

EAW Comment – Court-Ordered Data Practices Violations and Documented Withholding of Project Data Until After December 31, 2025 Prevent Meaningful Review and Require an EIS

1 message

To: Ronald.gaines@steelecountymn.gov
Cc: david.burbank@ci.owatonna.mn.us, mayor@owatonna.gov, EQB.monitor@state.mn.us

Fri, Dec 19, 2025 at 7:26 AM

Dear Responsible Government Unit,

I am submitting this comment regarding the Environmental Assessment Worksheet (EAW) for the **Owatonna East Side Corridor (29th Avenue Corridor) Project**, specifically addressing the County's continued withholding of Project-related public data in violation of the Minnesota Government Data Practices Act and the resulting failure to provide meaningful public participation as required under the Minnesota Environmental Policy Act.

The Minnesota Office of Administrative Hearings has issued **Findings of Fact, Conclusions of Law, and Order** determining that Steele County violated the Minnesota Government Data Practices Act in its handling of public data requests related to this Project and ordering the County to comply with the law.

Despite this adjudicated violation and court order, Steele County has documented—through written correspondence during the EAW process—that responsive Project-related data **will not be completed or meaningfully available until after the close of the EAW comment period on December 31, 2025**. The County's own status updates identify estimated completion dates extending into **January and February 2026**, including for datasets directly relevant to environmental review, such as commissioner emails, traffic-related correspondence, federal funds records, and consultant communications .

Failure to Provide Meaningful Public Participation

Under **Minn. R. 4410**, environmental review must provide the public with a **meaningful opportunity to evaluate environmental impacts at a time when that information can influence the decision-making process**.

Proceeding with the EAW while acknowledging that essential Project data will not be available until after December 31, 2025 deprives the public of the ability to:

- Evaluate the accuracy of the EAW's noise, traffic, safety, and human health conclusions
- Identify inaccuracies, omissions, or contradictions in the EAW
- Meaningfully comment on environmental significance, alternatives, avoidance options, or mitigation

The County's correspondence further documents that data provided to date has been delivered in **degraded and non-standard formats**, limiting usability and preventing meaningful review within the comment period . An EAW conducted under these conditions cannot satisfy MEPA's public participation requirements.

The County May Not Rely on Withheld or Inaccessible Information

Minnesota law does not permit a Responsible Government Unit to rely on information in its possession to support an environmental decision when that information was not made available to the public during environmental review.

Here, the County:

- Was found by a court to have violated data practices law
- Was ordered to correct its data practices
- Has acknowledged that responsive ESC data exists
- Has documented that completion and meaningful access will occur **after** the EAW comment period closes

As a result, any decision based on the EAW would necessarily rely on information that the public was denied the opportunity to review and comment on, rendering the environmental review legally insufficient.

Impact on the Integrity of the EAW

The continued withholding and inaccessibility of Project data compounds multiple substantive deficiencies already identified in the EAW, including:

- Missing or inadequate noise analysis
- Unsupported traffic and travel-time assumptions
- Failure to evaluate safety impacts
- Inadequate cumulative effects analysis
- Premature elimination of alternatives
- Predetermination of the Project alignment

The procedural violation does not stand alone; it undermines the integrity of the entire EAW record.

Requirement for an EIS and Independent Oversight

Because the EAW process has proceeded while relevant, court-ordered public data remains unavailable—and will remain so until after December 31, 2025—the Responsible Government Unit cannot lawfully conclude that the Project will not have significant environmental effects.

Accordingly, the Responsible Government Unit **must require preparation of a full Environmental Impact Statement (EIS)** pursuant to **Minn. R. 4410**. Given the adjudicated data practices violations and documented failure to provide timely, usable access to Project data, I further request **independent oversight and assignment of an independent Responsible Government Unit** to ensure the integrity of the environmental review process.

Respectfully submitted,

T [REDACTED] A [REDACTED] H [REDACTED]

[REDACTED]
Owatonna, MN 55060

----- Forwarded message -----

From: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>
To: [REDACTED]
Cc:
Bcc:
Date: Thu, 18 Dec 2025 12:52:43 -0600
Subject: Fwd: ESC Data Practices Requests / Status

Context for this email:

This email reflects the County's position that responsive data exists and will be available on January 2 — the next business day *after* the EAW public comment period closes. We still need to respond because there are significant issues with what is being represented as "available."

We are **not disputing that files exist**. The problem is that the materials provided so far are **not usable as data**. These emails were converted to .txt files that strip out formatting and content, resulting in documents that display one or two letters per line and are effectively unreadable. We also do not have access to Outlook or Microsoft Office to open native email files.

The County removed standard software and replaced it with third-party viewers that are insufficient for meaningful review. Emails frequently do not open, only one file can be viewed at a time, and email chains and attachments are not linked — making it impossible to follow conversations or verify completeness.

We have not returned to review what may have been reloaded onto the jump drive. The initial inspection required approximately **20 hours**, and due to the restrictions imposed at that time, we can not verify the integrity or completeness of the records. We do not have the capacity to repeat that process unless the EAW comment period is adjusted to allow meaningful review.

The "commissioner emails" referenced appear to be the **first batch of produced following the administrative ruling**, that was provided in the .txt format. As shown in the email chain below, the County is refusing to fulfill its obligation to obtain and provide the noise study materials and Joint Transportation Committee data, both of which are directly relevant to the EAW.

Let us know if you have any questions!

----- Forwarded message -----

From: **Jarrett, Robert** <robert.jarrett@steelecountymn.gov>
Date: Mon, Dec 15, 2025 at 4:53 PM
Subject: RE: ESC Data Practices Requests / Status
To: [REDACTED], Housh, Campbell <Campbell.Housh@steelecountymn.gov>, [REDACTED], Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>, Fry, Renae <Renae.Fry@steelecountymn.gov>

Good afternoon,

SCAO staff and I were able to view the items on the jump drives. Here is a clip from drive #4 from "commissioner emails". I removed the multiple folders and left only those that contained items.

ENFAIN (D:) > Items.1.001.Commissioner_Emails_1 > ExtractedText

Here is a clip of some of the items:

01-09-25_text	10_text_1	2022 Master Audit Monitoring Work Plan_text
01a 222189 New CC Facility UG Book Round 1_text	10_text_2	2023 Risk Assessment_text
1WIP June 5 Policy Committee Meeting_text	11.16.2023 SMART Agenda_text	2023 Master Audit Monitoring Work Plan_text
1WIP June 5 Policy Committee Meeting_text_1	11.20.2025 SMART Agenda_text	2024 Care Coordination Audit Results for 2023 Care Plan Audit_text
02a 29533 Parking Concepts_text	11_text	2024 Fall AMC Presentation PatV_text
2.14.18 Agenda and Packet_text	1222 MNP JPB Agenda and Materials (email 1 of 3)_text	01122017_PWPC Agenda Packet_text
2.20.2025 SMART Agenda_text	2015 09-09 Newsletter 2.6_text	01122017_PWPC Agenda Packet_text_1
2-6-25_text	2015 09-22 Budgeted Vehicle Purchase_text	12152015 Public_Meeting_PublicWorksPolicyCommittee_PWP-21.2015_text
3.14.18 Agenda and Packet_text	2015 09-22 2016 Budget Recommendation 4 Option 2_text	20210510 Compliance Work Plan_text
3.14.18 Agenda and Packet_text_1	2015 09-22 Administrative Bills_text	20210510 Compliance Work Plan_text_1
3_text	2015 09-22 DRAFT JPB Agenda_text	20250514080023256_text
3_text_1	2015 09-22 ICHA CCAP Plan 2016-2017_text	A1 - 2018 Proposed Final Budget_text
4.20.16 Agenda and Packet_text	2015 09-22 Lessons Learned Review_text	A1 - 2018 Proposed Final Budget_text_1
5.15.2025 SMART Agenda_text	2015 12 22 Administrative bill payment authority_text	ACHP-ACAP-Letter-on-Medicaid-Capitation-Rate-Adjustments-FINAL-102124-1_text
5.16.2024 SMART Agenda_text	2015 12-22 accounts receivable write off approval_text	Advisory Committee Steele Co Water Plan_Agenda_061516_text
8.14.17 Agenda and Packet_text	2015 12-22 Admin Bills_text	Advisory Committee Steele Co Water Plan_Agenda_061516_text_1
8_text	2015 12-22 Caseworks - MNSure Edition Purchase Proposal_text	Agenda 2-13-2020_text
09-12-24 MCEA Legislative Committee Report_text	2015 12-22 Child Support Supervisor Data Practices Specialist_text	Agenda Packet 20200825_text
9.18.17 Agenda and Packet_text	2015 12-22 Wold Facilities and Equipment Inventory and Alignment_text	Agenda Packet 20211026_150E2263-A964-4097-AAC4-19E9E8941CA22021-10-25T19-11-06_text
9.19.18 Agenda and Packet_text	2015-09-22 SCHA update_text	Agenda Packet for Dec_text
9.19_text	2015-09-22 Semcac contract amendment_text	Agenda packet ICS 2020205_ACD77CE2-0826-47AF-BF62-AB7CD52C6A042020-02-04T16-59-51_text
9_text	2017-02-03 Steele County Courthouse, Owatonna, MN - ISG FINAL_text	Agenda packet ICS 2020205_text
10.17.18 Agenda and Packet_text	2021 Joint Powers Board Compliance Training_text	Agenda packet ICS 2020205_text_1
10.17.18 Agenda and Packet_text_1	2021 Joint Powers Board Compliance Training_text_1	Agenda packet ICS 2020205_text_2
10.17.18 Agenda and Packet_text_2	2022 Compliance Work Plan_text	Agenda Packet LURP 20210610_text
10_text	2022 Exit Interview Summary_text	Agenda Packet Property & Maintenance Committee - October 5th_text

That folder alone contained 1,542 items. All text formats that were reviewable. Another option is to provide in a native format (like drives 1-3); however, the county does not have a non-licensed computer to give you to review all this data, so the option of free software is the only available option. The county is open to other ideas if you have them; however, we do not have time to sit with you to review this large amount of data.

The data drive 1 was redownloaded to ensure it was complete. A requester cannot manipulate data into folders; they can only review data.

Again, if there are specific items you are looking for the county can do a search more quickly than the broad request that we are currently working under. Please review the prior excel document I sent that had all the files listed.

As of today, December 15, 2025, there are 4 flash drives of data available for review during business hours.

<u>Topic</u>	<u>Sub request</u>	<u>Status</u>
All ESC Data	Large request – remains in progress overall, broken into smaller parts, and provided in waves.	<i>In progress</i> Estimated completion Feb 22, 2026.
	Emails – Paul & Greg to/from WSB	Completed & available (Drives 1, 2, 3)
	Emails - county commissioners	<i>In progress</i> Estimated date: January 2, 2027 <i>1000+ items ready for review (Drive 4)</i>

Have a safe night,

Rob

Robert J. Jarrett

From: [REDACTED]
Sent: Tuesday, December 9, 2025 11:21 PM
To: Housh, Campbell <Campbell.Housh@steelecountymn.gov>; Jarrett, Robert <robert.jarrett@steelecountymn.gov>
Cc: [REDACTED] Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>; Fry, Renae <Renae.Fry@steelecountymn.gov>; Abbe, Jim <Jim.Abbe@steelecountymn.gov>; Brady, James <James.Brady@steelecountymn.gov>; Glynn, John <john.glynn@steelecountymn.gov>; Krueger, Greg <Greg.Krueger@steelecountymn.gov>; Prokopek, Joshua <joshua.prokopek@steelecountymn.gov>
Subject: Re: ESC Data Practices Requests / Status

Dear Rob and Campbell,

I was able to inspect the County's public data on **December 9, 2025**, arriving at approximately **4:00 p.m.** I had several specific tasks I intended to accomplish during this inspection:

- Inspect traffic studies that were previously inaccessible
- Inspect the most recent dataset made available
- Inspect the dataset that M [REDACTED] S [REDACTED] was previously unable to review
- Locate several specific emails from the original datasets

I was **unable to accomplish any of these tasks**.

I am therefore providing formal notice regarding the County's **continued failure to provide meaningful access** to public data requested in connection with the East Side Corridor project, as required under **Minn. Stat. §13.03**.

Despite repeated attempts to inspect the data on **July 21, August 28, October 28, and December 9**, and repeated notice to the County, the data and inspection environment provided have not allowed meaningful access or review.

Ongoing and Uncorrected Access Failures (Timeline)

Meaningful access to the requested public data has **not been available since March 11, 2025**. Any access attempts after that date have been thoroughly documented as inaccessible, unstable, or unusable.

These failures did not occur in isolation. The current conditions compound previously documented data access issues identified on **January 15 and February 4, 2025**, which were formally raised with the County and **never corrected**.

Despite repeated notice over multiple months, the County has not restored stable, complete, and reasonably usable access to the public data. Instead, access has progressively degraded over time, culminating in the inspection failures documented below.

Dataset 1 and Dataset 2 – Email Records (Materially Incomplete)

The jump drive labeled **Dataset #1**, which previously contained **over 1,800 email records**, contained only **18 accessible emails** at the time of inspection. As a result, I was unable to locate specific emails that I had previously reviewed and relied upon. This raises concerns regarding the integrity and completeness of **Dataset #2** as well.

During earlier inspections, I spent **many hours loading thousands of emails into Outlook** to make the data in these datasets reasonably usable. Outlook is no longer available on the inspection system, and the email data previously accessed is no longer present or accessible in that form.

Additionally, the email files are **randomly named and not organized chronologically or logically**, making it impossible to locate known records. Outlook was necessary to render the data usable. Because of these defects, I was unable to locate specific records that are vital to preparing my Environmental Assessment Worksheet (EAW) comments.

Loss of Data Integrity and Irreparable Prejudice

Even if the County were able to recover or re-produce the missing email data at some point, the repeated access failures have created a **loss of continuity and verifiability**. There is no way to confirm that any subsequently provided data would be identical to the datasets previously available or that it would include all records originally responsive to the request.

In addition, restoring access at this stage would require re-reviewing and re-organizing a substantial volume of data that was originally requested more than **14 months ago**. Residents previously spent **approximately 15–18 hours** reviewing and organizing these records in order to make them usable.

Requiring this work to be repeated due to the County's access failures imposes an **unreasonable burden** and further prejudices meaningful participation. Delayed or reconstructed access does not cure the denial of access that has already occurred.

Dataset 4 – Degraded and Unusable Email Content

The most recent dataset appears to consist of emails converted to **.txt files**. These files are severely degraded, including instances where text appears **one character per line**. Attachments, metadata, threading, original formatting, and contextual structure have been removed.

As presented, these files are **functionally unusable** and do not allow meaningful inspection. Public data must be provided in the manner in which it is generally stored and maintained. Email records are not stored as .txt files, and conversion to this format strips essential context, attachments, and usability.

PST / Native Email Files

PST and native email files are present in dataset #3, including a PST associated with **Paul Sponholz** exceeding **3 GB**, which M [REDACTED] S [REDACTED] documented as usable on **July 21, 2025**. When opened during this inspection, the file displayed a blank screen with no email content. Other PST or native files similarly failed to open or display records in a meaningful way.

Third-Party Viewing Software

The County replaced standard email software with third-party viewers, including **CoolUtils Outlook Viewer and other third party viewers**. As configured, this software does not present email records in a commonly understood or intuitive format. Navigation is not common-sense, layout is non-standard, and email content appears fragmented and distorted.

The software does not allow for loading and retaining multiple email files; previously viewed content disappears upon closing, making review tedious and impracticable. Emails cannot be reviewed as a complete dataset or viewed chronologically.

Files are assigned **random filenames** with no logical order, date, sender, or subject identifiers. This prevents sorting, searching, timeline reconstruction, identification of related correspondence, or location of known records.

The use of this software, as well as other viewers such as the Word document viewer, alters how records appear — including fonts, spacing, and layout — and does not display records as they are ordinarily maintained or reviewed. In practice, the records appear **garbled rather than intelligible public data**.

Physical Media and System Failures

The County provided **four USB drives and one CD** for inspection. I was unable to access any data on the USB drives. The PDF files on the CD could be opened, but access was extremely slow. Word documents that were previously available are now missing.

I was informed that certain Word documents were converted to PDFs and that both formats were available; however, I did not observe corresponding Word and PDF versions of these files.

The County previously testified under oath that it purchased a **new computer system dedicated to public data inspection**. The system provided is outdated and unstable. Upon startup, it entered an **automatic repair process**, demonstrating that it is not suitable for public data inspection.

Security, Integrity, and Availability of Standard Government Tools

The access failures described above are not justified by security, technical, or licensing constraints.

The County has previously testified under oath that it operates within a **Microsoft enterprise environment with full Microsoft licensing**. As such, the County already possesses secure, compliant tools capable of displaying email and document records **as maintained**, including licensed Microsoft Office applications designed for enterprise and government use.

Standard configurations exist that allow records to be viewed in a **read-only, offline environment**, preserving data security and integrity while allowing meaningful inspection. These configurations do not require user accounts, internet connectivity, or modification of underlying data.

Instead, the inspection environment relied on **non-standard third-party viewing applications** that fragment datasets, alter formatting and layout, and prevent coherent review. Beyond impairing access, this approach introduces **system governance and security risk**. Inspection systems can be reconnected to a network with minimal action, and third-party software that does not operate within a managed enterprise update and security framework increases exposure to vulnerabilities and outdated components.

This approach introduces security risk and departs from standard government IT practices designed to minimize risk and preserve data integrity.

The inspection environment provided is therefore **neither secure nor functional** for purposes of public data inspection.

Avoiding licensed, enterprise-managed software in favor of non-standard viewers is not a reasonable tradeoff where it introduces additional security and governance risk.

Impact on Legal Participation

As a result of these **ongoing, uncorrected access failures**, the data is incomplete, inaccessible, and degraded to the point of being unusable. These conditions have directly interfered with my ability, and my community's ability, to review public records necessary for **meaningful participation in the ongoing Environmental Assessment Worksheet (EAW) process**.

At this point, the condition of the data and the inspection environment constitutes **denial of access to public data** under Minn. Stat. §13.03.

For clarity, I hold a **degree in computer science** and am experienced in reviewing large electronic datasets. Despite that expertise, I was unable to access or meaningfully review the data as provided.

I documented these conditions with photographs and video at the time of inspection.

ction.

Governance and Compliance Notice

The Office of Administrative Hearings has made clear that **meaningful access to public data is a prerequisite to lawful public participation**, and that public entities have an affirmative obligation to ensure that such access is provided. In this case, the continued denial of usable access — including missing datasets, degraded records, and data previously available and now inaccessible — is occurring during the **active EAW comment period**, when public review is required to be informed and substantive.

Under **MEPA and NEPA**, public participation is intended to occur **early and often**, with access to the underlying data necessary to evaluate purpose, need, impacts, and alternatives. Here, ESC-related public data essential to that review was not made meaningfully accessible **prior to the release of the EAW**, and remains inaccessible now.

Proceeding with the EAW while required data remains unavailable undermines the **procedural integrity** of the environmental review and deprives the public of the opportunity for **meaningful participation** contemplated by state and federal law.

In light of these unresolved access failures and the requirements of MEPA and NEPA for informed public participation, proceeding with the EAW while essential public data remains unavailable raises serious procedural concerns. The appropriate corrective action under these circumstances is to **pause the EAW process until meaningful access to the required data has been restored**, so that public participation can occur as required by law.

Because these matters involve required compliance with an OAH order (**CAH 22-0305-40882**), East Side Corridor-related public data, and the integrity of EAW procedures, I have copied the County Board for awareness and oversight.

Requested Action

Please advise, in writing, how and when the County will provide access to the **complete, intact, and reasonably usable dataset** in a stable and functional inspection environment, as required by Minn. Stat. §13.03.

Sincerely,

[REDACTED]

Owatonna East Side Corridor Residents

On Tue, Dec 9, 2025 at 12:47 P [REDACTED] wrote:

I will do my best to make it there around 3. After you said the office wasn't open, I reached out to the city to schedule inspection and will be there until 3.

On Tue, Dec 9, 2025 at 6:05 AM Housh, Campbell <Campbell.Housh@steelecountymn.gov> wrote:

Hello,

We have an all staff event that will occupy a lot of our space for much of the afternoon, but we can make the small conference room available for data viewing at 3:00 p.m.

Sincerely,



Campbell Housh
Chief Deputy County Attorney
Steele County Attorney's Office
303 S. Cedar Avenue
Owatonna, MN 55060
Office Line: 507-444-7778

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From: [REDACTED]
Sent: Monday, December 8, 2025 8:26 PM
To: Housh, Campbell <Campbell.Housh@steelecountymn.gov> [REDACTED]; Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>; Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>; Fry, Renae <Renae.Fry@steelecountymn.gov>
Subject: Re: ESC Data Practices Requests / Status

You don't often get email from [REDACTED] [Learn why this is important](#)

I was planning to inspect data in the afternoon as I have appointments in the morning. Is the County Attorney's office closed tomorrow afternoon? If so, I am not available again until Monday the 15th.

Thanks,
M [REDACTED]

On Mon, Dec 8, 2025 at 6:42 PM Housh, Campbell <Campbell.Housh@steelecountymn.gov> wrote:

Hi there,

I thought I would respond and introduce myself to give a bit of an update on your question below.

I would be happy to meet. As far as scope, I see the general purpose being to provide a point of contact between our office and yourself / Mr. S [REDACTED] to talk about any issues you want to bring up. There is absolutely no obligation of any kind or rush to meet – just an open offer. As far as scheduling, if there is interest I would be happy to find a time where we could all meet.

I know you had mentioned wanting "to ensure any discussion is productive and aligned with the remaining issues, including data accessibility and the expected timeline for completion of our outstanding requests." Given that the email exchanges that have taken place between then are directly addressing those issues, I was waiting to chime in regarding the scope of the meeting. I certainly would be open to meeting before the holidays, but given the estimated completion date and ongoing exchanges maybe it would be more fruitful to find a time after the holidays.

Also, I wanted to make sure to let you know that if you decide to come in to view data tomorrow, the office would be open for that purpose between 8:15 a.m. and 12:00 p.m., in case it makes planning your day out more convenient. I hope everyone has a restful evening!

Best,



Campbell Housh
Chief Deputy County Attorney
Steele County Attorney's Office
303 S. Cedar Avenue
Owatonna, MN 55060
Office Line: 507-444-7778

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From: [REDACTED]
Sent: Monday, December 8, 2025 5:22 PM
To: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>
Cc: Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>; [REDACTED] Fry, Renae <Renae.Fry@steelecountymn.gov>; Housh, Campbell <Campbell.Housh@steelecountymn.gov>
Subject: Re: ESC Data Practices Requests / Status

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello Mr. Jarrett,

I should be available tomorrow to come in and inspect data.

In an earlier email, you mentioned the possibility of a meeting with another attorney, but did not indicate the purpose or any proposed time. Could you please provide an update on whether that meeting is still being considered, and if so, what the intended purpose would be so I can plan and coordinate accordingly?

Thank you,

M [REDACTED] Z [REDACTED]

On Mon, Dec 8, 2025 at 4:49 PM Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com> wrote:

County Attorney Jarrett,

Thank you for your response. We need clarification on several points where the County's "no data exists" determinations conflict with data that clearly does exist and with the requirements of Minn. Stat. §§ 13.03, 13.05, and 15.17.

