consequences of my actions.
- Support the concept of fairness and the value of diverse thoughts and opinions.
- Avoid situations that would adversely affect the credibility or public perception of the fire service profession.
- Be truthful and honest at all times and report instances of cheating or other dishonest acts that compromise the integrity of the fire service.

- Conduct my personal affairs in a manner that does not improperly influence the performance of my duties or bring discredit to my organization.
- Be respectful and conscious of each member's safety and welfare.
- Recognize that I serve in a position of public trust that requires stewardship in the honest and efficient use of publicly owned resources, including uniforms, facilities, vehicles, and equipment and that these are protected from misuse and theft.
- Exercise professionalism, competence, respect, and loyalty in the performance of my duties and use information, confidential or otherwise, gained by virtue of my position, only to benefit those, I am entrusted to serve.
- Avoid financial investments, outside employment, outside business interests or activities that conflict with or are enhanced by my official position or have the potential to create the perception of impropriety.
- Never propose or accept personal rewards, special privileges, benefits, advancement, honors, or gifts that may create a conflict of interest, or the appearance thereof.
- Never discriminate on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, gender, sexual preference, medical condition, or handicap.
- Never harass, intimidate or threaten fellow members of the service or the public and stop or report the actions of other firefighters who engage in such behaviors.

Acknowledgement

By signing this form, I acknowledge I have received and reviewed the Eagle Lake Fire Department Policy and Procedures Manual.

I understand I am responsible for reading these documents and familiarizing myself with their contents. I also understand the policies contained in these documents apply to me, and it is my responsibility to comply with the policies and any revisions made to them.

I understand the Eagle Lake Fire Department Personnel Policy adopted supersedes all prior handbooks or personnel policies on the subjects contained in it, and the Eagle Lake Fire Department and City of Eagle Lake have the right to change, modify, add to, substitute, or eliminate, and to interpret and apply, the policies and rules described therein.

Print Name: _____
 Sign Name: _____
 Date: _____
 Chief: _____



705 Parkway Ave, PO Box 159, Eagle Lake, MN 56024
(507) 257-3218 Phone (507) 257-3220 Fax

September 12, 2022

To: Honorable Mayor Auringer and City Council
From: Jennifer J. Bromeland, City Administrator
Re: City Administrator Report

1. Storm Drain Stenciling Activity. As part of the MS4 program, the City is responsible for completing education and outreach with the public. A storm drain stenciling activity has been coordinated for Wednesday, September 14th from 5:30 p.m.-7:30 p.m. in the Eagle Heights Subdivision. To date, there are 15 volunteers signed up to help between the Eagle Lake Area Lions Club and Girls Scouts. See attached for more information.
2. Fall Clean Up. The fall clean up is scheduled for Saturday, October 15th from 8:00 a.m.-Noon at Lake Eagle Park. See attached for more information.
3. Status of Fox Meadows Development. Following the completion of the EAW, applications for re-zoning and the preliminary plat were received from the developer. Public hearings for re-zoning and preliminary plat have been scheduled for the upcoming Planning Commission meeting on September 19th at 6:00 p.m. The developer's agreement will be included on the October 3rd City Council agenda.
4. Road Inquiry from Mankato Township. City staff was recently contacted about the City of Eagle Lake taking over the gravel road on 598th Avenue from Peregrine Avenue to 211th Street. The Public Works Director was consulted and advises against the City accepting this segment of 598th Avenue at this time as it was expressed that there is no benefit to the City to do so. Mankato Township also asked about the portion of the 211th Street from 598th to the area where the leaves are hauled. The Public Works Director indicated that the City is currently maintaining all of 211th Street from 598th to CSAH 27 and that it makes sense for the City to have ownership of this portion.
5. Upcoming Staff Trainings. There will be a safety committee meeting for all staff on 9/20. After the safety committee meeting, there will be a brief mandatory MS4 training for all staff with more in-depth training for field staff. Another annual related safety training will take place on 9/22 for all staff.
6. Fall Newsletter. The fall newsletter will go out towards the end of the month.
7. Special City Council Meeting for Preliminary Budget and Levy. A reminder that a Special City Council meeting has been scheduled for Monday, September 26th for the purpose of adopting the preliminary budget and levy.

Jennifer J. Bromeland
City Administrator

Are you looking for a community service opportunity?

**NO DUMPING
DRAINS TO WATERWAY**



STORM DRAIN STENCILING – VOLUNTEER OPPORTUNITY

Wednesday, September 14th

5:30 p.m.-7:30 p.m.

Eagle Heights Park (241 Oak Drive, Eagle Lake)

DID YOU KNOW? Storm drains are gateways that allow pollutants in stormwater to flow untreated from local streets to lakes, rivers, and streams. Residual oil, grease, solids, antifreeze, cigarette butts, yard waste, plastic and other wastes found on roads, parking lots and driveways pollute downstream waters by increasing phosphorus levels, reducing oxygen levels, and ultimately impairing aquatic habitat for fish and other organisms as well as drinking water sources.

An unfortunate, yet still common, misperception is that storm drains discharge to water treatment plants. Stenciling is one public education tool that helps dispel this misperception.

WHAT TO EXPECT: The storm drain stenciling activity will kick off at 5:30 p.m. with pizza and a short educational presentation and training. All supplies will be provided. The activity will conclude at 7:30 p.m.

HOW TO SIGN UP: If you are interested in volunteering, please sign up in advance by calling City Hall at 507-257-3218 or you can also send an email to jbromeland@eaglelakemn.com no later than Monday, September 12th at 4:30 p.m. All youth must be accompanied by an adult.

If you are interested in helping with storm drain stenciling but are unable to attend the event on the 14th, there will be other opportunities in the future to volunteer. Due to the volume of storm drains in Eagle Lake, it is not possible to stencil all storm drains at once with sections of the community to be stenciled incrementally each year.

CITY OF EAGLE LAKE FALL CLEANUP

Saturday, October 15 • 8am - Noon
Lake Eagle Park

OPEN TO
EAGLE LAKE
RESIDENTS ONLY

You may be asked to show
proof of residency.
Photo ID or Current Utility Bill.



VEHICLE LINEUP

Lineup Starts on Thomas Drive
at the entrance of the park.

To get into line enter on LeSueur Dr,
turn right on Linda Dr, and turn right
onto Thomas Dr.

Do NOT block driveways.

SELF UNLOADING

Residents will need to unload
their own materials.

If help is needed, plan ahead
and bring someone with you
to assist unloading.

ELECTRONICS

NO
electronics collection.