1. Joint Transportation Committee (JTC)

Steele County's own 2025 Committee Appointments document lists the **Intergovernmental Joint Transportation Committee** under "Joint Powers, Advisory Board, Regional Representation." This is responsive data showing the Committee's official status.

Additionally, **commissioner per diem/attendance records for JTC meetings exist** and were not produced. These records alone demonstrate that the County *has* maintained JTC-related data.

For clarity:

Our JTC request was **not limited to minutes**. It includes all data the County "created, received, maintained, or disseminated" regarding the JTC, including emails, correspondence, materials provided to commissioners, formation/purpose records, and any ESC-related documents.

Given that responsive records **do** exist, please explain:

1. Why they were not identified or produced;
2. Whether the County intends to correct its "no data" response; and
3. If you maintain that another entity holds additional JTC records, **which entity** and whether Steele County has requested copies pursuant to §13.05, subd. 11.

2. Noise Studies / Noise Modeling

Your response states that no noise studies were "conducted or received." However:

- WSB transmitted ESC noise modeling to the State, and
- County commissioners received portions of this modeling within the last few weeks.

This contradicts the County's assertion that no such data exists or was received. Under Minn. Stat. §13.05, consultant-produced modeling is government data, and the County is required to request and provide it.

Please clarify:

1. Whether the County now acknowledges the existence of ESC noise modeling;
2. Whether the County has requested the full modeling data from WSB; and
3. Why this data was not identified or produced in response to our request.

3. Required Documentation for "No Data" Determinations

For each item where the County continues to assert that no responsive data exists, please provide:

- The systems, databases, and locations searched;
- Date ranges;
- Staff who performed each search;
- Whether archived, OneDrive, email, or consultant-held data was included; and
- Any documentation reflecting search steps (search terms, internal notes, communications).

If no documentation exists for any of these searches, please confirm that in writing.

We appreciate the ongoing work involved in processing these requests. At this point we are simply seeking to reconcile the County's statements with the existence of responsive data and with statutory requirements.

We look forward to your clarification so that these requests can be considered fully responded to.

Respectfully,

M [REDACTED] Z [REDACTED] & M [REDACTED] S [REDACTED]
Owatonna East Side Corridor Residents

On Mon, Dec 8, 2025 at 4:07 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Dear Ms. Z [REDACTED] and Mr. S [REDACTED],

Thank you for your continued engagement regarding the East Side Corridor (ESC) data practices requests.

Re: Joint Transportation Committee

You are misinterpreting Minn. Stat. § 471.59. This statute does not require the county to enter into a joint exercise of powers; it allows the county to enter into agreements but does not require it to do so. Additionally, to my understanding, this committee exercises no authority or government powers. This committee has no formal agreement. It is no different than any other ad hoc committee. Therefore, the committee is not required and does not have minutes. While the Joint Transportation Committee is listed as a Joint Powers entity, Steele County is not the responsible authority for maintaining its records. We have confirmed that no records were created or received by the County in connection with this Committee. If records exist, they may be maintained by another participating entity. The County has not destroyed any such records, nor were any withheld.

Re: Noise Studies

Former county engineer Paul Sponholz told us there were no formal noise studies. Regarding Ms. Fry's Testimony: Ms. Fry's statement during the ALJ proceeding accurately reflects the scope of the County's search. To the county's knowledge, Mr. Sponholz conducted a targeted search of the relevant drive where ESC-related project files are maintained. The county's position remains that no noise studies were conducted or received.

Re :Commissioner Emails

Microsoft Purview now has an analytics tool that produced the attached summary for the "Commissioner ESC" data request. It includes a search of OneDrive as well as emails. As you can see, there are 5829 items, an unknown number of page(s) for each. I provided the columns FileClass, SubjectTitle, and Location. If you'd like to speed up the document request, I can certainly go through a specific item if you highlight them from this list. Otherwise, it is thousands of pages that likely contain irrelevant information but do fit your data request. [There are 336 items ready for review.](#) The estimated competition date is updated to January 2, 2026.

This and previously requested and responsive data remain available for viewing in accordance with Minn. Stat. § 13.03.

Robert J. Jarrett

Data Practices Responsible Authority Steele County

Steele County Attorney

Direct: 507-444-7786

From: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>
Sent: Friday, December 5, 2025 10:16 PM
To: Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>; [REDACTED]
Cc: Fry, Renae <renae.fry@steelecountymn.gov>; Housh, Campbell <campbell.housh@steelecountymn.gov>
Subject: Re: ESC Data Practices Requests / Status

County Attorney Jarrett,

Thank you for providing the updated status of the ESC-related data practices requests.

For several of the requests, including but not limited to **Noise Studies** and the **Joint Transportation Committee**, the County's response indicates that no responsive data exists. Under Minn. Stat. §13.03 and longstanding guidance from the Department of Administration, when a government entity determines that requested data does not exist, the response must include a description of the steps taken to determine that the data is not maintained by the entity.

Your response did not include this required information.

To consider these portions of our requests complete, please provide the following for each item marked "Completed – no data":

1. The systems, databases, email accounts, physical files, and repositories that were searched
2. The date ranges included in the search
3. The staff (by name or position) who conducted the search
4. Whether archived, backup, off-site, or consultant-held data was examined
5. Whether relevant third parties — including WSB — were asked to provide responsive data
6. Any documentation confirming that the requested data does not exist

For each item in which the County determined that no responsive data exists, please also provide any documentation reflecting how the search was conducted, including search terms used, locations queried, communications with staff or consultants, and any internal notes, emails, or records demonstrating the steps taken. If no such documentation exists, please confirm that in writing.

We also request clarification on how the County's current responses align with testimony provided during the recent MGDPA proceeding. Ms. Fry testified that only Mr. Sponholz searched a single drive for noise studies, and that the County does not maintain records for the Joint Transportation Committee.

Under Minn. Stat. §13.05 and multiple advisory opinions, government entities are responsible for public data created, received, or maintained by contractors performing governmental functions. If WSB or any other consultant performed noise analysis or modeling for the East Side Corridor, the County is obligated to request that data from the consultant and provide it as part of this request. Please confirm whether such data exists with WSB and whether the County has requested it.

The attached 2025 Steele County Committee Appointments document lists the "Intergovernmental Joint Transportation Committee" under "Joint Powers, Advisory Board, Regional Representation." Because the Joint Transportation Committee is identified as a Joint Powers entity under Minn. Stat. §471.59, it is required to maintain official records under Minn. Stat. §15.17, and such data is public under Minn. Stat. §13.03.

In light of this, please clarify whether responsive records for the Joint Transportation Committee:

- were not created,
- were created but have since been destroyed, or
- exist but were not requested or produced during the search.

Thank you for your attention to these matters. We look forward to receiving the required clarification and documentation so that these requests may be considered fully responded to in accordance with Minnesota law.

Respectfully,

M [REDACTED] Z [REDACTED] & M [REDACTED] S [REDACTED]
Owatonna East Side Corridor Residents

On Thu, Dec 4, 2025, 1:43 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Good afternoon,

Below is a summary of the ESC data practices requests and the current status.

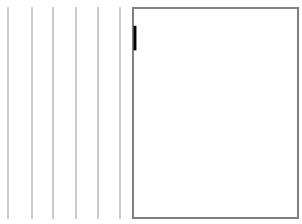
If you are aware of any other requests, please let me know.

My responses may be delayed due to my schedule. Of note, I am at the MCAA conference this week, jury trial week of December 15, out of office week of January 19, and out of office week of February 23.

The county's budget includes an additional attorney whose responsibilities will include data practices; however, that position does not begin until the last quarter of 2026.

<u>Topic</u>	<u>Sub request</u>	<u>Status</u>
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All ESC Data	Large request – remains in progress overall, broken into smaller parts, and provided in waves.	<i>In progress</i> Estimated completion Feb 22, 2026.
	Emails – Paul & Greg to WSB	Completed & available
	Emails - county commissioners	<i>In progress</i> Estimated date: December 12, 2025
	Emails - Township & Annexation	Estimated date: January 9, 2026
	Emails - Federal Funds Transfer	Estimated date: February 6, 2026
	Physical documents ~20 boxes per Paul Sponholtz	On hold per requestors until emails are completed.
Policy Data		<i>Completed</i>
Joint Transportation		<i>Completed</i> No minutes or information related to the “joint transportation committee”.
Noise Studies for ESC		<i>Completed</i> The county does not have any noise studies
Engineer Service Proposals		<i>Completed</i>
Bonds of Officials		<i>Completed</i>
Traffic Counts		<i>Completed</i> No data
Roadway Safety Plan		<i>Completed</i>
Owatonna HS Traffic Impact Study		<i>Completed</i>



...

[Message clipped] [View entire message](#)

2 attachments

-  **Fwd_ESC Data Practices Requests _ Status.eml**
315K
-  **FindingsofFactConclusionsofLawandOrderCAH22-0305-40882.pdf**
190K



Fwd: ESC Data Practices Requests / Status

From Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Date Thu 12/18/2025 12:52 PM

To [REDACTED]

Context for this email:

This email reflects the County's position that responsive data exists and will be available on January 2 — the next business day *after* the EAW public comment period closes. We still need to respond because there are significant issues with what is being represented as "available."

We are **not disputing that files exist**. The problem is that the materials provided so far are **not usable as data**. These emails were converted to .txt files that strip out formatting and content, resulting in documents that display one or two letters per line and are effectively unreadable. We also do not have access to Outlook or Microsoft Office to open native email files.

The County removed standard software and replaced it with third-party viewers that are insufficient for meaningful review. Emails frequently do not open, only one file can be viewed at a time, and email chains and attachments are not linked — making it impossible to follow conversations or verify completeness.

We have not returned to review what may have been reloaded onto the jump drive. The initial inspection required approximately **20 hours**, and due to the restrictions imposed at that time, we can not verify the integrity or completeness of the records. We do not have the capacity to repeat that process unless the EAW comment period is adjusted to allow meaningful review.

The "commissioner emails" referenced appear to be the **first batch of produced following the administrative ruling**, that was provided in the .txt format. As shown in the email chain below, the County is refusing to fulfill its obligation to obtain and provide the noise study materials and Joint Transportation Committee data, both of which are directly relevant to the EAW.

Let us know if you have any questions!

----- Forwarded message -----

From: **Jarrett, Robert** <robert.jarrett@steelecountymn.gov>

Date: Mon, Dec 15, 2025 at 4:53 PM

Subject: RE: ESC Data Practices Requests / Status

To: [REDACTED] Housh, Campbell <Campbell.Housh@steelecountymn.gov>, [REDACTED]
[REDACTED] Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>, Fry, Renae
<Renae.Fry@steelecountymn.gov>

Good afternoon,

SCAO staff and I were able to view the items on the jump drives. Here is a clip from drive #4 from "commissioner emails". I removed the multiple folders and left only those that contained items.

ENFAIN (D:) > Items.1.001.Commissioner_Emails_1 > ExtractedText

Here is a clip of some of the items:

<input checked="" type="checkbox"/> 01-09-25_text	10_text_1	2022 Master Audit Monitoring Work Plan_text
01a 222189 New CC Facility UG Book Round 1_text	10_text_2	2023 Risk Assessment_text
1W1P June 5 Policy Committee Meeting_text	11.16.2023 SMART Agenda_text	2023 Master Audit Monitoring Work Plan_text
1W1P June 5 Policy Committee Meeting_text_1	11.20.2025 SMART Agenda_text	2024 Care Coordination Audit Results for 2023 Care Plan Audit_text
02a 29533 Parking Concepts_text	11_text	2024 Fall AMC Presentation PatV_text
2.14.18 Agenda and Packet_text	1222 MNP JPB Agenda and Materials (email 1 of 3)_text	01122017_PWPC Agenda Packet_text
2.20.2025 SMART Agenda_text	2015 09-09 Newsletter 2.6_text	01122017_PWPC Agenda Packet_text_1
2-6-25_text	2015 09-22 2015 Budgeted Vehicle Purchase_text	12152015 Public_Meeting_PublicWorksPolicyCommittee_PWP-21.2015_text
3.14.18 Agenda and Packet_text	2015 09-22 2016 Budget Recommendation 4 Option 2_text	20210510 Compliance Work Plan_text
3.14.18 Agenda and Packet_text_1	2015 09-22 Administrative Bills_text	20210510 Compliance Work Plan_text_1
3_text	2015 09-22 DRAFT JPB Agenda_text	20250514080023256_text
3_text_1	2015 09-22 ICHA CCAP Plan 2016-2017_text	A1 - 2018 Proposed Final Budget_text
4.20.16 Agenda and Packet_text	2015 09-22 Lessons Learned Review_text	A1 - 2018 Proposed Final Budget_text_1
5.15.2025 SMART Agenda_text	2015 12 22 Administrative bill payment authority_text	ACHP-ACAP-Letter-on-Medicaid-Capitation-Rate-Adjustments-FINAL-102124-1_text
5.16.2024 SMART Agenda_text	2015 12-22 accounts receivable write off approval_text	Advisory Committee Steele Co Water Plan_Agenda_061516_text
8.14.17 Agenda and Packet_text	2015 12-22 Admin Bills_text	Advisory Committee Steele Co Water Plan_Agenda_061516_text_1
8_text	2015 12-22 Caseworks - MNSure Edition Purchase Proposal_text	Agenda 2-13-2020_text
09-12-24 MCEA Legislative Committee Report_text	2015 12-22 Child Support Supervisor Data Practices Specialist_text	Agenda Packet 20200825_text
9.18.17 Agenda and Packet_text	2015 12-22 Wold Facilities and Equipment Inventory and Alignment_text	Agenda Packet 20211026_150E2263-A964-4097-AAC4-19E9E8941CA22021-10-25T19-11-06_text
9.19.18 Agenda and Packet_text	2015-09-22 SCH update_text	Agenda Packet for Dec_text
9.19_text	2015-09-22 Semcac contract amendment_text	Agenda packet ICS 2020205_ACD77CE2-0826-47AF-BF62-AB7CD52C6A042020-02-04T16-59-51_text
9_text	2017-02-03 Steele County Courthouse, Owatonna, MN - ISG FINAL_text	Agenda packet ICS 2020205_text
10.17.18 Agenda and Packet_text	2021 Joint Powers Board Compliance Training_text	Agenda packet ICS 2020205_text_1
10.17.18 Agenda and Packet_text_1	2021 Joint Powers Board Compliance Training_text_1	Agenda packet ICS 2020205_text_2
10.17.18 Agenda and Packet_text_2	2022 Compliance Work Plan_text	Agenda Packet LURP 20210610_text
10_text	2022 Exit Interview Summary_text	Agenda Packet Property & Maintenance Committee - October 5th_text

That folder alone contained 1,542 items. All text formats that were reviewable. Another option is to provide in a native format (like drives 1-3); however, the county does not have a non-licensed computer to give you to review all this data, so the option of free software is the only available option. The county is open to other ideas if you have them; however, we do not have time to sit with you to review this large amount of data.

The data drive 1 was redownloaded to ensure it was complete. A requester cannot manipulate data into folders; they can only review data.

Again, if there are specific items you are looking for the county can do a search more quickly than the broad request that we are currently working under. Please review the prior excel document I sent that had all the files listed.

As of today, December 15, 2025, there are 4 flash drives of data available for review during business hours.

<u>Topic</u>	<u>Sub request</u>	<u>Status</u>
All ESC Data	Large request – remains in progress overall, broken into smaller parts, and provided in waves.	<i>In progress</i> Estimated completion Feb 22, 2026.
	Emails – Paul & Greg to/from WSB	Completed & available (Drives 1, 2, 3)
	Emails - county commissioners	<i>In progress</i> Estimated date: January 2, 2027 <i>1000+ items ready for review (Drive 4)</i>

Have a safe night,

Rob

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

[REDACTED]
Sent: Tuesday, December 9, 2025 11:21 PM

To: Housh, Campbell <Campbell.Housh@steelecountymn.gov>; Jarrett, Robert <robert.jarrett@steelecountymn.gov>
Cc: [REDACTED] Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>; Fry, Renae <Renae.Fry@steelecountymn.gov>; Abbe, Jim <Jim.Abbe@steelecountymn.gov>; Brady, James <James.Brady@steelecountymn.gov>; Glynn, John <John.Glynn@steelecountymn.gov>; Krueger, Greg <Greg.Krueger@steelecountymn.gov>; Prokopec, Joshua <joshua.prokopec@steelecountymn.gov>
Subject: Re: ESC Data Practices Requests / Status

Dear Rob and Campbell,

I was able to inspect the County's public data on **December 9, 2025**, arriving at approximately **4:00 p.m.** I had several specific tasks I intended to accomplish during this inspection:

- Inspect traffic studies that were previously inaccessible
- Inspect the most recent dataset made available
- Inspect the dataset that Matt Sennott was previously unable to review
- Locate several specific emails from the original datasets

I was **unable to accomplish any of these tasks**.

I am therefore providing formal notice regarding the County's **continued failure to provide meaningful access** to public data requested in connection with the East Side Corridor project, as required under **Minn. Stat. §13.03**.

Despite repeated attempts to inspect the data on **July 21, August 28, October 28, and December 9**, and repeated notice to the County, the data and inspection environment provided have not allowed meaningful access or review.

Ongoing and Uncorrected Access Failures (Timeline)

Meaningful access to the requested public data has **not been available since March 11, 2025**. Any access attempts after that date have been thoroughly documented as inaccessible, unstable, or unusable.

These failures did not occur in isolation. The current conditions compound previously documented data access issues identified on **January 15 and February 4, 2025**, which were formally raised with the County and **never corrected**.

Despite repeated notice over multiple months, the County has not restored stable, complete, and reasonably usable access to the public data. Instead, access has progressively degraded over time, culminating in the inspection failures documented below.

Dataset 1 and Dataset 2 – Email Records (Materially Incomplete)

The jump drive labeled **Dataset #1**, which previously contained **over 1,800 email records**, contained only **18 accessible emails** at the time of inspection. As a result, I was unable to locate specific emails that I had previously reviewed and relied upon. This raises concerns regarding the integrity and completeness of **Dataset #2** as well.

During earlier inspections, I spent **many hours loading thousands of emails into Outlook** to make the data in these datasets reasonably usable. Outlook is no longer available on the inspection system, and the email data previously accessed is no longer present or accessible in that form.

Additionally, the email files are **randomly named and not organized chronologically or logically**, making it impossible to locate known records. Outlook was necessary to render the data usable. Because of these defects, I was unable to locate specific records that are vital to preparing my Environmental Assessment Worksheet (EAW) comments.

Loss of Data Integrity and Irreparable Prejudice

Even if the County were able to recover or re-produce the missing email data at some point, the repeated access failures have created a **loss of continuity and verifiability**. There is no way to confirm that any subsequently provided data would be identical to the datasets previously available or that it would include all records originally responsive to the request.

In addition, restoring access at this stage would require re-reviewing and re-organizing a substantial volume of data that was originally requested more than **14 months ago**. Residents previously spent **approximately 15–18 hours** reviewing and organizing these records in order to make them usable.

Requiring this work to be repeated due to the County's access failures imposes an **unreasonable burden** and further prejudices meaningful participation. Delayed or reconstructed access does not cure the denial of access that has already occurred.

Dataset 4 – Degraded and Unusable Email Content

The most recent dataset appears to consist of emails converted to **.txt files**. These files are severely degraded, including instances where text appears **one character per line**. Attachments, metadata, threading, original formatting, and contextual structure have been removed.

As presented, these files are **functionally unusable** and do not allow meaningful inspection. Public data must be provided in the manner in which it is generally stored and maintained. Email records are not stored as .txt files, and conversion to this format strips essential context, attachments, and usability.

PST / Native Email Files

PST and native email files are present in dataset #3, including a PST associated with **Paul Sponholz** exceeding **3 GB**, which Matt Sennott documented as usable on **July 21, 2025**. When opened during this inspection, the file displayed a blank screen with no email content. Other PST or native files similarly failed to open or display records in a meaningful way.

Third-Party Viewing Software

The County replaced standard email software with third-party viewers, including **CoolUtils Outlook Viewer and other third party viewers**. As configured, this software does not present email records in a commonly understood or intuitive format. Navigation is not common-sense, layout is non-standard, and email content appears fragmented and distorted.

The software does not allow for loading and retaining multiple email files; previously viewed content disappears upon closing, making review tedious and impracticable. Emails cannot be reviewed as a complete dataset or viewed chronologically.

Files are assigned **random filenames** with no logical order, date, sender, or subject identifiers. This prevents sorting, searching, timeline reconstruction, identification of related correspondence, or location of known records.

The use of this software, as well as other viewers such as the Word document viewer, alters how records appear — including fonts, spacing, and layout — and does not display records as they are ordinarily maintained or reviewed. In practice, the records appear **garbled rather than intelligible public data**.

Physical Media and System Failures

The County provided **four USB drives and one CD** for inspection. I was unable to access any data on the USB drives. The PDF files on the CD could be opened, but access was extremely slow. Word documents that were previously available are now missing.

I was informed that certain Word documents were converted to PDFs and that both formats were available; however, I did not observe corresponding Word and PDF versions of these files.

The County previously testified under oath that it purchased a **new computer system dedicated to public data inspection**. The system provided is outdated and unstable. Upon startup, it entered an **automatic repair process**, demonstrating that it is not suitable for public data inspection.

Security, Integrity, and Availability of Standard Government Tools

The access failures described above are not justified by security, technical, or licensing constraints.

The County has previously testified under oath that it operates within a **Microsoft enterprise environment with full Microsoft licensing**. As such, the County already possesses secure, compliant tools capable of displaying email and document records **as maintained**, including licensed Microsoft Office applications designed for enterprise and government use.

Standard configurations exist that allow records to be viewed in a **read-only, offline environment**, preserving data security and integrity while allowing meaningful inspection. These configurations do not require user accounts, internet connectivity, or modification of underlying data.

Instead, the inspection environment relied on **non-standard third-party viewing applications** that fragment datasets, alter formatting and layout, and prevent coherent review. Beyond impairing access, this approach introduces **system governance and security risk**. Inspection systems can be reconnected to a network with minimal action, and third-party software that does not operate within a managed enterprise update and security framework increases exposure to vulnerabilities and outdated components.

This approach introduces security risk and departs from standard government IT practices designed to minimize risk and preserve data integrity.

The inspection environment provided is therefore **neither secure nor functional** for purposes of public data inspection.

Avoiding licensed, enterprise-managed software in favor of non-standard viewers is not a reasonable tradeoff where it introduces additional security and governance risk.

Impact on Legal Participation

As a result of these **ongoing, uncorrected access failures**, the data is incomplete, inaccessible, and degraded to the point of being unusable. These conditions have directly interfered with my ability, and my community's ability, to review public records necessary for **meaningful participation in the ongoing Environmental Assessment Worksheet (EAW) process**.

At this point, the condition of the data and the inspection environment constitutes **denial of access to public data** under Minn. Stat. §13.03.

For clarity, I hold a **degree in computer science** and am experienced in reviewing large electronic datasets. Despite that expertise, I was unable to access or meaningfully review the data as provided.

I documented these conditions with photographs and video at the time of inspection.

cction.

Governance and Compliance Notice

The Office of Administrative Hearings has made clear that **meaningful access to public data is a prerequisite to lawful public participation**, and that public entities have an affirmative obligation to ensure that such access is provided. In this case, the continued denial of usable access — including missing datasets, degraded records, and data previously available and now inaccessible — is occurring during the **active EAW comment period**, when public review is required to be informed and substantive.

Under **MEPA and NEPA**, public participation is intended to occur **early and often**, with access to the underlying data necessary to evaluate purpose, need, impacts, and alternatives. Here, ESC-related public data essential to that review was not made meaningfully accessible **prior to the release of the EAW**, and remains inaccessible now.

Proceeding with the EAW while required data remains unavailable undermines the **procedural integrity** of the environmental review and deprives the public of the opportunity for **meaningful participation** contemplated by state and federal law.

In light of these unresolved access failures and the requirements of MEPA and NEPA for informed public participation, proceeding with the EAW while essential public data remains unavailable raises serious procedural concerns. The appropriate corrective action under these circumstances is to **pause the EAW process until meaningful access to the required data has been restored**, so that public participation can occur as required by law.

Because these matters involve required compliance with an OAH order (**CAH 22-0305-40882**), East Side Corridor-related public data, and the integrity of EAW procedures, I have copied the County Board for awareness and oversight.

Requested Action

Please advise, in writing, how and when the County will provide access to the **complete, intact, and reasonably usable dataset** in a stable and functional inspection environment, as required by Minn. Stat. §13.03.

Sincerely,

M [REDACTED] Z [REDACTED]

Watonna East Side Corridor Residents

On Tue, Dec 9, 2025 at 12:47 PM [REDACTED] wrote:

I will do my best to make it there around 3. After you said the office wasn't open, I reached out to the city to schedule inspection and will be there until 3.

On Tue, Dec 9, 2025 at 6:05 AM Housh, Campbell <Campbell.Housh@steelecountymn.gov> wrote:

Hello,

We have an all staff event that will occupy a lot of our space for much of the afternoon, but we can make the small conference room available for data viewing at 3:00 p.m.

Sincerely,



Campbell Housh
Chief Deputy County Attorney
Steele County Attorney's Office
303 S. Cedar Avenue
Owatonna, MN 55060
Office Line: 507-444-7778

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From: [REDACTED]
Sent: Monday, December 8, 2025 8:26 PM
To: Housh, Campbell <Campbell.Housh@steelecountymn.gov>; [REDACTED] Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>; Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>; Fry, Renae <Renae.Fry@steelecountymn.gov>
Subject: Re: ESC Data Practices Requests / Status

You don't often get email from [REDACTED] [Learn why this is important](#)

I was planning to inspect data in the afternoon as I have appointments in the morning. Is the County Attorney's office closed tomorrow afternoon? If so, I am not available again until Monday the 15th.

Thanks,
M [REDACTED]

On Mon, Dec 8, 2025 at 6:42 PM Housh, Campbell <Campbell.Housh@steelecountymn.gov> wrote:

Hi there,

I thought I would respond and introduce myself to give a bit of an update on your question below.

I would be happy to meet. As far as scope, I see the general purpose being to provide a point of contact between our office and yourself / Mr. Sennott to talk about any issues you want to bring up. There is absolutely no obligation of any kind or rush to meet – just an open offer. As far as scheduling, if there is interest I would be happy to find a time where we could all meet.

I know you had mentioned wanting "to ensure any discussion is productive and aligned with the remaining issues, including data accessibility and the expected timeline for completion of our outstanding requests." Given that the email exchanges that have taken place between then are directly addressing those issues, I was waiting to chime in regarding the scope of the meeting. I certainly would be open to meeting before the holidays, but given the estimated completion date and ongoing exchanges maybe it would be more fruitful to find a time after the holidays.

Also, I wanted to make sure to let you know that if you decide to come in to view data tomorrow, the office would be open for that purpose between 8:15 a.m. and 12:00 p.m.- in case it makes planning your day out more convenient. I hope everyone has a restful evening!

Best,



This email is intended to be read only by the intended recipient. This email may be legally privileged or protected from disclosure by law. If you are not the intended recipient, any dissemination of this email or any attachments is strictly prohibited, and you should refrain from reading this email or examining any attachments. If you received this email in error, please notify the sender immediately and delete the email and any attachments.

From: [REDACTED]
Sent: Monday, December 8, 2025 5:22 PM
To: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>
Cc: Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>; [REDACTED] Fry, Renae <Renae.Fry@steelecountymn.gov>; Housh, Campbell <Campbell.Housh@steelecountymn.gov>
Subject: Re: ESC Data Practices Requests / Status

You don't often get email from [REDACTED] [Learn why this is important](#)

Hello Mr. Jarrett,

I should be available tomorrow to come in and inspect data.

In an earlier email, you mentioned the possibility of a meeting with another attorney, but did not indicate the purpose or any proposed time. Could you please provide an update on whether that meeting is still being considered, and if so, what the intended purpose would be so I can plan and coordinate accordingly?

Thank you,

M [REDACTED] Z [REDACTED]

On Mon, Dec 8, 2025 at 4:49 PM Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com> wrote:

County Attorney Jarrett,

Thank you for your response. We need clarification on several points where the County's "no data exists" determinations conflict with data that clearly does exist and with the requirements of Minn. Stat. §§ 13.03, 13.05, and 15.17.

1. Joint Transportation Committee (JTC)

Steele County's own 2025 Committee Appointments document lists the **Intergovernmental Joint Transportation Committee** under "Joint Powers, Advisory Board, Regional Representation." This is responsive data showing the Committee's official status.

Additionally, **commissioner per diem/attendance records for JTC meetings exist** and were not produced. These records alone demonstrate that the County *has* maintained JTC-related data.

For clarity:

Our JTC request was **not limited to minutes**. It includes all data the County "created, received, maintained, or disseminated" regarding the JTC, including emails, correspondence, materials provided to commissioners, formation/purpose records, and any ESC-related documents.

Given that responsive records **do** exist, please explain:

1. Why they were not identified or produced;
2. Whether the County intends to correct its "no data" response; and
3. If you maintain that another entity holds additional JTC records, **which entity** and whether Steele County has requested copies pursuant to §13.05, subd. 11.

2. Noise Studies / Noise Modeling

Your response states that no noise studies were "conducted or received."

However:

- **WSB transmitted ESC noise modeling to the State, and**
- **County commissioners received portions of this modeling within the last few weeks.**

This contradicts the County's assertion that no such data exists or was received. Under Minn. Stat. §13.05, consultant-produced modeling is government data, and the County is required to request and provide it.

Please clarify:

1. Whether the County now acknowledges the existence of ESC noise modeling;
2. Whether the County has requested the full modeling data from WSB; and
3. Why this data was not identified or produced in response to our request.

3. Required Documentation for "No Data" Determinations

For each item where the County continues to assert that no responsive data exists, please provide:

- The systems, databases, and locations searched;
- Date ranges;
- Staff who performed each search;
- Whether archived, OneDrive, email, or consultant-held data was included; and
- Any documentation reflecting search steps (search terms, internal notes, communications).

If no documentation exists for any of these searches, please confirm that in writing.

We appreciate the ongoing work involved in processing these requests. At this point we are simply seeking to reconcile the County's statements with the existence of responsive data and with statutory requirements.

We look forward to your clarification so that these requests can be considered fully responded to.

Respectfully,

Ms. Z. [REDACTED] & Mr. S. [REDACTED]
Owatonna East Side Corridor Residents

On Mon, Dec 8, 2025 at 4:07 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Dear Ms. Z. [REDACTED] and Mr. S. [REDACTED]

Thank you for your continued engagement regarding the East Side Corridor (ESC) data practices requests.

Re: Joint Transportation Committee

You are misinterpreting Minn. Stat. § 471.59. This statute does not require the county to enter into a joint exercise of powers; it allows the county to enter into agreements but does not require it to do so. Additionally, to my understanding, this committee exercises no authority or government powers. This committee has no formal agreement. It is no different than any other ad hoc committee. Therefore, the committee is not required and does not have minutes. While the Joint Transportation Committee is listed as a Joint Powers entity, Steele County is not the responsible authority for maintaining its records. We have confirmed that no records were created or received by the County in connection with this Committee. If records exist, they may be maintained by another participating entity. The County has not destroyed any such records, nor were any withheld.

Re: Noise Studies

Former county engineer Paul Sponholtz told us there were no formal noise studies. Regarding Ms. Fry's Testimony: Ms. Fry's statement during the ALJ proceeding accurately reflects the scope of the County's search. To the county's knowledge, Mr. Sponholz conducted a targeted search of the relevant drive where ESC-related project files are maintained. The county's position remains that no noise studies were conducted or received.

Re :Commissioner Emails

Microsoft Purview now has an analytics tool that produced the attached summary for the "Commissioner ESC" data request. It includes a search of OneDrive as well as emails. As you can see, there are 5829 items, an unknown number of page(s) for each. I provided the columns FileClass, SubjectTitle, and Location. If you'd like to speed up the document request, I can certainly go through a specific item if you highlight them from this list. Otherwise, it is thousands of pages that likely contain irrelevant information but do fit your data request. There are 336 items ready for review. The estimated competition date is updated to January 2, 2026.

This and previously requested and responsive data remain available for viewing in accordance with Minn. Stat. § 13.03.

Robert J. Jarrett

Data Practices Responsible Authority Steele County

Steele County Attorney

Direct: 507-444-7786

From: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Sent: Friday, December 5, 2025 10:16 PM

To: Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>; [REDACTED]

Cc: Fry, Renae <renae.fry@steelecountymn.gov>; Housh, Campbell <campbell.housh@steelecountymn.gov>

Subject: Re: ESC Data Practices Requests / Status

County Attorney Jarrett,

Thank you for providing the updated status of the ESC-related data practices requests.

For several of the requests, including but not limited to **Noise Studies** and the **Joint Transportation Committee**, the County's response indicates that no responsive data exists. Under Minn. Stat. §13.03 and longstanding guidance from the Department of Administration, when a government entity determines that requested data does not exist, the response must include a description of the steps taken to determine that the data is not maintained by the entity.

Your response did not include this required information.

To consider these portions of our requests complete, please provide the following for each item marked "Completed – no data":

1. The systems, databases, email accounts, physical files, and repositories that were searched
2. The date ranges included in the search
3. The staff (by name or position) who conducted the search
4. Whether archived, backup, off-site, or consultant-held data was examined
5. Whether relevant third parties — including WSB — were asked to provide responsive data
6. Any documentation confirming that the requested data does not exist

For each item in which the County determined that no responsive data exists, please also provide any documentation reflecting how the search was conducted, including search terms used, locations queried, communications with staff or consultants, and any internal notes, emails, or records demonstrating the steps taken. If no such documentation exists, please confirm that in writing.

We also request clarification on how the County's current responses align with testimony provided during the recent MGDPA proceeding. Ms. Fry testified that only Mr. Sponholz searched a single drive for noise studies, and that the County does not maintain records for the Joint Transportation Committee.

Under Minn. Stat. §13.05 and multiple advisory opinions, government entities are responsible for public data created, received, or maintained by contractors performing governmental functions. If WSB or any other consultant performed noise analysis or modeling for the East Side Corridor, the County is obligated to request that data from the consultant and provide it as part of this request. Please confirm whether such data exists with WSB and whether the County has requested it.

The attached 2025 Steele County Committee Appointments document lists the "Intergovernmental Joint Transportation Committee" under "Joint Powers, Advisory Board, Regional Representation." Because the Joint Transportation Committee is identified as a Joint Powers entity under Minn. Stat. §471.59, it is required to maintain official records under Minn. Stat. §15.17, and such data is public under Minn. Stat. §13.03.

In light of this, please clarify whether responsive records for the Joint Transportation Committee:

- were not created,
- were created but have since been destroyed, or
- exist but were not requested or produced during the search.

Thank you for your attention to these matters. We look forward to receiving the required clarification and documentation so that these requests may be considered fully responded to in accordance with Minnesota law.

Respectfully,

M [REDACTED] Z [REDACTED] & M [REDACTED] S [REDACTED]
Owatonna East Side Corridor Residents

On Thu, Dec 4, 2025, 1:43 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Good afternoon,

Below is a summary of the ESC data practices requests and the current status.

If you are aware of any other requests, please let me know.

My responses may be delayed due to my schedule. Of note, I am at the MCAA conference this week, jury trial week of December 15, out of office week of January 19, and out of office week of February 23.

The county's budget includes an additional attorney whose responsibilities will include data practices; however, that position does not begin until the last quarter of 2026.

<u>Topic</u>	<u>Sub request</u>	<u>Status</u>
All ESC Data	Large request – remains in progress overall, broken into smaller parts, and	<i>In progress</i>

	provided in waves.	Estimated completion Feb 22, 2026.
	Emails – Paul & Greg to WSB	Completed & available
	Emails - county commissioners	<i>In progress</i> Estimated date: December 12, 2025
	Emails - Township & Annexation	Estimated date: January 9, 2026
	Emails - Federal Funds Transfer	Estimated date: February 6, 2026
	Physical documents ~20 boxes per Paul Sponholtz	On hold per requestors until emails are completed.
Policy Data		<i>Completed</i>
Joint Transportation		<i>Completed</i> No minutes or information related to the “joint transportation committee”.
Noise Studies for ESC		<i>Completed</i> The county does not have any noise studies
Engineer Service Proposals		<i>Completed</i>
Bonds of Officials		<i>Completed</i>
Traffic Counts		<i>Completed</i> No data

Roadway Safety Plan		<i>Completed</i>
Owatonna HS Traffic Impact Study		<i>Completed</i>

Robert J. Jarrett

Steele County Attorney

303 S. Cedar Avenue

Owatonna, MN 55060

Tel: 507-444-7780

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November 24, 2025

VIA EMAIL ONLY

Matt Sennott
[REDACTED]

Owatonna, MN 55060

owatonnaeastsidecorridor@gmail.com

VIA EMAIL ONLY

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[REDACTED]

Owatonna, MN 55060

owatonnaeastsidecorridor@gmail.com

VIA EMAIL ONLY

Robert J. Jarrett
Steele County Attorney's Office
303 S Cedar Ave
Owatonna, MN 55060
scao@steelecountymn.gov

Re: *In the Matter of Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman vs Steele County*
CAH 22-0305-40882

Dear Parties:

Enclosed and served upon you please find the **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** in the above-entitled matter. The Court of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7970, cara.hunter@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,


CARA HUNTER
Legal Assistant

Enclosure

cc: Docket Coordinator
Tamar Gronvall

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman vs. Steele County

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

This matter came before Administrative Law Judge Christa L. Moseng for a hearing on October 10, and 17, 2025. The first day of the hearing took place remotely and exclusively involved procedural matters. The second day of the hearing took place at the Steele County Administration Building, 630 Florence Avenue, Owatonna, Minnesota. Both parties filed written closing arguments on November 7, 2025, at which time the hearing record closed.

Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman (Complainants) appeared on their own behalf and without counsel. Mary Haasl and Margaret Skelton, Ratwik, Roszak & Maloney, P.A., appeared on behalf of Steele County (Respondent or County).

On May 30, 2025, Complainants filed a Data Practices Complaint (Complaint) with the Court of Administrative Hearings alleging that the County violated the Minnesota Government Data Practices Act (MGDPA or Act).¹ On June 3, 2025, the undersigned issued an order requiring Complainants to file an amended version of the large exhibit attachment to the Complaint limited to MGDPA claims, serve a copy on the County, and stayed the County's response deadline until the amended attachment were served on the County.²

Complainants filed amended attachments to the Complaint on June 17, 2025.³ Complainant served the MGDPA Complaint and amended supporting evidence on the County on July 16, 2025.⁴ The County filed a request for an extension of their response deadline on July 25, 2025.⁵ The Judge granted the County an extension of seven days for its response, and the County timely filed an Answer to the Complaint on August 15, 2025.⁶

¹ Minn. Stat. §§ 13.01-.99 (2024).

² Order Ensuring Expedited Service of Complaint Under Minn. Stat. § 13.085, subd. 2(d) (Jun. 3, 2025) (a more detailed discussion of the procedural posture is included in the attached Memorandum).

³ Complaint and amended supporting evidence (June 17, 2025).

⁴ Complainant Affidavit of Service (Jul. 18, 2025).

⁵ Motion to Extend Deadline to File a Response (Jul. 25, 2025).

⁶ Order Granting Extension for Time to File a Response (Aug. 1, 2025); Notice of Motion and Motion to Dismiss (Aug. 15, 2025).

On September 15, 2025, the Judge determined that Complainant's claims against Respondent for violations of Minn. Stat. § 13.03, subd. 2(a) and 3 were supported by probable cause and would proceed to a hearing.⁷

Complainant's exhibits 1-44 were received into evidence. Respondent's exhibit marked 100, with attachments marked 100A-100K, was received into evidence.

STATEMENT OF THE ISSUES

1. Did Respondent violate Minn. Stat. § 13.03, subd. 3, by charging a fee in response to a request to inspect public government data?
2. Did Respondent violate Minn. Stat. 13.03, subd. 2(a) by failing to put in place procedures that ensured prompt and appropriate responses to requests for public data?
3. If so, what remedy is appropriate to address the violation(s)?

SUMMARY OF CONCLUSIONS

Respondent violated Minn. Stat. § 13.03, subd. 3 by informing Complainants, who requested access to government data for purposes of inspection only, that payment of a \$0.25 fee for any photographs taken of the data was required. The County admitted it violated the MGDPA and has remedied the violation by eliminating this procedure.

Respondent's procedure of addressing multiple requests for government data from a single requestor exclusively in the order in which those requests were received violated Minn. Stat. § 13.03, subd. 2(a), because it resulted in responses to requests that were not prompt, as required by statute. The County has remedied this by moving to a more flexible procedure that allows smaller data requests to be handled more rapidly.

Respondent's procedure for responding to requests submitted to the Responsible Authority resulted in multiple inappropriate responses to data requests in violation of Minn. Stat. § 13.03, subd. 2(a).

Based on the record and pursuant to Minn. Stat. §§ 13.085, subd. 5(a)(3) and (b), a \$300 civil penalty is assessed against the County.

The Complainants have substantially prevailed in this matter. Under Minn. Stat. § 13.085, subd. 6(c), \$950 of their original filing fee will be refunded and the County will be billed for the Court's costs in conducting this matter, up to a maximum of \$1000.⁸

Based on the evidence in the hearing record, the Judge makes the following:

⁷ Notice of Probable Cause Determination and Order for Prehearing Conference (Sep. 19, 2025).

⁸ Minn. Stat. § 13.085, subd. 6(c).

FINDINGS OF FACT

I. Background

1. Steele County is located in Southeastern Minnesota and contains both the City of Owatonna and Owatonna Township within its borders.⁹ The County is involved in an ongoing infrastructure project known as the East Side Corridor Project (ESC Project or Project).¹⁰

2. The goal of the ESC Project is to build a new road along the eastern edge of the City of Owatonna, largely within Owatonna Township.¹¹ The project aims to reroute traffic out of the city center and onto this new road.¹²

3. Residents who live near the proposed location of the new road have organized to advocate and provide input regarding the ESC Project.¹³

4. Complainants made multiple requests to the County for government data in connection with the ESC Project under the MGDPA.¹⁴

5. Robert Jarrett (County Attorney Jarrett) is the County Attorney in Steele County, the Responsible Authority for the County under the MGDPA, and the County's Data Practices Compliance Officer.¹⁵ Renae Fry (County Administrator Fry) is the Steele County Administrator and is the formal Designee under the MGDPA for the County's Administration department.¹⁶

6. The County's MGDPA procedures and guidelines were formally updated by the Steele County Board on August 12, 2025.¹⁷ Prior to that, the last update to the MGDPA procedures and guidelines took place on August 1, 2019.¹⁸ The MGDPA procedures and guidelines form an "overarching policy" for data practices in Steele County.¹⁹

⁹ See Steele County Demographics and Geography, https://www.steelecountymn.gov/visitors/about_steele_county/facts_and_figures.php (last visited Nov. 17, 2025).

¹⁰ See Exhibit (Ex.) 9.

¹¹ Ex. 13 at ESC-67.

¹² Ex. 43 (Showing a local news report discussing the overall purpose of the East Side Corridor Project as well as responses from the public to it.).

¹³ See Ex. 45; and Complaint at 3 (May 30, 2025) (The two named Complainants, Matt Sennott and Melissa Zimmerman "are representing a group of 60 (i.e. East Side Corridor Residents) residents and 500+ petition signers who support our cause of getting access to public data via our data request(s).").

¹⁴ See, e.g. Steele County's Post-Hearing Brief at 1 (Nov. 7, 2025) ("Steele County ("County") received eleven data requests and one preservation request under the Minnesota Government Data Practices Act ("MGDPA") from Complainants Matt Sennott, Melissa Zimmerman, and the Owatonna East Side Corridor Residents (hereinafter, "Complainants") from October 2024 through July 2025.").

¹⁵ Ex. 100A at 33; Ex. 37 at ESC-278.

¹⁶ Ex. 100A at 33; Ex. 37 at ESC-278.

¹⁷ Test. Fry; Ex. 38 at ESC-244.

¹⁸ Ex. 100B; Ex. 37 at ESC-196.

¹⁹ Testimony of Renae Fry (Test. Fry).

7. Under the August 12, 2025 procedures, data requests made to the County are first routed to County Administrator Fry, who determines whether they can be answered solely with public-facing or other easily accessible data, or if further work with specific departments or staff will be necessary.²⁰ If a request involves only easily accessible or public facing documents, County Administrator Fry can often complete the request entirely on her own.²¹

8. More complicated requests, on the other hand, require coordinating with other departments, in particular the information technology (IT) Department.²² The County Attorney's office is also involved in reviewing data requests to ensure coordinated, uniform responses and to review for private or otherwise non-public data.²³

9. Currently, the IT Department employs four people, though one is assigned full-time to supporting the MNPrairie Human Services organization.²⁴ The County IT Department is involved in data requests because the County uses Microsoft Onedrive for backups of its government data.²⁵

10. Onedrive is a "cloud-based storage tool" used to create a backup of "anything that is generated electronically within the county."²⁶ Every County employee has an account on Onedrive. This results in a massive database, but access to that data is limited such that each employee can access only the data needed for their work.²⁷ In order to search for government data across multiple, or all, individual accounts, assistance from the IT Department is required.²⁸

11. The IT Department is able to perform keyword searches in order to create a pool of possibly-responsive data for a given data request.²⁹ This data must then be reviewed by County Administrator Fry or the County Attorney's office in order to ascertain (1) whether it is, in fact, responsive to the request in question and (2) whether it contains any data that cannot be provided under law.³⁰

12. The County's policy was to require a fee of \$.25 for every copy of a document a requester made, including creating the copy with their own camera.³¹³²

²⁰ Test. Fry.

²¹ Test. Fry.

²² Test. Fry.

²³ Test. Fry.

²⁴ Test. Fry.

²⁵ Test. Fry.

²⁶ Test. Fry.

²⁷ Test. Fry.

²⁸ Test. Fry.

²⁹ Test. Fry.

³⁰ Test. Fry.

³¹ The County admitted that telling requestors it would charge a fee for taking photographs of government data violated Minn. Stat. § 13.03, subd. 3.

³² Also see Steele County's Post-Hearing Brief at 3 (discussing the fact that the County had already conceded the violation on this issue).

II. Requests for Data and Responses at Issue

A. ESC Communications Request

13. On October 25, 2024, Complainants requested from the County the following data:

Any and all email correspondence since 2019 related in any way to the East Side Corridor (ESC) Project, 29th Ave, East Beltline study, and infrastructure on the E. Side of Owatonna, going to, from and between:

- County commissioners
- County staff
- City council members
- City staff
- 3rd parties (including but not limited to WSB)
- To and from any of the above and members of the public

In addition, please provide any and all documents, studies, and information related to the East Side Corridor (ESC) project, 29th Ave, East Beltline study, and infrastructure on the E. Side of Owatonna *not currently (as of today) on the public-facing county website: <https://eastsidecorridor-wsbeng.hub.arcgis.com/>*

This would include but is not limited to information used in determining the purpose and need for the East Side Corridor, 29th Ave East beltline study and infrastructure on the E. Side of Owatonna. Also, any information and documentation related to commercial developments in the area of the proposed East Side Corridor “preferred route” and “study area”. This also includes any and all email correspondents[sic] between City and county officials, staff and third parties.³³

14. Initial responses to this request from the County estimated that it “will likely need several weeks to assemble everything.”³⁴ As a result, the parties organized that the October 25, 2024, data request would have rolling partial responses from the County, based on priorities set by the Complainants.³⁵

15. The IT Department’s initial searches for relevant data generated over 7600 items that required further review.³⁶ As of the October 2025 hearing dates, just over a year after the October 25, 2024 data request, rolling partial releases of responsive data

³³ Ex. 1 at ESC-1 - ESC-2.

³⁴ Ex. 27 at ESC-167.

³⁵ See Exs. 26-27.

³⁶ Ex. 26 at ESC-158.

by the County continue.³⁷ To date three releases of data have been completed by the Respondent.³⁸

16. There has been conflict and confusion between the parties over multiple aspects of these reviews. These issues have included technical issues with the computers and software used to review the data and conflict over scheduling, availability, and locations for the reviews.³⁹

17. These issues have stemmed from factors outside of either parties' control – such as technical issues with software or computers – or from confusion or miscommunication regarding dates, times, and places.⁴⁰

B. Engineering Service Proposals Data Request

18. On January 13, 2025, Complainants requested:

copies of the professional engineering service proposals for the East Side Corridor. These proposals should have been included in the commissioners' board meetings packet which is available online for the 12/14/2021 meeting, as is standard for all other projects. However, they appear to be missing.⁴¹

19. On January 16, 2025, County Attorney Jarrett informed Complainants that their request was ready to be picked up at the County Attorney's Office or via electronic delivery, and that the cost of the copies would be \$12.50 for 50 pages total.⁴²

20. Complainants paid the County \$12.50 on January 22, 2025.⁴³

C. Joint Transportation Committee Request

21. On January 31, 2025, Complainant Melissa Zimmerman emailed County Administrator Fry stating that she was "looking for the meeting minutes from the Joint Transportation Committee meeting referenced in the board meeting minutes."⁴⁴ After determining that County Administrator Fry was out of the office until February 10, 2025, and contacting another County staff member, her email was forwarded to County Attorney Jarrett.⁴⁵

³⁷ Test. Fry.

³⁸ Test. Fry.

³⁹ Testimony of Melissa Zimmerman (Test. Zimmerman); Testimony of Matthew Sennott (Test. Sennott); Test. Fry; See generally Exs. 26-28 (showing a large number of emails between the parties attempting to negotiate and coordinate the timelines and data inspections involved in this request).

⁴⁰ Test. Zimmerman; Test. Sennott; Test. Fry.

⁴¹ Ex. 2 at ESC-7.

⁴² Ex. 2 at ESC-8 – ESC-9.

⁴³ Ex. 100H.

⁴⁴ Ex. 3 at ESC-14; Ex. 100C.

⁴⁵ Ex. 3 at ESC-12-13; Ex. 100C.

22. On February 4, 2025, County Attorney Jarrett replied stating in relevant part that 1) “[f]rom this point forward, please direct any requests for documents/questions regarding the East Side Corridor to only myself and [County Administrator]. Fry. We will track the requests, provide data in the order it was requested, and in compliance with the Chapter 13 Government Data Practices Act” and 2) “Related to your request below for ‘Joint Transportation Committee’ minutes, Steele County does not maintain those minutes, so therefore does not have the minutes to provide you.”⁴⁶

23. On March 31, 2025, Complainant Zimmerman sent the County a second data request relating to the “Joint Transportation Committee.”⁴⁷ The form stated:

I am requesting any and all information regarding the Joint Transportation Committee including but not limited to:

When was it created?

Why was it created?

Who created it?

What is its purpose?

What are the by-laws or operating procedures?

How many members?

Member names and terms?

When does it meet?

Attendance Information?

What projects and initiatives has it worked on?

Financial information and budget impacts?

Committee’s charter or purpose and any amendments?

Minutes, Agendas, Files, Accounts, and any other documents that a governmental body is required to maintain?

And any other information that may pertain[sic] to the Joint Transportation Committee.⁴⁸

24. On April 1, 2025, County Attorney Jarrett replied by email, stating: “This is not a data request. Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act (MGDPA), requires government entities to allow the public to view or obtain copies of government data. Chapter 13 does not require government entities to answer specific questions, to create data, or to reorganize data into a particular format in order to answer questions. This request will be closed.”⁴⁹

25. On April 2, 2025, Complainant Zimmerman sent the County another data request form that was identical to the March 31, 2025, request, except all question marks had been deleted.⁵⁰

⁴⁶ Ex. 3 at ESC-12; Ex. 100C.

⁴⁷ Ex. 3; Ex. 100D.

⁴⁸ Ex. 3; Ex. 100D.

⁴⁹ Ex. 100E

⁵⁰ Compare Ex. 5 at ESC-17 – ESC-18 with Ex. 3 at ESC-10 – ESC-11.

26. On April 8, 2025, County Administrator Fry observed Complainant Zimmerman in conversation with County Commissioner Krueger.⁵¹ County Administrator Fry heard Commissioner Krueger explain to Complainant Zimmerman that the Joint Transportation Committee was “not a body of Steele County, it is not a committee where there is a quorum present of either Steele County Board members or City of Owatonna City Council members.”⁵²

27. On April 10, 2025, and April 14, 2025, Complainant Zimmerman followed up with County Attorney Jarrett by email, requesting confirmation of receipt or updates regarding the April 2, 2025 data request.⁵³

28. On April 18, 2025, Complainant Zimmerman sent a third copy of the data request to both the County and the Administrator of the City of Owatonna. It was identical to the April 2, 2024, request, and the form explicitly noted that it was a resubmission of the prior request.⁵⁴

29. County Attorney Jarrett did not reply to any of Complainant Zimmerman’s follow up emails because he did not believe they were proper data requests, but rather sought answers to questions. Moreover, Jarrett “had already informed Complainant Zimmerman that the County did not maintain data on the Joint Transportation Committee.”⁵⁵

D. Noise Studies Data Request

30. On April 2, 2025, Complainant Zimmerman sent another request for data to the County, stating:

I am requesting copies for inspection of all noise studies conducted for the East Side Corridor (ESC) project that were initiated on or after January 1, 2020. This includes, but is not limited to, initial assessments, updated analyses, modeling data, and any related reports or documentation. Please provide both draft and final versions, along with any supporting materials used in these studies.⁵⁶

31. Complainant Zimmerman followed up on the request with County Attorney Jarrett by email on April 10, and April 14, 2025.⁵⁷

⁵¹ Test. Fry.

⁵² Test. Fry.

⁵³ Ex. 5 at ESC-19 – ESC-20.

⁵⁴ Ex. 100D; Test. Fry (identifying the City of Owatonna official who received the data request).

⁵⁵ Ex. 100 at 5.

⁵⁶ Ex. 100F; Ex. 6 at ESC-22.

⁵⁷ Ex. 100G; Ex. 6 at ESC-23 – ESC-24.

32. The County looked for responsive data by having Paul Sponholtz, a county engineer who was familiar with the East Side Corridor Project, search through emails and records.⁵⁸

33. On April 18, 2025, County Attorney Jarrett replied that “[t]he county does not have any studies or documents related to a noise study for the east side corridor at this time. Since no such data exists at this time, this data request will be closed.”⁵⁹

34. Complainant Zimmerman responded by email noting that public statements about relevant noise studies had been made by the County in the past and requesting further review for relevant data.⁶⁰ The County provided no response to the follow up email.⁶¹

E. Transfer of Federal Funds Request

35. On April 9, 2025, Complainants sent a data request to the County requesting to inspect:

Any and all information relating to the transfer of federal funds from the ESC to the Main St Project. This includes all documentation, emails, written correspondence, text messages, government records, audio or video recordings, and any other data related to the transfer of these funds. Person of correspondence may include but are not limited to ATP members, Paul Sponholtz, Sean Murphy, and County Commissioner, City council, County Administrator, and City Administrator.⁶²

36. On April 10, 2025, at 7:41 a.m., County Attorney Jarrett replied via email saying “Received. We begin this following the general ESC requests which is still pending. I suspect it will be several months, likely this fall, before it is ready.”⁶³

37. At 8:24 a.m. on that same day, County Attorney Jarrett mistakenly sent a second email to Zimmerman. The email was regarding a different data request, and so indicated to Zimmerman that Jarrett had changed his mind on the request for data on the transfer of federal funds. The message stated:

Ms. Zimmerman, This is not a data request as it is vague and calls for answers to questions. Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act (MGDPA), requires government entities to allow the public to view or obtain copies of government data. Chapter 13 does not require government entities to answer specific questions, to create

⁵⁸ Test. Fry.

⁵⁹ Ex. 100G; Ex. 6 at ESC-23.

⁶⁰ Ex. 6 at ESC-23.

⁶¹ Ex. 100 at 6.

⁶² Ex. 7 at ESC-25; Ex. 100I.

⁶³ Ex. 7 at ESC-31; Ex. 100J.

data, or to reorganized data into a particular format in order to answer questions.⁶⁴

County Administrator Fry was included as a recipient on this email.⁶⁵

38. Ms. Zimmerman replied to the second email at 8:53 a.m., stating “No, this is absolutely not vague, and there is no ambiguity whatsoever in this request. Just moments ago, you confirmed it was accepted – what changed? This data request is detailed, precise, and explicitly cites the applicable law. You are required to cite the exact provision of Minnesota Chapter 13 that you claim this request fails to meet.”⁶⁶ Neither this email nor a second follow up about this data request sent on April 14, 2025, received a reply.⁶⁷

39. County Attorney Jarrett did not realize the mistake had been made until a meeting with the County’s representation in this case shortly before the hearing.⁶⁸

40. The County has not provided the data requested to the Complainants.⁶⁹

F. County Codes and Policies Data Request

41. On May 6, 2025, Complainants sent the County a data request form requesting inspection of:

1. Any current Code of Conduct applicable to county officials, employees, or board/commission members.
2. Any adopted Code of Ethics governing the actions and responsibilities of county personnel or officials.
3. Steele County’s Conflict of Interest Policy for elected officials, employees, and appointed representatives.⁷⁰

It also stated that “If these documents are already available online, a link to them would be appreciated. Otherwise please provide electronic copies.”⁷¹

42. On May 8, 2025, County Attorney Jarrett replied by email stating “[r]eceived. This will be added to the current list of requests made by your group. Estimated this fall/winter.”⁷²

⁶⁴ Ex. 7 at ESC-33.

⁶⁵ Ex. 7 at ESC-33.

⁶⁶ Ex. 7 at ESC-32.

⁶⁷ Ex. 7 at ESC-32;

⁶⁸ Test. Fry.

⁶⁹ Test. Fry.

⁷⁰ Ex. 11 at ESC-50.

⁷¹ Ex. 11 at ESC-50.

⁷² Ex. 11 at ESC-55.

43. On September 30, 2025, County Attorney Jarrett replied again by email, with several attachments. Jarrett stated that the attachments to his email were the County's full reply to the request, and that it would now be closed.⁷³ No charge was assessed for the digital copies.⁷⁴

G. Communications with Township Data Request

44. Complainants sent another data request to the County on May 6, 2025.⁷⁵ This request was for:

Any and all correspondence, meeting notes, emails, letters, or other communications between Steele County and any township or township officials regarding the East Side Corridor (ESC) project or related annexation matters. This includes, but is not limited to:

- Objections or concerns raised by township representatives
- Records of township approvals, statements of support, or formal positions
- Internal or external memos discussing township responses
- Any documentation regarding the orderly annexation agreement, including discussions related to specific parcels
- Documentation and notes from any meetings occurring with the township

The timeframe for this request is from January 1, 2021, to the present. Please advise if these records are available electronically or if any estimated costs would apply for physical copies. I am willing to clarify or narrow the scope as needed to facilitate a prompt response.⁷⁶

45. On May 8, 2025, County Attorney Jarrett emailed: "Received. This will be added to the current list of requests made by your group. Estimated this fall/winter."⁷⁷

46. The County has not provided the data requested to Complainants.⁷⁸

H. Truck Traffic Data Request

47. On May 29, 2025, Complainants sent a data request to the County requesting:

1. Any and all traffic studies, reports, or raw traffic count data for Shady Avenue and Crestview Lane NE, with a particular focus on truck

⁷³ Ex. 11 at ESC-56 – ESC-57; Ex. 100K.

⁷⁴ *Id.*

⁷⁵ Ex. 12.

⁷⁶ Ex. 12 at ESC-58 – ESC-59.

⁷⁷ Ex. 12 at ESC-63;

⁷⁸ Test. Fry.

traffic volumes (e.g. counts, classifications, or percentages of heavy vehicles) currently using these roads. Please include the most recent data available, as well as historical data if relevant for comparison.

2. Any projections, Impact analyses, or modeling related to the East Side Corridor (ESC) that estimate or forecast how truck traffic on Shady Ave and Crestview Ln NE would be reduced or diverted if the ESC is built. This includes traffic modelling results, assumptions used, summary tables, and visualizations or GIS data if available.
3. If no such analysis exists regarding projected truck traffic reduction due to the ESC on these roads, please provide documentation showing that the roads were considered (or not considered) in the ESC traffic impact modeling.⁷⁹

48. County Attorney Jarrett confirmed receipt via email on the same day, stating "We received the data request. We have several ESC requests pending, so this will be added to the pending requests. If the data exists, it will not be completed until this fall due to current volume of requests."⁸⁰

49. On June 10, 2025, County Attorney Jarrett sent Complainants a full response to the May 29, 2025, data request, which said:

We do not have any documentation related to this data request. As such, the request will be closed.

A response from Paul:

All we have is staff recollection of numerous phone calls of complaints over the years, and comments received from the public during the East Side Corridor public meetings. Also, I reviewed the state traffic counts, they don't show anything on their website traffic mapping application.

Paul Sponholtz, P.E. | County Engineer.⁸¹

50. Any Conclusion of Law more properly designated as a Finding of Fact is incorporated herein.

51. Any portion of the accompanying Memorandum that is more properly considered a Finding of Fact is incorporated herein.

Based on these Findings of Fact, the Judge makes the following:

⁷⁹ Ex. 15 at ESC-76.

⁸⁰ Ex. 15 at ESC-82.

⁸¹ Ex. 15 at ESC-81.

CONCLUSIONS OF LAW

1. Minn. Stat. § 13.085 authorizes the Administrative Law Judge to consider this matter and determine whether a violation of the MGDPA⁸² occurred.

2. The Court of Administrative Hearings has complied with all procedural requirements under Minn. Stat. § 13.085. Both parties had proper notice of the hearing and an opportunity to be heard.

3. The decision record comprises all evidence and argument submitted until the hearing record closed.⁸³

4. Requests for data and associated responses that took place after the Complaint was filed in this matter are beyond the scope of these proceedings.⁸⁴

5. The MGDPA “regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities.”⁸⁵

6. “Government data” means “all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.”⁸⁶

7. Respondent is a “government entity” subject to the requirements of the MGDPA.⁸⁷

8. The MGDPA provides that all government data collected, created, or maintained by a government entity shall be public unless classified by statute or federal law as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.⁸⁸

9. A “responsible authority” is a designated individual within a government entity responsible for the collection, use, and dissemination of government data.⁸⁹ A “designee” is “any person designated by a responsible authority to be in charge of individual files or systems containing government data and to receive and comply with requests for government data.”⁹⁰

10. Government entities and their responsible authority have an obligation to regularly update their written data access policies “no later than August 1 of each year,

⁸² Minn. Stat. §§ 13.01–.991.

⁸³ Minn. Stat. § 13.085, subd. 4(b).

⁸⁴ Minn. Stat. § 13.085, subd. 5(a) (limiting the Judge’s final determination following an evidentiary hearing to violations “alleged in the complaint.”).

⁸⁵ Minn. Stat. § 13.01, subd. 3.

⁸⁶ Minn. Stat. § 13.02, subd. 7.

⁸⁷ Minn. Stat. §§ 13.01, subd. 1, .02, subd. 7a.

⁸⁸ Minn. Stat. § 13.03, subd. 1.

⁸⁹ Minn. Stat. § 13.02, subd. 16.

⁹⁰ Minn. Stat. § 13.02, subd. 6.

and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.”⁹¹

11. Upon request, a responsible authority or designee shall permit a person to inspect and copy public government data at reasonable times and places. If access to public data is requested for purposes of inspection the responsible authority cannot assess a charge or fee for that inspection.⁹²

12. The responsible authority in every government entity “shall establish procedures . . . to insure that requests for government data are received and complied with in an appropriate and prompt manner.”⁹³

13. In responding to requests for data, “when the procedures are followed and the requested data are not made available appropriately or promptly, the ‘established procedures’ do not *insure* that government data are properly available.”⁹⁴ A single inappropriate or not prompt response is sufficient to support a violation of the MGDPA.⁹⁵

14. Complainants bear the burden of proof to establish by a preponderance of the evidence that Respondent violated the MGDPA.⁹⁶

15. The County’s procedure of charging an individual who requested access to public data for purposes of inspection a fee should the individual take any photos of the data violated Minn. Stat. § 13.03, subd. 2(a).

16. The County’s procedure of addressing requests for government data exclusively in the order in which they were received resulted in responses to the Complainants’ requests for public data to not be promptly and appropriately complied with, in violation of Minn. Stat. § 13.03, subd. 2(a).

17. The County provided Complainants with inappropriate responses to requests for government data in violation of Minn. Stat. § 13.03, subd. 2(a) on two occasions.

18. Where the Judge has determined that a violation of the MGDPA occurred, they must take at least one of the following actions:

- (1) impose a civil penalty against the respondent of up to \$300;

⁹¹ Minn. Stat. § 13.025, subd. 2.

⁹² Minn. Stat. § 13.03, subd. 3(a).

⁹³ Minn. Stat. § 13.03, subd. 2(a).

⁹⁴ *Webster v. Hennepin Cnty.*, 910 N.W.2d 420, 431 (Minn. 2018).

⁹⁵ *Webster*, 910 N.W.2d 420.

⁹⁶ Minn. R. 1400.7300, subp. 5 (2025). Under Minn. Stat. § 13.085, subd. 5(d), proceedings on a data practices complaint are not a contested case under Minn. Stat. ch. 14; however, the Administrative Law Judge determines that Minn. R. 1400.7300, subp. 5, articulates the correct burden of proof for a data practices case as no other standard is identified in Minn. Stat. § 13.085.

- (2) issue an order compelling the respondent to comply with a provision of law that has been violated, and may establish a deadline for production of data, if necessary; and
- (3) refer the complaint to the appropriate prosecuting authority for consideration of criminal charges.⁹⁷

19. In determining whether to assess a civil penalty, this tribunal must consider whether the governmental entity has substantially complied with general data practices, including but not limited to, whether the governmental entity has:

- (1) designated a responsible authority under Minn. Stat. § 13.02, subd. 16;
- (2) designated a data practices compliance official under Minn. Stat. § 13.05, subd. 13;
- (3) prepared the data inventory that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under Minn. Stat. § 13.025, subd. 1;
- (4) developed public access procedures under Minn. Stat. § 13.03, subd. 2; procedures to guarantee the rights of data subjects under Minn. Stat. § 13.025, subd. 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under Minn. Stat. § 13.05, subd. 5;
- (5) acted in conformity with an opinion issued under Minn. Stat. § 13.072 that was sought by a government entity or another person; or
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.⁹⁸

20. Based on the record, the factors in Minn. Stat. 13.08, subd. 4(b) listed above and for the reasons discussed in the attached memorandum, the Judge concludes that a civil penalty of \$300 is appropriate.

21. The Complainants in this matter have substantially prevailed. As a result, the Court of Administrative Hearings must refund the filing fee in full, less \$50, and the Court's costs in conducting the matter are billed to the respondent, not to exceed \$1,000.⁹⁹

22. Any Finding of Fact more properly considered to be a Conclusion of Law is adopted herein.

23. Any portion of the accompanying Memorandum that is more properly considered to be a Conclusion of Law is incorporated herein.

⁹⁷ Minn. Stat. § 13.085, subd. 5(a).

⁹⁸ Minn. Stat. §§ 13.08, subd. 4(b), .085, subd. 5(b).

⁹⁹ Minn. Stat. § 13.085, subd. 6(c).

Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 13.085, subd. 5(a)(4), the County must maintain procedures that ensure appropriate responses to data requests, and in so doing:
 - a. Ensure appropriate ongoing communication with the public about pending data requests; and,
 - b. Mitigate or avoid circumstances where the Responsible Authority, or a Designee, are, in practice or effect, the only check on their own errors, misunderstandings, or miscommunications.
2. Pursuant to Minn. Stat. §§ 13.085, subd. 5(a)(3) and 13.08, subd. 4(b), the County shall pay a civil penalty of \$300.
3. Pursuant to Minn. Stat. § 13.085, subd. 6(c) the Court will refund \$950 of Complainant's filing fee.
4. Pursuant to Minn. Stat. § 13.085, subd. 6(c) the County must reimburse the Court for its costs in conducting this matter, as documented in an invoice to be sent by the Court to Respondent.
5. All other requests for relief are hereby dismissed.

Dated: November 24, 2025



CHRISTA L. MOENG
Administrative Law Judge

Reported: Digitally Recorded
No transcript prepared

NOTICE

This Order is the final decision in this case. Any party aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63-69 (2024).

MEMORANDUM

I. Introduction

These proceedings arise out of a Complaint alleging that the County violated the MGDPA. The procedural history of this case is involved; a detailed discussion of the Complaint and the County's initial Response can be found in the September 15, 2025, Probable Cause Determination in this matter.¹⁰⁰

Between October 2024, and July 2025, Complainants sent the County a dozen requests for government data which generally concerned a municipal project known as the East Side Corridor Project.¹⁰¹ Each request resulted in communications about the request.¹⁰² Evincing frustration, the data requests evolved to include text colored red for emphasis and significant boilerplate: preemptive clarifications, demands, statutory citations, and legal argument.¹⁰³ Complainants also sought information directly from other county staff and officials, outside of the formal data practices process established by the County. The County, in turn, required Complainants' data requests be made directly to the County Attorney and County Administrator.

The parties also detailed considerable work arising out of the requests. Complainants produced hundreds of pages documenting their work on the requests.¹⁰⁴ The County also devoted many hours of work over many months and across multiple departments to respond to the requests—work which continues today.¹⁰⁵

In total, the record shows nine requests for data made by the Complainants (not counting repeated submissions of the same request) between October, 2024, and May, 2025.¹⁰⁶ The County is currently continuing to work on providing complete, responsive datasets for three of the requests.¹⁰⁷ Two have been completed with all responsive data provided.¹⁰⁸ The remaining three have been closed because the County possessed no responsive data.¹⁰⁹

Two issues remained for hearing after the probable cause determination:

- a. Charging a fee for inspection of public data, in violation of Minn. Stat. § 13.03, subd. 3, in response to an October 25, 2024 data request.
- b. Failure to establish a procedure, consistent with the Act, to insure that all requests for government data are received and complied with

¹⁰⁰ See Notice of Probable Cause Determination, and Order for Prehearing Conference at 2.

¹⁰¹ See generally Exs. 21-36 (showing emails and transcripts of conversations between the parties relating to the facts of the case); Complainants' Closing Argument at 3.

¹⁰² See, e.g. Ex. 1, ESC-3 – ESC-6.

¹⁰³ See, e.g., Ex. 12, ESC 58 –62 (a data request that takes less than one-half page to describe, cushioned by four-and-a-half pages of additional material).

¹⁰⁴ See Ex. 9.

¹⁰⁵ Test. Fry.

¹⁰⁶ See, e.g., Complainant's Closing Argument at 3 (showing a table of all data requests involved in this matter, along with their data preservation request and the requests sent after the Complaint was filed.).

¹⁰⁷ Test. Fry.

¹⁰⁸ See Complainants' Closing Argument at 3.

¹⁰⁹ Test. Fry; also see Complainants' Closing Argument at 3.

in an appropriate and prompt manner, in violation of Minn. Stat. § 13.03, subd. 2(a).

At the hearing, the County conceded that it violated Minn. Stat. § 13.03, subd. 3,¹¹⁰ by telling Complainants that it would charge a fee for photographing data made available for inspection, the County ultimately never charged the fee.

The sole issue that remains for substantive analysis, then, is whether the County violated Minn. Stat. § 13.03, subd. 2(a).

II. Applicable Law

The Minnesota Government Data Practices Act “governs the storage of government data and public access to that data.”¹¹¹ Members of the public who want to inspect or copy public government data submit a request to do so to the relevant responsible authority or designee.¹¹² Responsible Authorities must, in turn, “establish procedures . . . that insure requests for government data are received and complied with in an appropriate and prompt manner.”¹¹³ The act only requires that procedures be ‘established’, and does not require that they be in any particular form, or even that they be written down.¹¹⁴

The question before this Court, then, is not whether every response to a data request was appropriate and prompt—though this would be relevant. Rather, the law requires that 1) “government data be made available” and 2) “that personnel responsible for making it available establish procedures that ensure it is made available.”¹¹⁵

The MGDPA places significant burdens on government entities. At the same time, the weight of those burdens speaks to the import the Legislature has placed on the access to data the MGDPA requires. To balance these appropriately, both the Court of Administrative Hearings and the Commissioner of the Department of Administration have concluded that the requirement for prompt and appropriate responses to data requests does not have a mechanical or rote application. Rather, an assessment may consider factors such as: the scope or complexity of the data requested, the resources available to respond to the requests, and the government entities’ communications with requestors while work on the requests takes place.¹¹⁶

III. Analysis

Complainants alleged facts that met the probable cause threshold with respect to three of the County’s procedures. First, the County told Complainants it would charge a

¹¹⁰ If a person requests access to data “for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee.” Minn. Stat. § 13.03, subd. 3(a).

¹¹¹ *Webster*, 910 N.W.2d at 427.

¹¹² *Id.*

¹¹³ Minn. Stat. § 13.03, subd. 2(a)).

¹¹⁴ *Webster*, 910 N.W.2d at 432.

¹¹⁵ *Webster*, 910 N.W.2d at 431.

¹¹⁶ See, e.g. Depart. Admin. Adv. Ops. 14-003 (Apr. 23, 2014) (University of Minnesota); and *In the Matter of Timothy J. Coughlin vs. City of Deerwood and Deerwood Police Department*, No. 22-0305-39381, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (Minn. Court of Admin. Hearings Nov. 17, 2023).

fee for photographs taken by Complainants of data made available for inspection—which the County concedes violated the MGDPA. Second, the County initially maintained a procedure of responding to data requests from Complainants only in the order in which they were received. Third, the County required all of Complainants’ communications regarding requests for data and the East Side Corridor Project be sent to County Attorney Jarrett and County Administrator Fry.

A. Ordering of County Responses to Multiple Data Requests

Complainants sent the County twelve distinct data requests in approximately a 10-month span. These requests ranged from extremely wide-ranging (such as the first, sent on October 25, 2024) to very small and precise (such as the May 6, 2025, request for three specific policy documents). In his reply acknowledging receipt of Complainants’ April 9, 2025, data request, County Attorney Jarrett informed Complainants that the County would “begin [work on] this following the general ESC requests which is still pending. I suspect it will be several months, likely this fall, before it is ready.”¹¹⁷ Similar language regarding the existence of prior data requests from Complainants and a lengthy wait time for completion—couched in terms of months or seasons—also appear in the County’s receipt acknowledgements of multiple subsequent requests.¹¹⁸ For example, the County (1) predicting that a request for three ostensibly public-facing documents made on May 6, 2025, would be satisfied by “estimated this fall/winter,” after other, larger requests were satisfied and (2) providing three pdfs on September 30, 2025.¹¹⁹ These responses were neither prompt nor appropriate.

Despite statements regarding the order in which the County would respond to the Complainants’ data requests, however, the record shows that responses were produced in a more flexible fashion and that the County improved its practices through the course of dealing with Complainant’s requests. Data, or responses that no data exists, were provided to a total of five requests while work on the first, and largest, request continued.

County Administrator Fry testified that while the First-In-First-Out procedure was important for maintaining coordinated and orderly tracking, work, and responses—particularly for large requests that required relying on an information technology staffing resource that proved to be a bottleneck—it was not being applied as a mechanical requirement.¹²⁰

As a result, what appears to be at issue more than the County’s ordering of responses is the County’s lack of effective or ongoing communication with Complainants regarding their data requests. Appropriate responses to data requests with lengthy response times should generally include *providing the requestors with updates*.¹²¹ The record does not show a single update from the County to Complainants regarding the status of an initial request beyond acknowledgements of receipt, even when

¹¹⁷ Ex. 7 at ESC-31.

¹¹⁸ See Exs. 11, 12, and 15.

¹¹⁹ Ex. 11 at ESC-55.

¹²⁰ Test. Fry.

¹²¹ See Dept. Admin. Adv. Op. 14-003 (Apr. 23, 2014 (University of Minnesota) (discussing how response to a request for data may still be appropriate and prompt despite a wait time of five months as a result of the complexity of the request and “continual communication” with the requester about their request.).

circumstances warranted revising the timeline for production. This lack of communication, rather than the County's ordering procedure, failed to meet the County's obligation to make appropriate responses to requests.

Going forward, rather than acknowledging receipt and ignoring subsequent contact, as the County appeared to do in this case, the County's procedures must contemplate ongoing communication with the public about pending data requests, particularly when new or better information could affect an earlier-communicated anticipated-completion timeline. Simply articulating the reason for prolonged response time or delay could inform requestors' expectations and forestall future complaints.

B. Communication with County Attorney Jarrett and County Administrator Fry

The MGDPA explicitly requires that requests for government data be made *only* to the Responsible Authority for a given government entity, or their Designee.¹²² At the same time, the Responsible Authority and their Designee are required by the Act to establish procedures that ensure appropriate and prompt responses to such requests.¹²³

County Attorney Jarrett is the Responsible Authority for the County under the MGDPA, and the County's Data Practices Compliance Officer.¹²⁴ County Administrator Fry is the formal Designee under the MGDPA for the County's Administration department.¹²⁵

The record of Complainants' communications with County Attorney Jarrett shows multiple responses, or lack thereof, to their requests for data that were entirely inappropriate. In the worst instances, those decisions resulted in County Administrator Fry providing a final response or novel update during her testimony.

The record of communication between County Attorney Jarrett and the Complainants is sparing. However, the record shows a pattern of construing Complainants' data requests uncharitably to excuse minimal communication and disregard for legitimate data requests and requests for updates from Complainants.

Specifically, County Attorney Jarrett closed a data request initially made on March 31, 2025, with the following reason, in substantive part: "This is not a data request. Chapter 13 does not require government entities to answer specific questions, to create data, or to reorganize data into a particular format to answer questions. This request will be closed." Complainants resubmitted the request, after revising it in an attempt to satisfy the thrust of the County's response by removing the question marks.

¹²² Minn. Stat. § 13.03, subd. 3(a); *also see Scheffler v. City of Anoka*, 890 N.W.2d 437, 447 (Minn. 2017) (holding in part that in order for the MGDPA to have been violated, a request for data must have been made to either the Responsible Authority or their Designee).

¹²³ Minn. Stat. § 13.03, subd. 2(a).

¹²⁴ Ex. 100A at 33; Ex. 37 at ESC-278.

¹²⁵ Ex. 100A at 33; Ex. 37 at ESC-278.

County Attorney Jarrett again closed the request, stating: “This is not a data request as it is vague and calls for answers to questions.”¹²⁶

These responses were not appropriate.¹²⁷ Ignoring other communications about the request, including attempts to clarify or resubmit the March 31 request, was also not appropriate. These responses and non-responses were inappropriate because, first, the data request on its face is not vague and the “questions” included were precatory and superfluous to a clearly stated data request: “any and all information regarding the Joint Transportation Committee including but not limited to....”¹²⁸ Second, even if the request were vague, closing the request immediately without seeking clarification—and ignoring subsequent clarifications and communications about the request—was, in this instance, inappropriate. The County’s response was inappropriate because it construed the data request unfavorably, in a light favoring expeditious summary disposition, and contrary to the purposes of the MGDPA.

The record does not show that County Attorney’s Jarrett’s responses to this request were the result of an established procedure for responding to data requests, except inasmuch as the procedure provided that that the request would be received and evaluated personally by County Attorney Jarrett. The failure to meaningfully respond to attempts to clarify the request, even if the County believed them to relate back to a previously addressed request, demonstrates that the County’s procedures failed to ensure appropriate responses to those requests.

Additionally, standing alone, the County mistakenly sending a response intended for another pending request is understandable. The volume of communications and pending requests could easily yield an intended reply sent in an inapposite email thread. However, County Attorney Jarrett received multiple replies to his errant email response, requesting more explanation and discussing a different, conflicting response. The Responsible Authority ignored this apparent confusion, which he inadvertently created, for months. These choices resulted in Complainants mistakenly believing a data request had been closed entirely. County Administrator Fry clarified at hearing that, instead, the request was still open with the County and work on a final review of responsive documentation was underway.¹²⁹ This, again, was too little and far too late.

The record demonstrates a pattern of responses inappropriate under the MGDPA. This pattern was a consequence of a procedure that seemingly allowed the Responsible Authority to be, in apparent effect, the only check on his own errors, misunderstandings, or miscommunications in the context of an ongoing relationship with multiple active data requests and in which tensions had escalated. Accordingly, to ensure the compliance with

¹²⁶ See, e.g. Steele County’s Post-Hearing Brief at 8, 10; and Exs. 100E, E-217 Ex. 7, ESC-33. The County attorney inadvertently sent this response to a different data request, causing additional confusion among the parties. Test. of Fry. The record offers no *direct* insight into which request County Attorney Jarrett intended this response for. Of the requests pending at the time, it is more likely than not that this response was intended to relate to the March 31 request. Respondent Zimmerman emailed Jarrett at 8:16 a.m. on April 10, 2025, about receiving no response to an attempt to clarify the March 31 data request, and Jarrett sent this email at 8:24 a.m. on the same day.

¹²⁷ Ex. 100D, E-217

¹²⁸ Ex. 100D, E-205.

¹²⁹ Test. Fry.

Minn. Stat. § 13.03, subd. 2(a), the Judge will require the County to maintain procedures that ensure appropriate responses to data requests and, in so doing, address this specific shortcoming.

This requirement is intentionally phrased broadly to ensure that the County has maximum flexibility to address the issue in light of its resource constraints and without impairing the Responsible Authority's ability to carry out the responsibilities and duties of that role. This Judge contemplates a segregation of duties or internal monitor to provide stronger internal quality control over data practices responses, as an entity might implement to avoid a single point of failure in financial controls.¹³⁰ But it would be inappropriate be overly prescriptive about the best manner of implementing such internal control, or which particular circumstances require the additional eyes. The County's decision to employ an attorney whose responsibilities will include data practices reflects a good faith effort toward mitigating this specific source of MGDPA violations. That role will likely be an essential component of any procedure that satisfies the MGDPA's mandate.

IV. Civil Penalty

After consideration of the factors listed in Minn. Stat. § 13.08, subd. 4(b), the Judge concludes that a \$300 civil penalty under Minn. Stat. § 13.085, subd. 5(a)(3) is appropriate. The record shows that the County has designated both a Responsible Authority as well as a data practices compliance official. The County also has published current data inventory and public access procedures documents, though the record also establishes that those documents had been out of date since approximately 2020 prior to these proceedings, including showing entirely incorrect names for the relevant officials.¹³¹ The Department of Administration did not issue an advisory opinion under Minn. Stat. § 13.072 regarding these requests. The County's ongoing training regarding MGDPA requirements reflects improvements since these proceedings began but were inadequate until the challenges presented by these data requests made their inadequacy apparent: relevant personnel have recently provided inappropriate responses to requests made under the Act.

As a result of these facts and the record as a whole, the Judge concludes that a civil penalty is warranted. The record establishes multiple violations of the MGDPA and inappropriate responses by the County in addressing the Complainants' data requests. It is laudable that the County has proactively addressed many of those issues, such as concluding it could not charge a fee for photographs of inspected data and improving its flexibility to respond to requests of varying size. However, the changes implemented during the pendency of these proceedings does not negate that the violations occurred. Similarly, mistaken or inappropriate data request responses by County Attorney Jarrett left Complainants without meaningful updates or responses to multiple requests until the hearing on their Complaint. As a result, a civil penalty is appropriate in this case.

¹³⁰ The Judge notes that it is likely that County Administrator Fry was copied on the emails sent by County Attorney Jarrett. However, the record demonstrates that she did not effectively serve as a check on the erroneous or inappropriate emails.

¹³¹ See Minn. Stat. § 13.025, subd. 3; Test. Zimmerman; Test. Fry.

V. Conclusion

The miscommunication and adverse posture that developed between the parties became so fraught at times that it entirely obscured each party's good faith efforts to engage with the requirements of the MGDPA. Despite clear improvement in its practices during the course of these requests, the County's responses to the Complainants' requests failed to be appropriate on multiple occasions. The inappropriate responses were a consequence of a procedure that provided no mechanism to ensure that the County identified errors or misunderstandings by the Responsible Authority before they grew into conflict.

Complainants' communications with the County undoubtedly contributed to the adversarial atmosphere, including their use of a bespoke data request form that opens with bright red letters declaring "WE ARE FULLY EDUCATED, PREPA[RED], WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAM[A]GES FOR NONCOMPLIANCE!"¹³² Nevertheless, conflict or an adversarial posture taken by data requestors (here, apparently taken in response to growing frustration with inappropriate responses from the County) does not relieve the County of its obligation to respond to properly submitted data requests appropriately.

The record indicates the County has, and continues to, work diligently to produce any and all data responsive to Complainants' open requests. The workload created by the requests, together with mutual miscommunications and misunderstandings, caused strain that highlighted weaknesses in the County's processes. As a consequence, the record shows that the County's processes failed to meet the requirements of the MGDPA. The County neglected to provide ongoing, timely updates regarding the status of data requests and failed to incorporate a means of validating the propriety of responses to requests. These violations warrant an order for compliance and a civil penalty, as articulated above.

C. L. M.

¹³² See, e.g. Ex. 7 at ESC-25.

Ronald Gaines
630 Florence Ave,
PO Box 890,
Owatonna, MN 55060

December 20, 2025

Dear Mr. Gaines,

Re: East Side Corridor – Public Comment
Subject: Overview of Concerns and Formal Request(s) – See Sec. 9 -Conclusions

1. Formal Request for an EIS

I formally request that Steele County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Based on the information provided in the EAW and materials withheld from the public, the project clearly exceeds the threshold for significant environmental effects under Minnesota Rules 4410.1200.

The EAW is incomplete, improperly segmented, and fails to analyze required impacts related to noise, safety, air quality, human health, traffic, environmental justice, and cumulative effects. Independent oversight and an **independent RGU** are necessary to ensure compliance with MEPA and NEPA.

Further, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

2. Improper Segmentation of Connected Projects

Steele County, the City of Owatonna, and their consultants improperly segmented a single, connected transportation and development system into multiple projects to avoid full environmental review.

The following projects function as **connected actions** and must be reviewed together:

- East Side Corridor (ESC)
- 18th Street expansion and trails
- 18th St. railroad roundabout
- 26th St. roundabout
- Owatonna High School relocation

- Utility expansions and substation upgrades
- Havana intersection project
- Main Street project
- Fire and Police Station relocation
- Adjacent housing and commercial development identified in Imagine Owatonna

Federal and state law prohibit segmentation when projects:

- depend on one another,
- are justified by the same traffic or development need, or
- cumulatively increase impacts.

Here, each project was used to justify the next, while being excluded from environmental analysis. This is classic segmentation and requires a single, unified EIS. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

3. Federal Nexus Requires Federal-Level Review

The ESC project has a clear **federal nexus**, triggering NEPA requirements:

- A railroad crossing requiring federal permits
- Federal funding used for related roadway and roundabout construction
- Federal documents referenced in the EAW and on the project website
- As of April 1, 2025, this project was declared a federal undertaking

Despite this, the EAW fails to address federally required noise, safety, and health analyses. Federal actions were relied upon to make substantial decisions, yet federal environmental standards were not applied. I formally request that Steele County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

4. Railroad Roundabout Safety and Permit Violations

The 18th Street railroad roundabout was constructed without required federal railroad permits and at a non-compliant distance:

- Railroad standards require 200 feet separation
- The County built it at approximately 150 feet
- The railroad refused responsibility
- The County now refuses responsibility

- It was also coupled with the ESC project because WSB was the consultant on both projects

This intersection is the **primary southern access point** of the ESC, yet it was excluded from the ESC EAW. It will likely need to be rebuilt during ESC construction, creating significant safety, cost, and construction impacts that were never disclosed. I formally request that Steele County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

5. Missing Required Impact Analyses

The EAW fails to include required analyses under Minnesota Rules, including:

- **Noise impacts** (no published noise study; residents were denied access). 371 homes impacted by noise. 82 are substantially impacted
- **Safety impacts** (railroad, roundabouts, emergency response)
- **Human health impacts**
- **Noise impacts Visual impacts**
- **Wetlands and environmental resources**
- **Flood plain and farmland impacts**

A referenced noise study reportedly indicates a need for a **20-foot noise wall**, yet there is insufficient right-of-way to construct one. This alone demonstrates significant environmental effects requiring an EIS. I formally request that Steele County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

6. Predetermination of Outcome

Project records show clear predetermination:

- Preferred alternatives were identified before the project was public
- Alternatives were dismissed using assumptions rather than calculations
- Avoidance options were not fully evaluated despite being cheaper
- Right-of-way abandonment occurred over decades without contention
- No road of this proximity to homes has ever been built in Steele County

Environmental review cannot occur after decisions have already been made. The EAW was used to justify a predetermined outcome, not evaluate alternatives. I formally request that Steele

County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

7. Procedural Violations and Withheld Information

The public process was fundamentally flawed:

- Only two days' notice for the first open house
- Notice of the EAW comment period received two weeks late
- RFPs were signed before public disclosure
- RFPs and study data were withheld from public access
- A 61-page federal memorandum was kept from residents
- Residents were denied a comment period after approval of purpose, need, and preferred alternative on 9/24/2024

These actions denied residents the opportunity to correct inaccuracies before information was submitted to state and federal agencies. I formally request that Steele County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

8. Incomplete and Misleading EAW

The ESC document is not a true "worksheet." It includes finalized construction steps, limits alternatives, and omits key data. It is not short, not understandable to the public, and lacks transparency.

Key concerns include:

- Five roundabouts with no comprehensive safety analysis
- No identified engineer responsible for critical decisions
- No study of acquisition and relocation impacts

I formally request that Steele County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

9. Conclusion

When viewed as a whole, the East Side Corridor and its related projects form a **single regional transportation and development plan**. Their cumulative impacts are significant and have never been properly disclosed or analyzed.

For these reasons, I request:

- A full Environmental Impact Statement (EIS)
- Independent environmental oversight
- An independent Responsible Governmental Unit (RGU)
- A unified review of all connected actions

Anything less would violate the intent and requirements of MEPA and NEPA and deny the public meaningful environmental review. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

Sincerely,

A large rectangular area of the document has been completely redacted with black ink, obscuring a signature.A small rectangular area of the document has been redacted with black ink, obscuring a name.

Owatonna, MN 55060

A handwritten signature is written over a diagonal line, appearing to read "John G. [Redacted Name]".

Ronald Gaines
630 Florence Ave,
PO Box 890,
Owatonna, MN 55060

December 20, 2025

Dear Mr. Gaines,

Re: East Side Corridor – Public Comment
Subject: ESC EAW Fails to Address Railroad Safety

The EAW fails to address critical safety issues related to the 18th Street railroad roundabout, which was constructed without required federal permits and at a non-compliant distance. This intersection is the primary southern access point of the ESC, yet it was excluded from environmental review. It was also coupled with the ESC project because WSB was the consultant on both projects.

These omissions represent significant environmental and safety risks and require preparation of a full EIS. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

Sincerely,

E [REDACTED] & J [REDACTED]

G [REDACTED]

Owatonna, MN 55060

Ronald Gaines
630 Florence Ave,
PO Box 890,
Owatonna, MN 55060

December 20, 2025

Dear Mr. Gaines,

Re: East Side Corridor – Public Comment
Subject: Missing Noise and Human Health Analysis – ESC EAW

The East Side Corridor EAW does not include required noise and human health analysis. A referenced noise study reportedly indicates the need for a 20-foot noise wall, yet no feasible mitigation or right-of-way analysis is included. As of April 1, 2025, this project was declared a federal undertaking.

These deficiencies meet the threshold for significant environmental effects and require a full Environmental Impact Statement. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

Sincerely,

E & J G

Owatonna, MN 55060

Ronald Gaines
630 Florence Ave,
PO Box 890,
Owatonna, MN 55060

December 20, 2025

Dear Mr. Gaines,

Re: East Side Corridor – Public Comment
Subject: Procedural Violations in ESC Environmental Review

Public participation in the East Side Corridor review was inadequate. Notices were late, key documents were withheld, and residents were denied the opportunity to comment after approval of the purpose, need, and preferred alternative.

Because the EAW is incomplete and the process flawed, I request a full EIS with independent oversight. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

Sincerely,

E & J G
[Redacted]

Owatonna, MN 55060

Ronald Gaines
630 Florence Ave,
PO Box 890,
Owatonna, MN 55060

December 20, 2025

Dear Mr. Gaines,

Re: East Side Corridor – Public Comment
Subject: Segmentation of East Side Corridor Requires EIS

The East Side Corridor cannot be reviewed in isolation. It is functionally connected to the 18th Street expansion, railroad roundabout, high school relocation, utility expansions, and Main Street project. These connected actions were improperly segmented to minimize impacts.

Under MEPA and NEPA, a unified Environmental Impact Statement is required. I formally request a full EIS and an independent RGU. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

Sincerely,

E & J G

Owatonna, MN 55060

FAILURE TO PROVIDE “EARLY AND OFTEN” PUBLIC NOTICE
EAW Comment #3

Date: December 18, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: FAILURE TO PROVIDE “EARLY AND OFTEN” PUBLIC NOTICE

MEPA requires early, meaningful public participation

Minnesota’s Environmental Policy Act (MEPA) requires that environmental review and public participation occur **early enough to influence project decisions**, and that notice be sufficient to allow the public to meaningfully engage before alternatives are narrowed or impacts assumed.

Insufficient notice of the first public open house

The County first provided public notice of this project’s initial open house on **July 19, 2022**, with the open house held on **July 21, 2022**, allowing only **two days’ notice** before the first public-facing meeting. [See Exhibit 1: Public notice dated July 19, 2022 for Open House dated July 21, 2022.]

This open house represented the **public’s first opportunity** to learn of the project, review proposed alignments, and understand potential environmental and residential impacts.

Why This Notice Was Not Sufficient Under MEPA

A two-day notice period does not constitute sufficient notice under MEPA, particularly where:

- The meeting represents the **first public disclosure** of a project with significant residential and environmental impacts; and
- The notice period occurred during **summer vacation months**, when many residents are away or otherwise unavailable on short notice.

Meaningful participation requires time for residents to become aware of the project, review materials, and arrange attendance. In this instance, the short notice materially constrained the ability of impacted residents to participate. As one directly impacted resident, I was required to **leave a previously planned vacation early** in order to attend the open house.

MEPA’s “early and often” public participation requirement is not satisfied where notice is so limited that attendance and engagement depend on extraordinary effort or chance availability. Because adequate notice was not provided at the outset of the process, public participation did not occur early enough to meaningfully influence project development, and this procedural defect cannot be cured by later engagement.

M [REDACTED] Z [REDACTED]

Owatonna, MN

Directly impacted resident

https://www.southernminn.com/owatonna_peoples_press/community/open-house-for-proposed-east-side-corridor/article_b1cof562-0776-11ed-b650-f38c41463f2d.html

Open house for proposed East Side Corridor

Jul 19, 2022

Steele County and the City of Owatonna are inviting the public to an open house meeting to review alternatives and provide feedback for the East Side Corridor Project.

The project is investigating options for the construction of a north-south route on the east side of the City of Owatonna from 18th Street SE to 26th Street NW and the route's connections to existing and proposed streets.

The meeting date, time and location are: **Thursday, July 21, 4-6 p.m.**

Steele County Fairgrounds Community Center

1380 South Elm Avenue Owatonna, MN 55060

Traffic currently has no direct way for traveling between the northeast and southeast part of Owatonna. Existing highways and streets direct traffic towards the downtown area adding unnecessary traffic and increasing travel times. The new corridor would help alleviate that concern.

After alternates are considered and corridor details are finalized with this study, the project is programmed to be constructed within the next few years.

For more information about the project, or if you are unable to make the open house, check out the following webpage: www.eastsidecorridor.com . The website provides more information about the project and provides an opportunity to take a brief survey and provide feedback on the project.

Date: December 18, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: Consultant selection occurred before public disclosure and shaped environmental review

The County retained its primary engineering consultant, WSB, in December 2021—approximately seven months before the East Side Corridor project was first disclosed to the public in July 2022.

Procurement materials were not publicly disclosed

Requests for Proposals (RFPs), evaluation criteria, and scoring materials were not included in public board meeting agendas or otherwise made available to the public at the time of consultant selection.

[See Exhibit: Board agendas/minutes lacking procurement materials.]

WSB was not the lowest-cost proposer, and the basis for its selection was not disclosed to the public at the time of award. Procurement materials further reflect that WSB's scope assumed a specific corridor early in the process and included coordination with related infrastructure elements, including the 18th Street roundabout, without disclosure or analysis of cumulative impacts in the EAW.

Consultant scope confirms omitted impacts

WSB's RFP and early project communications show that the consultant was simultaneously coordinating railroad elements and developing the East Side Corridor alignment. Internal correspondence later references efforts to “decouple” the East Side Corridor from the related railroad/roundabout work.

WSB's simultaneous involvement in railroad coordination and East Side Corridor design demonstrates that these elements were functionally coupled during project development and later segmented in the environmental review without cumulative impact analysis.

Despite this known and foreseeable integration, the EAW does not evaluate cumulative railroad impacts, does not analyze alternatives that avoid railroad crossings, and does not disclose or assess the permitting constraints associated with railroad coordination. These omissions are inconsistent with the scope of work described in the RFP and render the EAW incomplete.

[See Exhibit: RFP pg12 - Railroad/Email Decoupling.]

Why this is relevant to environmental review

Engineering consultants play a central role in environmental review by:

- Defining project purpose and need
- Developing and narrowing alternatives
- Determining which impacts are studied and how

Selecting a consultant and commencing project development prior to public disclosure or participation—without transparency regarding selection criteria or scope—contributes to:

- Shaping alternatives outside public view
- Predetermination of alignment and design assumptions
- An environmental review process that follows, rather than informs, decision-making

This sequencing undermines public confidence in the neutrality and integrity of the environmental review process. The absence of procurement and scope-defining materials from the public record further limited the public's ability to understand how early project assumptions influenced the EAW, impairing meaningful public participation and informed decision-making as required under MEPA.

For the reasons stated above, the EAW is incomplete and cannot support a Finding of No Significant Impact. Accordingly, the Responsible Governmental Unit should not issue a FONSI and should require additional environmental review, up to and including preparation of an Environmental Impact Statement, before any project approval.

M [REDACTED] Z [REDACTED]
[REDACTED]

Owatonna, MN
Directly impacted resident



Steele County Agenda Item

Subject: Approve Contract with WSB for Preliminary Engineering and Environmental Documentation for the East Side Corridor.

Department: Highway

Committee Meeting Date: December 9, 2021

Board Meeting Date: December 14, 2021

Consent Agenda: Yes No

Resolution: Yes No

Policy Committee Recommendation:

The Committee recommends award of contract to WSB

Recommendation:

Approve contract with WSB for the Preliminary Engineering and Environmental Documentation for the East Side Corridor in the amount of \$286,788.00

Background (*Including Budget Impact*):

The 2040 Steele County Transportation Plan identified the East Side Corridor, also referred to as 29th Avenue, as a needed addition to the Steele County highway system. At the September 9, 2021 Board meeting, the Board authorized the use of \$223,984 Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA) funds for the 29th Avenue environmental documentation (EAW). While the contract amount exceeds these funds, the Highway department has budgeted \$300,000 for this work in 2022, with the balance being funded through sales tax revenues.

The Highway Department, in partnership with the City of Owatonna, requested proposals for preliminary engineering and environmental documentation from four firms, (Bolton & Menk, HR Green, SEH, and WSB). SEH chose not to submit a proposal but the other three firms did respond.

A selection committee comprised of representatives of both the County and the City engineering staffs independently evaluated and rated each proposal. Selection of the consultant was based on the following weighted criteria:

Criteria	Weight
1. Project Approach	30%
2. Qualifications, specialized experience, and professionalism	10%
3. Project team experience (especially their work on similar projects), qualifications, and availability.	15%
4. Completeness and feasibility of project work plan, tasks, and deliverables	35%
5. Proposed cost of engineering services	10%

Continued

WSB's proposal was scored the highest on these criteria by each of the reviewers.

Notable highlights and strengths in their proposal include:

- Project Understanding showed clear understanding that this project is to identify and evaluate all potential social, economic, and environmental impacts of the project and deliver the appropriate State and Federal environmental documents.
- Robust public engagement plan with both in-person meetings and open houses, as well as online project website.
- Experienced team with multiple projects of significant complexity.
- Project Manager that County and City staff have worked with on previous projects.

The three proposals ranged in price from \$201,764 to \$329,992. The proposal with the lowest fee missed the scope of work requested and proposed a Phase 1 which would only identify the issues to review and the additional work required would be at significant additional cost. It did not include the actual environmental documentation that was requested. The selection committee did not feel the highest cost proposal brought that much more value to the project to justify the additional cost. Therefore, the selection committee determined WSB's proposal the best technical proposal as well as the best overall value.

The City of Owatonna will participate in the cost of this work through a cooperative construction agreement, usually executed at time of project construction.

Attachments:

None

PROCEEDINGS OF THE STEELE COUNTY BOARD OF COMMISSIONERS

SPECIAL SESSION

December 14, 2021

STATE OF MINNESOTA)) ss
COUNTY OF STEELE)

The Steele County Board of Commissioners met in Special Session at 5:00 p.m. on December 14, 2021 with Commissioner's Glynn, Gnemi, Krueger, Abbe and Brady present. Also present were County Attorney Dan McIntosh, County Sheriff Lon Thiele, County Treasurer Cathy Piepho, County Engineer Greg Illka, Jail Administrator Anthony Buttera, IT Director Dave Purscell, Park & Rec/Four Seasons Director Steve Schroht, Human Resources Director Julie Johnson, County Administrator Scott Golberg and County Auditor Laura Ihrke.

Call to order and Pledge of Allegiance.

Motion by Commissioner Gnemi, seconded by Commissioner Glynn to approve the agenda with changes.
Ayes all.

Motion by Commissioner Krueger, seconded by Commissioner Abbe to approve the Consent Agenda with changes. Ayes all.

- A. Approve the minutes of November 23, 2021
- B. Approve the minutes of November 30, 2021 Special Board Session
- C. Approve Bills and Journal Entries
- D. Approve Personnel Report

Approve Personnel Report **Resignations/Retirements/Terminations:**

Resignations/Retirements/Terminations:

Name	Position	Department	End Date
Lyudmila (Luda) Danilivuk	Custodian	Facilities	12/13/21

- E. Approve 2022 Snowmobile Grant-In-Aid Contract Agreement in the amount of \$58,842.12
- F. Approve Contract for Ditch Inspector Services for 2022 with the Soil & Water Conservation District
- G. Approve Body Art Establishment license for Irish Eyes Studio
- H. Approve Maintenance & Support Contract with TriMin for IFS (Integrated Financial System) for the period of January 1, 2022 – December 31, 2024 in the amount of \$6,520
- I. Approve the Resolution Authorizing the Auditor to apply for Voting Equipment Grant (VEGA-3)
- J. Authorize the Chairman to sign bills on December 30, 2021
- K. Approve Final Payment **Resolution** for Contract No. 213428; SAP 074-634-028, SAP 074-645-041, and CP 074-021-005 to AAA Striping Services for striping and signing revisions in the amount of \$8,245.63
- L. Approve Final Payment **Resolution** for Contract No. 210724; SAP 074-607-024, SAP 074-629-004 and SAP 074-643-008 to Crane Creek Asphalt for rehabilitated pavement project in the amount of \$14,247.79
- M. Approve Final Payment **Resolution** for Contract No. 213429; SAP 074-634-029 and SAP 074-645-040 to Heselton Construction for the roundabout project at 26th Street NW and State Avenue in the amount of \$21,466.07
- N. Approve the rejection of all bids received on the Surplus Equipment and to use an auction service
- O. Awarded the Engineering and Environmental Documentation Contract for the East Side Corridor to WSB in the amount of 286,788.00
- P. Approve Community Corrections Advisory Board Member Appointments of Anthony Buttera, Steele County Jail Administrator, and Randy Tenge, District Department of Corrections Supervisor
- Q. Approve the discontinuance of Pay for Stay at the Detention Center

Motion by Commissioner Abbe, seconded by Commissioner Gnemi to approve the Farmland Lease Agreement and Authorize the Vice-Chair to sign. Upon the vote being taken 4 Commissioners voted in favor thereof. Commissioner Brady abstaining.

Human Resources Director Julie Johnson read the December Anniversary Report.

Anniversaries:

Name	Position-Dept	Anniv. Date	Yrs. Service
Jesse Steneman	Corporal – Detention Center	12/02/21	8
Dan McIntosh	County Attorney – Attorney's Office	12/03/21	20
Penny Miller	Technical Clerk I – Recorder's Office	12/03/21	3
Kristin Otto	Legal Admin Asst – Attorney's Office	12/04/21	4
Christine Laue	Technical Clerk I – Auditor's Office	12/07/21	1
Josh Andrist	Senior Mechanic – Highway Dept	12/07/21	6
Lacy Standke	Assessment Tech. – Assessor's Office	12/07/21	12
Rob Jarrett	Asst Cty Attorney I – Attorney's Office	12/09/21	2

Patrick Zeman	Maintenance Tech – Highway	12/14/21	1
Jake Rysavy	Director of Facilities & Fleet – F & F	12/16/21	2
Lesa Hulopeter	Chief Deputy Recorder – Recorder's Office	12/17/21	12
Samantha LeMay	Paralegal – Attorney's Office	12/17/21	3
Tony David	Road Deputy – Sheriff's Office	12/21/21	23
Jacob Miller	Road Deputy – Sheriff's Office	12/21/21	6
Lisa Risch	Records Specialist – Detention Center	12/26/21	9
Scott Mittelstaedt	Landfill Operator – Landfill	12/31/21	3
Jennifer Waggoner	Registered Nurse – Public Health Dept	12/31/21	3

Motion by Commissioner Glynn, seconded by Commissioner Gnemi to approve out of state travel for up to six individuals from IT, Maintenance and Detention Center to attend the factory demo at Accurate Controls in Ripon, Wisconsin in late January. Ayes all.

Motion by Commissioner Glynn, seconded by Commissioner Gnemi to approve the bounty for Beaver Trapping in the amount of \$75.00. Ayes all.

Commissioner Gnemi offered the following **Resolution**, seconded by Commissioner Abbe

WHEREAS, The County Board of Commissioners of the County of Steele, State of Minnesota, desires to offer for sale certain parcels of land that have forfeited for non-payment of taxes: and

BE IT RESOLVED, that the parcels of tax forfeited land listed below be classified as non-conservation land; that the basic sale price of each parcel, which is on file with the Clerk of the County Board, be approved and authorization for a sale to adjacent landowners be granted, pursuant to Minn. Stat. §282.01; that the sale will be held at 10:00 a.m. on Monday, January 17, 2022, by the Steele County Auditor at the Steele County Auditor's Office in the Steele County Administration Center, for not less than the basic sale price; and that all sales shall be full payment or on the terms set forth herein.

BE IT FURTHER RESOLVED that the terms of the public sale shall be for CASH OR APPROVED CHECK and has been approved by the Steele County Board of Commissioners.

Township or City	Description of Property for Sale	Basic Sale Price	Assessment Before Forfeiture
Unbuildable strip of land located in Section 21 of Havana Township	07-021-3303 and 07-021-3302 Commencing at a point 716 feet North of the Southwest corner of the Southwest Quarter of Section 21, Township 107 North, Range 19 West, and running thence south to the gas pipe where the same runs thru said above described land approximately in an Easterly-Westerly direction, thence East 1 rod, thence North to a point 1 rod East of the point of beginning, thence West to the point of beginning.	\$100.00	\$ -0-
Unbuildable lot located in Radel Addition, City of Owatonna	17-265-0107 The West 62 feet of the South 35 feet of Lot 6, Block 1, Radel Addition No. 2, Owatonna, Minnesota	\$1,000.00	\$ -0-
Unbuildable lot located in Klemmer Addition, City of Owatonna	17-220-0002 Block 2, Outlot 2, Klemmer Addition	\$100.00	\$ -0-

Upon the vote being taken, 5 Commissioners voted in favor thereof, none absent and not voting. A copy of the Resolution is on file in the Auditor's office.

Motion by Commissioner Krueger, seconded by Commissioner Gnemi to approve the Veterans Memorial Lease Agreement with the Moonlighter's Exchange Club and authorize the Administrator to get an updated survey of the fairgrounds leased parcels. Ayes all.

Commissioner Abbe offered a **Resolution**, seconded by Commissioner Glynn supporting Steele County's participation in the opioid settlements and the state subdivision agreement (MOA) and authorize the Administrator to execute all necessary settlement documents. Ayes all.

Motion by Commissioner Glynn, seconded by Commissioner Abbe to approve passthrough funding to United Way/Safe & Drug Free Coalition to conduct tobacco free Congratulate/Compliance checks with local retailers. Ayes all.

Motion by Commissioner Glynn, seconded by Commissioner Gnemi to approve the Park & Recreation Commission recommended changes from seven to five committee members and one Steele County Commissioner liaison and to remove the district appointment requirement. Ayes all.

Commissioner Reports:

Commissioner Krueger reported on his attendance at South Country Health Alliance Joint Powers Board meeting and open house celebrating their 20-year Anniversary, AMC Conference, Public Works meeting and Work Session.

Commissioner Abbe reported on his attendance at a Work Session, Special meeting, AMC Conference, Public Safety meeting and Work Session.

Commissioner Gnemi reported on his attendance at MnPrairie meetings, Drug Court meetings, Strategic Planning Session, Work Session, AMC Conference, Public Works Board meeting, Public Utilities meeting and Christmas Party.

Commissioner Glynn reported on his attendance at a SEMREX meeting, Fair Board meeting, Extension Committee meeting and Internal Central Services meeting.

Commissioner Brady reported on his attendance at an Extension meeting, Work Sessions, 911 meeting and SE Minnesota Emergency Communications Board meeting.

The Board of Commissioner's took a recess at 5:38 p.m. until 6:00 p.m.

The Public Hearing for the 2022 Tax Levy and Budget was called to order at 6:00 p.m.

The hearing was open for public comment.

There were two individuals who expressed concern over their valuations and tax increase.

Motion by Commissioner Glynn, seconded by Commissioner Gnemi to approve continuing the 2022 Budget/Levy Public Hearing to a special meeting on December 22, 2021 at 6:00 p.m. Ayes all.

LISTING OF BILLS 12/14/2021

Advanced Correctional Healthcare Inc	9,529.02
Central Farm Services	21,531.74
Central Square Technologies	13,500.00
City of Blooming Prairie	2,199.77
City of Owatonna	12,500.00
Corporate Recognition Inc	2,742.53
Counties Providing Technology	4,222.00
CRK Properties LLC	6,645.36
Crysteel Truck Equipment Inc	122,971.17
Curts Truck & Diesel Svc	3,692.85
Dakota County Financial Services	3,673.50
Dell Marketing LP	4,457.47
Four Seasons Centre	4,725.00
I & S Group Inc	5,548.25
ICS Consulting LLC	7,344.76
Johnson Hardware Company	2,550.00
Kronos Incorporated	3,516.51

L & L Street Rods & Sport Trucks	2,100.00
Noodle Soup Of Weingart Design	4,089.23
Owatonna Public Utilities	30,813.56
Rochon Corporation Minnesota	37,857.00
Short Elliott Hendrickson Inc	2,528.95
Steele County Highway Dept	58,607.74
Steele County Treasurer	6,358.25
Summit Food Services LLC	11,236.09
Vanguard Appraisals Inc	20,890.00
Waste Management of Wi-Mn	49,420.67
WHKS & Co	8,021.50
Wold Architects and Engineers	8,278.72
WSB & Associates Inc	11,127.00
131 Payments less than 2,000	<u>36,686.84</u>
Total:	519,365.48

Motion by Commissioner Gnemi, seconded by Commissioner Krueger to adjourn to the Call of the Chair at 6:20 p.m. Ayes all.

CHAIRMAN

ATTEST: _____
AUDITOR

preparing the layouts. The issues map on page 2 provides many of the key features that are to be considered including:

- Appropriate access and traffic control at all major intersections
- Farmland
- Maple Creek crossing
- Protected plant and animal species
- Railroad crossings

Task 9. Railroad Coordination

There are two railroad crossings on the project. One crossing is just east of CSAH 48, which is the current location that WSB is already coordinating.

The other crossing location is at County Road 180. WSB will lead the coordination with railroad representatives and discuss impact to the railroad and possible mitigation measures to avoid lengthy reviews. In addition to railroads, WSB will coordinate with the MnDOT railroad office to ensure necessary permitting is complete. Concepts will be shared such as grade separated alternatives and at grade options.

Task 10. Preliminary Design/Concept layouts

Andy Plowman, PE, with the support of Evan Schnitker, PE, will lead the development of the preliminary design drawing of concepts being considered, convey those concepts to the public and detail the design engineering for technical review. The design concepts developed will be completed to the level of detail necessary to identify right of way needs and construction limits, required bridge design, hydraulic recommendations, preliminary project cost estimate and other constraints in the corridor.

Task 11. Right of Way

WSB will develop limits for each alternative and estimate the right of way needs. This will be summarized in a matrix which will help compare options.

Task 12. Funding Sources

The WSB team will provide Steele County with preliminary cost estimates needed to complete a federal funding application. Additionally, WSB

will provide recommendations for other funding sources the county should consider. Given the size, expense, and **regional significance** of the East Side Corridor, it is likely that a variety of funding sources will make up the final funding package. We will identify potential funding sources, and as much as possible, identify potential competitive pursuits that may be sought for a portion of project funding. This will include traditional sources of transportation funding, as well as the recently passed national infrastructure bill. A funding plan technical memorandum will be prepared to document recommendations.



Task 13. Additional Tasks - Visualization

A 360-degree real-time visualization of the Owatonna East Side Corridor from SE 18th Street (CSAH 48), through the NE 26th Street (CSAH 34), and tie into Kenyon Road (CSAH 8), will be developed for Steele County by the WSB team. The direct benefit of the real-time visualization model will allow stakeholders and the public to experience the preliminary geometric layout, while changing the direction and elevation viewshed to view the model from any direction required. The roadway, bridge structures, topography, animated vehicular traffic, environmental impacts, along with permanent and temporary easements (where available) will be included within the model, out to a distance of 1,500 feet from the roadway centerline at daytime lighting conditions. As the model is being reviewed, a rendering of the view can be exported, and shared at any time as a standard *.JPEG file. The model can be viewed on a desktop, during public hearing(s) and/or meeting(s). A standalone project corridor visualization movie file (*.mov/*.mpg) will also be delivered to review the preliminary design from various viewsheds and utilized online or at subsequent meetings as Steele County sees fit.

IG

Ilkka, Gregory

To: sean.murphy@ci.owatonna.mn.us
Cc: Sponholz, Paul; Andrew Plowman



RE Steele County, MN Agreements
Outlook item



Reply

Reply All

Forward



...

Tue 9/12/2023 2:10 PM

From: Ilkka, Gregory <Gregory.Ilkka@SteeleCountyMN.gov>

Sent: Thursday, June 29, 2023 8:46 AM

To: Emily Atkinson <Emily_Atkinson@cpr.ca>

Subject: RE: Steele County, MN Agreements

Good morning Emily –

We're working with MnDOT to see if we can decouple our East Side Corridor project from this roundabout project and review the diagnostic.

In the meantime, have you had any luck finding another public agency agreement with the same indemnification language?

Thanks for your time!

Greg



Greg Ilkka, P.E. | County Engineer

100 County Road 10000, Suite D, Owatonna, MN 55060

Date: December 19, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: Environmental Assessment Worksheet – East Side Corridor

Formal Predetermination Comment

I am submitting this comment as an individual resident directly affected by the proposed East Side Corridor (ESC). I have participated in this process for more than three years and submit this comment to preserve the record regarding predetermination, procedural violations, and the legal insufficiency of the current Environmental Assessment Worksheet (EAW).

Predetermination Under MEPA

While the EAW public comment period remains open through December 31, 2025, the City of Owatonna adopted a Resolution of Support for the ESC on December 16, 2025. This resolution is not informational. It explicitly supports a single alignment, supports right-of-way acquisition, and commits the City to cost sharing and cooperative agreements. Approval can be watched here: https://youtu.be/BnxjqBn5vOM?si=FlApK_L0bliiVjD&t=2270 (37:50).

This action occurred after residents raised concerns regarding predetermination and MEPA compliance, which the City publicly acknowledged and entered into the public record prior to voting. The City nevertheless proceeded.

Minnesota Rules 4410.3100 prohibit governmental actions during environmental review that tend to determine subsequent development or limit alternatives or mitigation. Once commitments are made during an active EAW, environmental review can no longer fulfill its purpose of informing decisions before they are made.

Statements on the Record Demonstrating Predetermination

During deliberation, City officials made statements confirming that key decisions had already been made, including:

- The City Engineer stated that the City and County had been “*exploring via the ESC study ways to develop a north–south roadway closer to the currently **developed** and **developing** areas of Owatonna on the east side and have been doing so since 2021*,” despite the project not being made **public until July 21, 2022**.
- Council members stated that final mitigation designs related to traffic and noise had already been completed, despite impacted residents never being given an opportunity to review or comment on those designs.

- Council members described the **EAW as a non-binding exercise** and stated that mitigation would be addressed later, while acknowledging that alignment and design decisions had already been made and that the roadway would spur development.
- A council member stated on the record that he told residents from the beginning (**December 2022**) that **there would be a roadway in this location** and that advancing the project is the right thing to do.
- Multiple council members **acknowledged they would not want the project** if it were their own home and characterized the impacts to residents as affecting “a few” for the “greater good.”
- The Council President stated that the East Side Corridor is an **important project**, agreed with the preceding statements in support of the resolution, and expressed confidence in moving the project forward with mitigation **“as much as possible,”** despite acknowledging constraints on mitigation.

These statements confirm that the environmental review is being used to justify decisions already made, rather than to inform them, and that those decisions are being advanced in a manner that **prioritizes development objectives over avoidance of resident impacts.**

Environmental review under **MEPA and NEPA** does not permit a governmental unit to knowingly **subject a limited group of residents to significant, avoidable harm for generalized public benefit where feasible avoidance alternatives exist.** MEPA and NEPA exist to ensure that human activities are planned and carried out in a manner that allows people **to live in harmony with their environment.** Locating a roadway right-of-way as close as 17 feet from existing homes represents a severe and concentrated impact that fundamentally alters residential living conditions and **poses substantial risks to residents’ health, safety, and quality of life.**

Residents raised concerns regarding the resolution, impacts, and procedural compliance **at the earliest possible opportunity after the resolution became publicly known**, including during a public meeting on the record at approximately 1:16:50 of the following video:

<https://youtu.be/BnxjqBn5vOM?si=3jcVV7xW68TOEwWs&t=4610>

Cumulative Predetermination by Cooperating Governmental Units

Predetermination is not limited to the **City’s December 16, 2025** resolution. A Township resolution **dated May 13, 2025** also committed support to the same alignment and is referenced in the EAW as support for advancing that alignment.

When considered together, these actions demonstrate **cumulative commitments by cooperating governmental units prior to completion of environmental review.**

FHWA Direction and Federal Undertaking

The record reflects that on April 23, 2025, the then-Steele County Engineer sent an email to the City Engineer and City and County administrators relaying that **the Federal Highway Administration (FHWA) explicitly advised against local governmental units voting on or formally committing to a specific alignment during the environmental review process.**

Despite this explicit FHWA guidance, the City of Owatonna adopted a Resolution of Support on December 16, 2025 endorsing a specific alignment, right-of-way acquisition, and cost participation while the EAW comment period remains open. The **City Engineer recommended approval** of this action with knowledge that such commitments were discouraged by FHWA and while environmental review remained incomplete.

This project has also been designated a **federal undertaking**, subjecting it to NEPA and federal regulatory requirements. This **designation was not disclosed to residents during public outreach** or discussion of applicable mitigation standards, depriving residents of meaningful participation under the correct regulatory framework.

Legal Consequence

Because commitments to alignment, right-of-way acquisition, cost sharing, and reliance on mitigation have occurred during an active EAW, the current environmental review is legally deficient. The EAW cannot support a lawful Finding of No Significant Impact (FONSI). Under MEPA and NEPA, heightened review and corrective action are required.

Environmental review exists to inform decisions before commitments occur. That did not happen here.

Respectfully submitted,

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

RE: follow up with Owatonna - Message (HTML)

File Message Help Tell me what you want to do

Junk Delete Archive Reply Reply All Forward More Move OneNote Actions Mark Categorize Follow Unread Up Tags Editing Read Aloud Speech Translate Language Zoom

Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov> Fry, Renae; Kris M. Busse; Sean P. Murphy

RE: follow up with Owatonna

1 4/23/2025

Attached is what I put together for the township, but its way overkill, on purpose, to give them information that they can pick and choose from, or completely throw it out and start over.

I'm very hesitant to adopt any resolution at the county or city level until the EAW is completed, available to the public comment, etc. We've been instructed by FHWA and the State that there should be no vote on alternatives by any elected body until the environmental report process is completed.

I have updates from WSB on next steps. The state EAW is nearly complete and nearly ready for public meeting and comment, but it will depend how we want to proceed with noise impact studies. If we want to proceed with the noise study, a neighborhood meeting is due very soon. Sean Murphy and I suggest a meeting of the county and city engineers and administrators sometime soon to discuss options. See previous email on some possible times. Then perhaps take up with the Joint Transportation Committee for their feedback.

Paul Sponholz, P.E. | County Engineer
Steele County | PO Box 890, 3000 Hoffman Dr NW, Owatonna, MN 55060-0890
O: (507) 444-7671 | M: (507) 475-2253 | Paul.Sponholz@SteeleCountyMN.gov

From: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Sent: Wednesday, April 23, 2025 11:46 AM
To: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Subject: follow up with Owatonna

Kris and her team asked for a copy of what you gave to the township board as a proposed resolution. Troy and Greg really want to see all three communities adopting a resolution identifying the corridor so that we are no longer debating any options. They are all strongly pressing for a public info session even if we have nothing new to report. Even Greg commented that his neighbors are only hearing Matt and Melissa's version. The residents need to hear what we know and don't know. Would you work with WSB and the Owatonna engineer to set a date sooner rather than later and to put together some type of presentation?

Thanks

Renae

2:14 PM
12/9/2025

RESOLUTION
TOWN BOARD OF OWATONNA TOWNSHIP

WHEREAS, the Town and the City have annually adopted an orderly Annexation Agreement to provide land areas for the growth of the City and further, to provide for the protection of agricultural and other lands within the Township from urban and suburban development and to promote an organized framework for systematic annexation, and part of that agreement, the Township does not support non-farm use of the properties in the growth area, and

WHEREAS, the Preferred Alternative is largely in the defined growth areas and has less farmland impacts than the alternatives further east, and

WHEREAS, the Preferred Alternative keeps development from leapfrogging into non developed area and keeps development near existing city limits, and

WHEREAS, the Preferred Alignment best supports existing and near-term City development while preserving farmland further east, and

WHEREAS, the city dedicated land on the east side of the North County Additions 1, 2, and 3 plats preserving land for the route, and that land is already out of farmland production, further protecting additional farmland from being removed from production through other alternative routes, and

WHEREAS, Alternatives 4 and 5 presented in the environmental documents have greater farmland impacts, and would encourage development outside of the annexation agreement development areas.

NOW, THEREFORE, BE IT RESOLVED, the township does not support any other alternatives that impact farmland outside of orderly annexation agreement areas, or that do not use already-dedicated lands for the route.

BE IT FURTHER RESOLVED the Township requests that the County and City follow their previous significant planning efforts and agreements to preserve farmland and promote the orderly growth of the City.

BE IT FURTHER RESOLVED the Township supports the selection of the preferred alternative, identified as Alternative 3 as shown in the federal and state environmental documents, and commonly referred to as the 29th Avenue alignment.

ADOPTED 5-13-25, 2025.

OWATONNA TOWNSHIP BOARD
Steele County, Minnesota

By: Jerry Katzung
Chairman

ATTEST:

By: Leanne Elliott
Township Clerk

CERTIFICATION

I hereby certify that the above *is* a true and correct copy of a Resolution duly passed, adopted, and approved by the Owatonna Township Board on the 13th day of May, 2025.

Leanne Elliott
Township Clerk



DATE: December 16, 2025
TO: Mayor and City Council
FROM: Sean Murphy, Public Works Director
SUBJECT: Resolution 88-25: Resolution of Support - East Side Corridor

Purpose:

Requesting City Council approval of Resolution 88-25: Resolution of Support for the East Side Corridor.

Background:

Steele County and the City have been exploring, via the East Side Corridor Study, ways to develop a north-south roadway closer to the currently developed and developing areas of Owatonna since 2021. This came on the footsteps of a need for the route being identified in simultaneous, but separate transportation studies by the County and City. Steele County has taken the lead on the project and further studied alternative routes through an exhaustive Environmental Study. The County and City have engaged in multiple public engagement opportunities and considered public input. Ultimately, Alternative 3 was selected.

A Resolution of Support for the East Side Corridor **memorializes the City's partnership** of the project, which aligns with the City's Comprehensive Plan and follows the Orderly Annexation Agreement in place with Owatonna Township.

The City's partnership is critical for this project. The next steps will include support in project development and ultimately a cooperative agreement with Steele County.

Budget Impact:

There is no cost related to the approval of the resolution of support, but understand there will be future costs associated with the project if or when it moves forward.

Staff Recommendation:

Staff recommends approval.

Attachments:

1. Resolution 88-25: Resolution of Support - East Side Corridor

RESOLUTION NO. 88-25

RESOLUTION APPROVING MUNICIPAL SUPPORT FOR EAST SIDE CORRIDOR PROJECT

WHEREAS, Steele County has, through its Capital Improvement Plan (CIP), recommended an expansion project on the east side of Owatonna, known as the East Side Corridor, to alleviate downtown congestion, improve vehicle safety and increase multimodal transportation; and

WHEREAS, Steele County and the City have, through their separate and simultaneous 2040 Transportation Plans, recommended the addition of a north-south corridor on the east side of the Owatonna Municipal Boundary; and

WHEREAS, Steele County, in consultation with the City, commenced the East Side Corridor Study to further develop the north-south route and subsequently engaged in an extensive Environmental review process conforming to Federal Highway Administration (FHWA) and Minnesota State Rules beginning in 2022 to identify and evaluate corridor locations; and

WHEREAS, Steele County and the City, together with WSB, have engaged in community engagement as part of the study and preliminary design efforts intended to gather and consider public feedback for the proposed expansion; and

WHEREAS, Steele County received concurrence in fall of 2024 on the preferred corridor, Alternative 3, which is consistent with the location of the Steele County officially mapped corridor and is approximately 2.2 miles east of CSAH 1/Cedar Avenue/CSAH 45, with deviations north of CSAH 19 (Rose Street) and south of CR 180; and

WHEREAS, the project is consistent with the City's 2050 Comprehensive Plan; and

WHEREAS, the project conforms to the orderly annexation agreement in place between the City and Owatonna Township; and

WHEREAS, prior to advertising for contractor bids on the Project, Steele County will present the City with a Cooperative Agreement for the cost sharing of the improvements; and

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Owatonna supports the selected alternative, Alternative 3; and

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City Council of the City of Owatonna that the City of Owatonna supports the County continuing with the development of final plans and right-of-way acquisition necessary for the construction of the Project; and

Passed and adopted this _____ day of _____ 2025, with the following vote:

Aye _____; No _____; Absent _____.

Approved and signed this _____ day of _____, 2025.

Matthew T. Jessop, Mayor

ATTEST:

Jenna L. Tuma, City Administrator/City Clerk

Fwd: Here's a copy of my comments

To: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Sat, Dec 20, 2025 at 12:43 PM

----- Forwarded message -----

Date: Thu, Dec 18, 2025, 1:17 PM

Dear Mr Gaines,

I have grave concerns regarding how this project has proceeded.

First of all, it makes much more sense to restore 34th to a thru road as it was platted and designed. And that would be to build the # 3 choice aka 29th st. Which has significant impacts to neighborhoods & farms in Steele county.

As I've been following this project over the years, there seems to be a continued lack of respect towards the citizens to which this project affects the most. The residents whose properties are adjacent to the planned roadway, and to the citizens who are taxed for this project.

It doesn't take that more time, to make sure that the 'i' is dotted and the t's are crossed.

In this case, to make sure that the right noise studies are presented. That the eaw are complete before open houses. That if there is a township agreement, that it's available for review. That representatives of neighborhoods affected would also be allowed to attend meetings such as joint transportation committee. So they could discuss concerns with their representatives afterwards. And certainly that no government authority votes and signs off on this before the eaw processes / comment period is finished.

As well as having all information presented, available. Without roadblocks over simple data requests. That's just silly. It puts projects behind. And it erodes public trust. It erodes my trust in you over any future project. I realize your new to the job here. And it's not fair to you. But I'm being honest in how I feel, what I'm seeing.

To me, a lay person, a person paying for this project with their taxes. It seems like this road. The east side corridor on 29th was created to benefit speculative developers, rather than the current community it should serve.

I don't have an issue with anyone earning a living, or investing for their future. I do have an issue with, a big issue if they are using my money to build their business. In this case with my tax dollars.

A designated destination is just that.

Other versions of an esc routes serve as a north south route just as well, without the impact on existing neighborhoods. And a restoration of 34th preserves farms as well.

The noise study needs to be presented to the residents affected, as well as the elected officials. In fact the noise study shows that more homes than those right on the proposed 29th st / # 3 are affected. As well as farmland. To be fair to those other households, they need to be brought into the conversation. If that means door knocking, so be it.

I believe this project now needs an EIS. I need to feel that this project is thoughtfully proceeding. And not ramrodded thru.

It's not fair to the elected officials, not to have all of the facts (noise studies for example). They represent us, the citizens. Without transparency it appears that everyone is working for a future development / developer. Rather than a current traffic need.

That the Owatonna city council voted on a resolution of support before the eaw processes / public comment period is finished grieves me. It grieves me personally. I advocated for ADA laws. Because of my dyslexia, it takes me a crazy amount of time to string a sentence together, much less a letter. That vote invalidates what I have to say. I'm not asking for extra time for my response, as I could with ADA. But if civil engineers take great care to abide by the letter of the law

in regards to ADA compliance for example for such things as sidewalks. then too you much look at the spirt of the law , and how it affects things like a persons voice in the process. I need every one of these days allowed to form a coherent and thoughtful response. This vote is showing me that minds were made up long before the process started.

Predetermination .

No idea , why the Owatonna city engineer asked the city council of Owatonna to vote on a resolution before the e a w public comment closed. But because your the desk where the buck stops ... the responsible government authority. You're the one who has to deal with it. I have no idea how to unringing that bell. All I know it it will cause more frustration , anger , angst ; more money , time , resources .

When to me a layperson.

Communication and inclusion was always key.

When to me , a layperson . Restoration of 34th is the simple solution.

The elegant solution ...

Thank you so much for your time and consideration in this matter.

G [REDACTED] J [REDACTED].

Date: December 19, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: Environmental Assessment Worksheet – East Side Corridor

Denial of Meaningful Access to Public Data

I submit this comment as an individual resident directly affected by the proposed East Side Corridor (ESC). I have participated in this project process for multiple years and submit this comment to preserve the record regarding the denial of meaningful access to public data during the EAW process, in violation of MEPA and NEPA.

For years, I and other residents have repeatedly requested project-related public data necessary to understand and evaluate the ESC, including traffic, noise, environmental, and engineering analyses. Access to this data has been persistently delayed, restricted, or denied.

Most critically, while the County had possession of public data provided for inspection, more than 1,800 records disappeared, including records I relied upon to prepare comments for this EAW comment period. In addition, the County removed the basic software required to access the data in its native format and subsequently converted portions of the data into unusable formats that stripped metadata and other information necessary for review and verification. As a result, I do not have meaningful access to the underlying project data and have been unable to review or analyze information necessary to provide informed comments on the EAW.

I proceeded **pro se**, with a neighbor, in a contested case regarding these data access failures and substantially prevailed. The Administrative Law Judge found that the County violated the Minnesota Government Data Practices Act, imposed the **maximum civil penalty**, court costs, and ordered compliance. The Judge explicitly recognized that the County's conduct prevented meaningful public participation.

That Order is attached as Exhibit A.

Despite this ruling—and while the consequences of the County's data practices violations remained unresolved—the County opened the EAW public comment period knowing that myself and East Side Corridor Residents lacked access to essential project data. This timing deprived me of the ability to meaningfully participate in the environmental review, contrary to MEPA and NEPA requirements for early and continuous public participation.

An environmental review process cannot satisfy MEPA or NEPA when members of the public are denied access to underlying data due to missing records, inaccessible formats, and the removal of necessary software. Proceeding with an EAW under these circumstances renders public participation illusory and undermines the integrity of the environmental record.

In addition, the EAW omits or fails to include vital information that residents have long requested, including noise-related analyses. The continued withholding or omission of this

Denial of Meaningful Access to Public Data

EAW Comment #6

information constitutes suppression of material facts and violates MEPA and NEPA disclosure requirements.

Because I have been denied meaningful access to public data—confirmed through formal adjudication—the current EAW is procedurally deficient and cannot support any lawful environmental determination. The Responsible Governmental Unit must restore full access to all project-related public data in usable, native formats with appropriate software and provide adequate time for review before relying on the EAW for any decision.

Attachment:

Exhibit A – Office of Administrative Hearings Order (Final)

Respectfully submitted,

M [REDACTED] Z [REDACTED]

[REDACTED]
Owatonna, MN

Directly impacted resident

November 24, 2025

VIA EMAIL ONLY

Matt Sennott
[REDACTED]

Owatonna, MN 55060

owatonnaeastsidecorridor@gmail.com

VIA EMAIL ONLY

Mary Haasl
Margaret A. Skelton
Ratwik, Roszak & Maloney, P.A.
444 Cedar St Suite 2100
Saint Paul, MN 55101
mmh@ratwiklaw.com;
mas@ratwiklaw.com

VIA EMAIL ONLY

Melissa Zimmerman
[REDACTED]

Owatonna, MN 55060

owatonnaeastsidecorridor@gmail.com

VIA EMAIL ONLY

Robert J. Jarrett
Steele County Attorney's Office
303 S Cedar Ave
Owatonna, MN 55060
scao@steelecountymn.gov

Re: *In the Matter of Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman vs Steele County*
CAH 22-0305-40882

Dear Parties:

Enclosed and served upon you please find the **FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER** in the above-entitled matter. The Court of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7970, cara.hunter@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,


CARA HUNTER
Legal Assistant

Enclosure

cc: Docket Coordinator
Tamar Gronvall

STATE OF MINNESOTA
COURT OF ADMINISTRATIVE HEARINGS

In the Matter of Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman vs. Steele County

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
AND ORDER**

This matter came before Administrative Law Judge Christa L. Moseng for a hearing on October 10, and 17, 2025. The first day of the hearing took place remotely and exclusively involved procedural matters. The second day of the hearing took place at the Steele County Administration Building, 630 Florence Avenue, Owatonna, Minnesota. Both parties filed written closing arguments on November 7, 2025, at which time the hearing record closed.

Owatonna East Side Corridor Residents c/o Matt Sennott & Melissa Zimmerman (Complainants) appeared on their own behalf and without counsel. Mary Haasl and Margaret Skelton, Ratwik, Roszak & Maloney, P.A., appeared on behalf of Steele County (Respondent or County).

On May 30, 2025, Complainants filed a Data Practices Complaint (Complaint) with the Court of Administrative Hearings alleging that the County violated the Minnesota Government Data Practices Act (MGDPA or Act).¹ On June 3, 2025, the undersigned issued an order requiring Complainants to file an amended version of the large exhibit attachment to the Complaint limited to MGDPA claims, serve a copy on the County, and stayed the County's response deadline until the amended attachment were served on the County.²

Complainants filed amended attachments to the Complaint on June 17, 2025.³ Complainant served the MGDPA Complaint and amended supporting evidence on the County on July 16, 2025.⁴ The County filed a request for an extension of their response deadline on July 25, 2025.⁵ The Judge granted the County an extension of seven days for its response, and the County timely filed an Answer to the Complaint on August 15, 2025.⁶

¹ Minn. Stat. §§ 13.01-.99 (2024).

² Order Ensuring Expedited Service of Complaint Under Minn. Stat. § 13.085, subd. 2(d) (Jun. 3, 2025) (a more detailed discussion of the procedural posture is included in the attached Memorandum).

³ Complaint and amended supporting evidence (June 17, 2025).

⁴ Complainant Affidavit of Service (Jul. 18, 2025).

⁵ Motion to Extend Deadline to File a Response (Jul. 25, 2025).

⁶ Order Granting Extension for Time to File a Response (Aug. 1, 2025); Notice of Motion and Motion to Dismiss (Aug. 15, 2025).

On September 15, 2025, the Judge determined that Complainant's claims against Respondent for violations of Minn. Stat. § 13.03, subd. 2(a) and 3 were supported by probable cause and would proceed to a hearing.⁷

Complainant's exhibits 1-44 were received into evidence. Respondent's exhibit marked 100, with attachments marked 100A-100K, was received into evidence.

STATEMENT OF THE ISSUES

1. Did Respondent violate Minn. Stat. § 13.03, subd. 3, by charging a fee in response to a request to inspect public government data?
2. Did Respondent violate Minn. Stat. 13.03, subd. 2(a) by failing to put in place procedures that ensured prompt and appropriate responses to requests for public data?
3. If so, what remedy is appropriate to address the violation(s)?

SUMMARY OF CONCLUSIONS

Respondent violated Minn. Stat. § 13.03, subd. 3 by informing Complainants, who requested access to government data for purposes of inspection only, that payment of a \$0.25 fee for any photographs taken of the data was required. The County admitted it violated the MGDPA and has remedied the violation by eliminating this procedure.

Respondent's procedure of addressing multiple requests for government data from a single requestor exclusively in the order in which those requests were received violated Minn. Stat. § 13.03, subd. 2(a), because it resulted in responses to requests that were not prompt, as required by statute. The County has remedied this by moving to a more flexible procedure that allows smaller data requests to be handled more rapidly.

Respondent's procedure for responding to requests submitted to the Responsible Authority resulted in multiple inappropriate responses to data requests in violation of Minn. Stat. § 13.03, subd. 2(a).

Based on the record and pursuant to Minn. Stat. §§ 13.085, subd. 5(a)(3) and (b), a \$300 civil penalty is assessed against the County.

The Complainants have substantially prevailed in this matter. Under Minn. Stat. § 13.085, subd. 6(c), \$950 of their original filing fee will be refunded and the County will be billed for the Court's costs in conducting this matter, up to a maximum of \$1000.⁸

Based on the evidence in the hearing record, the Judge makes the following:

⁷ Notice of Probable Cause Determination and Order for Prehearing Conference (Sep. 19, 2025).

⁸ Minn. Stat. § 13.085, subd. 6(c).

FINDINGS OF FACT

I. Background

1. Steele County is located in Southeastern Minnesota and contains both the City of Owatonna and Owatonna Township within its borders.⁹ The County is involved in an ongoing infrastructure project known as the East Side Corridor Project (ESC Project or Project).¹⁰

2. The goal of the ESC Project is to build a new road along the eastern edge of the City of Owatonna, largely within Owatonna Township.¹¹ The project aims to reroute traffic out of the city center and onto this new road.¹²

3. Residents who live near the proposed location of the new road have organized to advocate and provide input regarding the ESC Project.¹³

4. Complainants made multiple requests to the County for government data in connection with the ESC Project under the MGDPA.¹⁴

5. Robert Jarrett (County Attorney Jarrett) is the County Attorney in Steele County, the Responsible Authority for the County under the MGDPA, and the County's Data Practices Compliance Officer.¹⁵ Renae Fry (County Administrator Fry) is the Steele County Administrator and is the formal Designee under the MGDPA for the County's Administration department.¹⁶

6. The County's MGDPA procedures and guidelines were formally updated by the Steele County Board on August 12, 2025.¹⁷ Prior to that, the last update to the MGDPA procedures and guidelines took place on August 1, 2019.¹⁸ The MGDPA procedures and guidelines form an "overarching policy" for data practices in Steele County.¹⁹

⁹ See Steele County Demographics and Geography, https://www.steelecountymn.gov/visitors/about_steele_county/facts_and_figures.php (last visited Nov. 17, 2025).

¹⁰ See Exhibit (Ex.) 9.

¹¹ Ex. 13 at ESC-67.

¹² Ex. 43 (Showing a local news report discussing the overall purpose of the East Side Corridor Project as well as responses from the public to it.).

¹³ See Ex. 45; and Complaint at 3 (May 30, 2025) (The two named Complainants, Matt Sennott and Melissa Zimmerman "are representing a group of 60 (i.e. East Side Corridor Residents) residents and 500+ petition signers who support our cause of getting access to public data via our data request(s).").

¹⁴ See, e.g. Steele County's Post-Hearing Brief at 1 (Nov. 7, 2025) ("Steele County ("County") received eleven data requests and one preservation request under the Minnesota Government Data Practices Act ("MGDPA") from Complainants Matt Sennott, Melissa Zimmerman, and the Owatonna East Side Corridor Residents (hereinafter, "Complainants") from October 2024 through July 2025.").

¹⁵ Ex. 100A at 33; Ex. 37 at ESC-278.

¹⁶ Ex. 100A at 33; Ex. 37 at ESC-278.

¹⁷ Test. Fry; Ex. 38 at ESC-244.

¹⁸ Ex. 100B; Ex. 37 at ESC-196.

¹⁹ Testimony of Renae Fry (Test. Fry).

7. Under the August 12, 2025 procedures, data requests made to the County are first routed to County Administrator Fry, who determines whether they can be answered solely with public-facing or other easily accessible data, or if further work with specific departments or staff will be necessary.²⁰ If a request involves only easily accessible or public facing documents, County Administrator Fry can often complete the request entirely on her own.²¹

8. More complicated requests, on the other hand, require coordinating with other departments, in particular the information technology (IT) Department.²² The County Attorney's office is also involved in reviewing data requests to ensure coordinated, uniform responses and to review for private or otherwise non-public data.²³

9. Currently, the IT Department employs four people, though one is assigned full-time to supporting the MNPrairie Human Services organization.²⁴ The County IT Department is involved in data requests because the County uses Microsoft Onedrive for backups of its government data.²⁵

10. Onedrive is a "cloud-based storage tool" used to create a backup of "anything that is generated electronically within the county."²⁶ Every County employee has an account on Onedrive. This results in a massive database, but access to that data is limited such that each employee can access only the data needed for their work.²⁷ In order to search for government data across multiple, or all, individual accounts, assistance from the IT Department is required.²⁸

11. The IT Department is able to perform keyword searches in order to create a pool of possibly-responsive data for a given data request.²⁹ This data must then be reviewed by County Administrator Fry or the County Attorney's office in order to ascertain (1) whether it is, in fact, responsive to the request in question and (2) whether it contains any data that cannot be provided under law.³⁰

12. The County's policy was to require a fee of \$.25 for every copy of a document a requester made, including creating the copy with their own camera.³¹³²

²⁰ Test. Fry.

²¹ Test. Fry.

²² Test. Fry.

²³ Test. Fry.

²⁴ Test. Fry.

²⁵ Test. Fry.

²⁶ Test. Fry.

²⁷ Test. Fry.

²⁸ Test. Fry.

²⁹ Test. Fry.

³⁰ Test. Fry.

³¹ The County admitted that telling requestors it would charge a fee for taking photographs of government data violated Minn. Stat. § 13.03, subd. 3.

³² Also see Steele County's Post-Hearing Brief at 3 (discussing the fact that the County had already conceded the violation on this issue).

II. Requests for Data and Responses at Issue

A. ESC Communications Request

13. On October 25, 2024, Complainants requested from the County the following data:

Any and all email correspondence since 2019 related in any way to the East Side Corridor (ESC) Project, 29th Ave, East Beltline study, and infrastructure on the E. Side of Owatonna, going to, from and between:

- County commissioners
- County staff
- City council members
- City staff
- 3rd parties (including but not limited to WSB)
- To and from any of the above and members of the public

In addition, please provide any and all documents, studies, and information related to the East Side Corridor (ESC) project, 29th Ave, East Beltline study, and infrastructure on the E. Side of Owatonna *not currently (as of today) on the public-facing county website: <https://eastsidecorridor-wsbeng.hub.arcgis.com/>*

This would include but is not limited to information used in determining the purpose and need for the East Side Corridor, 29th Ave East beltline study and infrastructure on the E. Side of Owatonna. Also, any information and documentation related to commercial developments in the area of the proposed East Side Corridor “preferred route” and “study area”. This also includes any and all email correspondents[sic] between City and county officials, staff and third parties.³³

14. Initial responses to this request from the County estimated that it “will likely need several weeks to assemble everything.”³⁴ As a result, the parties organized that the October 25, 2024, data request would have rolling partial responses from the County, based on priorities set by the Complainants.³⁵

15. The IT Department’s initial searches for relevant data generated over 7600 items that required further review.³⁶ As of the October 2025 hearing dates, just over a year after the October 25, 2024 data request, rolling partial releases of responsive data

³³ Ex. 1 at ESC-1 - ESC-2.

³⁴ Ex. 27 at ESC-167.

³⁵ See Exs. 26-27.

³⁶ Ex. 26 at ESC-158.

by the County continue.³⁷ To date three releases of data have been completed by the Respondent.³⁸

16. There has been conflict and confusion between the parties over multiple aspects of these reviews. These issues have included technical issues with the computers and software used to review the data and conflict over scheduling, availability, and locations for the reviews.³⁹

17. These issues have stemmed from factors outside of either parties' control – such as technical issues with software or computers – or from confusion or miscommunication regarding dates, times, and places.⁴⁰

B. Engineering Service Proposals Data Request

18. On January 13, 2025, Complainants requested:

copies of the professional engineering service proposals for the East Side Corridor. These proposals should have been included in the commissioners' board meetings packet which is available online for the 12/14/2021 meeting, as is standard for all other projects. However, they appear to be missing.⁴¹

19. On January 16, 2025, County Attorney Jarrett informed Complainants that their request was ready to be picked up at the County Attorney's Office or via electronic delivery, and that the cost of the copies would be \$12.50 for 50 pages total.⁴²

20. Complainants paid the County \$12.50 on January 22, 2025.⁴³

C. Joint Transportation Committee Request

21. On January 31, 2025, Complainant Melissa Zimmerman emailed County Administrator Fry stating that she was "looking for the meeting minutes from the Joint Transportation Committee meeting referenced in the board meeting minutes."⁴⁴ After determining that County Administrator Fry was out of the office until February 10, 2025, and contacting another County staff member, her email was forwarded to County Attorney Jarrett.⁴⁵

³⁷ Test. Fry.

³⁸ Test. Fry.

³⁹ Testimony of Melissa Zimmerman (Test. Zimmerman); Testimony of Matthew Sennott (Test. Sennott); Test. Fry; See generally Exs. 26-28 (showing a large number of emails between the parties attempting to negotiate and coordinate the timelines and data inspections involved in this request).

⁴⁰ Test. Zimmerman; Test. Sennott; Test. Fry.

⁴¹ Ex. 2 at ESC-7.

⁴² Ex. 2 at ESC-8 – ESC-9.

⁴³ Ex. 100H.

⁴⁴ Ex. 3 at ESC-14; Ex. 100C.

⁴⁵ Ex. 3 at ESC-12-13; Ex. 100C.

22. On February 4, 2025, County Attorney Jarrett replied stating in relevant part that 1) “[f]rom this point forward, please direct any requests for documents/questions regarding the East Side Corridor to only myself and [County Administrator]. Fry. We will track the requests, provide data in the order it was requested, and in compliance with the Chapter 13 Government Data Practices Act” and 2) “Related to your request below for ‘Joint Transportation Committee’ minutes, Steele County does not maintain those minutes, so therefore does not have the minutes to provide you.”⁴⁶

23. On March 31, 2025, Complainant Zimmerman sent the County a second data request relating to the “Joint Transportation Committee.”⁴⁷ The form stated:

I am requesting any and all information regarding the Joint Transportation Committee including but not limited to:

When was it created?

Why was it created?

Who created it?

What is its purpose?

What are the by-laws or operating procedures?

How many members?

Member names and terms?

When does it meet?

Attendance Information?

What projects and initiatives has it worked on?

Financial information and budget impacts?

Committee’s charter or purpose and any amendments?

Minutes, Agendas, Files, Accounts, and any other documents that a governmental body is required to maintain?

And any other information that may pertain[sic] to the Joint Transportation Committee.⁴⁸

24. On April 1, 2025, County Attorney Jarrett replied by email, stating: “This is not a data request. Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act (MGDPA), requires government entities to allow the public to view or obtain copies of government data. Chapter 13 does not require government entities to answer specific questions, to create data, or to reorganize data into a particular format in order to answer questions. This request will be closed.”⁴⁹

25. On April 2, 2025, Complainant Zimmerman sent the County another data request form that was identical to the March 31, 2025, request, except all question marks had been deleted.⁵⁰

⁴⁶ Ex. 3 at ESC-12; Ex. 100C.

⁴⁷ Ex. 3; Ex. 100D.

⁴⁸ Ex. 3; Ex. 100D.

⁴⁹ Ex. 100E

⁵⁰ Compare Ex. 5 at ESC-17 – ESC-18 with Ex. 3 at ESC-10 – ESC-11.

26. On April 8, 2025, County Administrator Fry observed Complainant Zimmerman in conversation with County Commissioner Krueger.⁵¹ County Administrator Fry heard Commissioner Krueger explain to Complainant Zimmerman that the Joint Transportation Committee was “not a body of Steele County, it is not a committee where there is a quorum present of either Steele County Board members or City of Owatonna City Council members.”⁵²

27. On April 10, 2025, and April 14, 2025, Complainant Zimmerman followed up with County Attorney Jarrett by email, requesting confirmation of receipt or updates regarding the April 2, 2025 data request.⁵³

28. On April 18, 2025, Complainant Zimmerman sent a third copy of the data request to both the County and the Administrator of the City of Owatonna. It was identical to the April 2, 2024, request, and the form explicitly noted that it was a resubmission of the prior request.⁵⁴

29. County Attorney Jarrett did not reply to any of Complainant Zimmerman’s follow up emails because he did not believe they were proper data requests, but rather sought answers to questions. Moreover, Jarrett “had already informed Complainant Zimmerman that the County did not maintain data on the Joint Transportation Committee.”⁵⁵

D. Noise Studies Data Request

30. On April 2, 2025, Complainant Zimmerman sent another request for data to the County, stating:

I am requesting copies for inspection of all noise studies conducted for the East Side Corridor (ESC) project that were initiated on or after January 1, 2020. This includes, but is not limited to, initial assessments, updated analyses, modeling data, and any related reports or documentation. Please provide both draft and final versions, along with any supporting materials used in these studies.⁵⁶

31. Complainant Zimmerman followed up on the request with County Attorney Jarrett by email on April 10, and April 14, 2025.⁵⁷

⁵¹ Test. Fry.

⁵² Test. Fry.

⁵³ Ex. 5 at ESC-19 – ESC-20.

⁵⁴ Ex. 100D; Test. Fry (identifying the City of Owatonna official who received the data request).

⁵⁵ Ex. 100 at 5.

⁵⁶ Ex. 100F; Ex. 6 at ESC-22.

⁵⁷ Ex. 100G; Ex. 6 at ESC-23 – ESC-24.

32. The County looked for responsive data by having Paul Sponholtz, a county engineer who was familiar with the East Side Corridor Project, search through emails and records.⁵⁸

33. On April 18, 2025, County Attorney Jarrett replied that “[t]he county does not have any studies or documents related to a noise study for the east side corridor at this time. Since no such data exists at this time, this data request will be closed.”⁵⁹

34. Complainant Zimmerman responded by email noting that public statements about relevant noise studies had been made by the County in the past and requesting further review for relevant data.⁶⁰ The County provided no response to the follow up email.⁶¹

E. Transfer of Federal Funds Request

35. On April 9, 2025, Complainants sent a data request to the County requesting to inspect:

Any and all information relating to the transfer of federal funds from the ESC to the Main St Project. This includes all documentation, emails, written correspondence, text messages, government records, audio or video recordings, and any other data related to the transfer of these funds. Person of correspondence may include but are not limited to ATP members, Paul Sponholtz, Sean Murphy, and County Commissioner, City council, County Administrator, and City Administrator.⁶²

36. On April 10, 2025, at 7:41 a.m., County Attorney Jarrett replied via email saying “Received. We begin this following the general ESC requests which is still pending. I suspect it will be several months, likely this fall, before it is ready.”⁶³

37. At 8:24 a.m. on that same day, County Attorney Jarrett mistakenly sent a second email to Zimmerman. The email was regarding a different data request, and so indicated to Zimmerman that Jarrett had changed his mind on the request for data on the transfer of federal funds. The message stated:

Ms. Zimmerman, This is not a data request as it is vague and calls for answers to questions. Minnesota Statutes Chapter 13, the Minnesota Government Data Practices Act (MGDPA), requires government entities to allow the public to view or obtain copies of government data. Chapter 13 does not require government entities to answer specific questions, to create

⁵⁸ Test. Fry.

⁵⁹ Ex. 100G; Ex. 6 at ESC-23.

⁶⁰ Ex. 6 at ESC-23.

⁶¹ Ex. 100 at 6.

⁶² Ex. 7 at ESC-25; Ex. 100I.

⁶³ Ex. 7 at ESC-31; Ex. 100J.

data, or to reorganized data into a particular format in order to answer questions.⁶⁴

County Administrator Fry was included as a recipient on this email.⁶⁵

38. Ms. Zimmerman replied to the second email at 8:53 a.m., stating “No, this is absolutely not vague, and there is no ambiguity whatsoever in this request. Just moments ago, you confirmed it was accepted – what changed? This data request is detailed, precise, and explicitly cites the applicable law. You are required to cite the exact provision of Minnesota Chapter 13 that you claim this request fails to meet.”⁶⁶ Neither this email nor a second follow up about this data request sent on April 14, 2025, received a reply.⁶⁷

39. County Attorney Jarrett did not realize the mistake had been made until a meeting with the County’s representation in this case shortly before the hearing.⁶⁸

40. The County has not provided the data requested to the Complainants.⁶⁹

F. County Codes and Policies Data Request

41. On May 6, 2025, Complainants sent the County a data request form requesting inspection of:

1. Any current Code of Conduct applicable to county officials, employees, or board/commission members.
2. Any adopted Code of Ethics governing the actions and responsibilities of county personnel or officials.
3. Steele County’s Conflict of Interest Policy for elected officials, employees, and appointed representatives.⁷⁰

It also stated that “If these documents are already available online, a link to them would be appreciated. Otherwise please provide electronic copies.”⁷¹

42. On May 8, 2025, County Attorney Jarrett replied by email stating “[r]eceived. This will be added to the current list of requests made by your group. Estimated this fall/winter.”⁷²

⁶⁴ Ex. 7 at ESC-33.

⁶⁵ Ex. 7 at ESC-33.

⁶⁶ Ex. 7 at ESC-32.

⁶⁷ Ex. 7 at ESC-32;

⁶⁸ Test. Fry.

⁶⁹ Test. Fry.

⁷⁰ Ex. 11 at ESC-50.

⁷¹ Ex. 11 at ESC-50.

⁷² Ex. 11 at ESC-55.

43. On September 30, 2025, County Attorney Jarrett replied again by email, with several attachments. Jarrett stated that the attachments to his email were the County's full reply to the request, and that it would now be closed.⁷³ No charge was assessed for the digital copies.⁷⁴

G. Communications with Township Data Request

44. Complainants sent another data request to the County on May 6, 2025.⁷⁵ This request was for:

Any and all correspondence, meeting notes, emails, letters, or other communications between Steele County and any township or township officials regarding the East Side Corridor (ESC) project or related annexation matters. This includes, but is not limited to:

- Objections or concerns raised by township representatives
- Records of township approvals, statements of support, or formal positions
- Internal or external memos discussing township responses
- Any documentation regarding the orderly annexation agreement, including discussions related to specific parcels
- Documentation and notes from any meetings occurring with the township

The timeframe for this request is from January 1, 2021, to the present. Please advise if these records are available electronically or if any estimated costs would apply for physical copies. I am willing to clarify or narrow the scope as needed to facilitate a prompt response.⁷⁶

45. On May 8, 2025, County Attorney Jarrett emailed: "Received. This will be added to the current list of requests made by your group. Estimated this fall/winter."⁷⁷

46. The County has not provided the data requested to Complainants.⁷⁸

H. Truck Traffic Data Request

47. On May 29, 2025, Complainants sent a data request to the County requesting:

1. Any and all traffic studies, reports, or raw traffic count data for Shady Avenue and Crestview Lane NE, with a particular focus on truck

⁷³ Ex. 11 at ESC-56 – ESC-57; Ex. 100K.

⁷⁴ *Id.*

⁷⁵ Ex. 12.

⁷⁶ Ex. 12 at ESC-58 – ESC-59.

⁷⁷ Ex. 12 at ESC-63;

⁷⁸ Test. Fry.

traffic volumes (e.g. counts, classifications, or percentages of heavy vehicles) currently using these roads. Please include the most recent data available, as well as historical data if relevant for comparison.

2. Any projections, Impact analyses, or modeling related to the East Side Corridor (ESC) that estimate or forecast how truck traffic on Shady Ave and Crestview Ln NE would be reduced or diverted if the ESC is built. This includes traffic modelling results, assumptions used, summary tables, and visualizations or GIS data if available.
3. If no such analysis exists regarding projected truck traffic reduction due to the ESC on these roads, please provide documentation showing that the roads were considered (or not considered) in the ESC traffic impact modeling.⁷⁹

48. County Attorney Jarrett confirmed receipt via email on the same day, stating "We received the data request. We have several ESC requests pending, so this will be added to the pending requests. If the data exists, it will not be completed until this fall due to current volume of requests."⁸⁰

49. On June 10, 2025, County Attorney Jarrett sent Complainants a full response to the May 29, 2025, data request, which said:

We do not have any documentation related to this data request. As such, the request will be closed.

A response from Paul:

All we have is staff recollection of numerous phone calls of complaints over the years, and comments received from the public during the East Side Corridor public meetings. Also, I reviewed the state traffic counts, they don't show anything on their website traffic mapping application.

Paul Sponholtz, P.E. | County Engineer.⁸¹

50. Any Conclusion of Law more properly designated as a Finding of Fact is incorporated herein.

51. Any portion of the accompanying Memorandum that is more properly considered a Finding of Fact is incorporated herein.

Based on these Findings of Fact, the Judge makes the following:

⁷⁹ Ex. 15 at ESC-76.

⁸⁰ Ex. 15 at ESC-82.

⁸¹ Ex. 15 at ESC-81.

CONCLUSIONS OF LAW

1. Minn. Stat. § 13.085 authorizes the Administrative Law Judge to consider this matter and determine whether a violation of the MGDPA⁸² occurred.

2. The Court of Administrative Hearings has complied with all procedural requirements under Minn. Stat. § 13.085. Both parties had proper notice of the hearing and an opportunity to be heard.

3. The decision record comprises all evidence and argument submitted until the hearing record closed.⁸³

4. Requests for data and associated responses that took place after the Complaint was filed in this matter are beyond the scope of these proceedings.⁸⁴

5. The MGDPA “regulates the collection, creation, storage, maintenance, dissemination, and access to government data in government entities.”⁸⁵

6. “Government data” means “all data collected, created, received, maintained or disseminated by any government entity regardless of its physical form, storage media or conditions of use.”⁸⁶

7. Respondent is a “government entity” subject to the requirements of the MGDPA.⁸⁷

8. The MGDPA provides that all government data collected, created, or maintained by a government entity shall be public unless classified by statute or federal law as nonpublic or protected nonpublic, or with respect to data on individuals, as private or confidential.⁸⁸

9. A “responsible authority” is a designated individual within a government entity responsible for the collection, use, and dissemination of government data.⁸⁹ A “designee” is “any person designated by a responsible authority to be in charge of individual files or systems containing government data and to receive and comply with requests for government data.”⁹⁰

10. Government entities and their responsible authority have an obligation to regularly update their written data access policies “no later than August 1 of each year,

⁸² Minn. Stat. §§ 13.01–.991.

⁸³ Minn. Stat. § 13.085, subd. 4(b).

⁸⁴ Minn. Stat. § 13.085, subd. 5(a) (limiting the Judge’s final determination following an evidentiary hearing to violations “alleged in the complaint.”).

⁸⁵ Minn. Stat. § 13.01, subd. 3.

⁸⁶ Minn. Stat. § 13.02, subd. 7.

⁸⁷ Minn. Stat. §§ 13.01, subd. 1, .02, subd. 7a.

⁸⁸ Minn. Stat. § 13.03, subd. 1.

⁸⁹ Minn. Stat. § 13.02, subd. 16.

⁹⁰ Minn. Stat. § 13.02, subd. 6.

and at any other time as necessary to reflect changes in personnel, procedures, or other circumstances that impact the public's ability to access data.”⁹¹

11. Upon request, a responsible authority or designee shall permit a person to inspect and copy public government data at reasonable times and places. If access to public data is requested for purposes of inspection the responsible authority cannot assess a charge or fee for that inspection.⁹²

12. The responsible authority in every government entity “shall establish procedures . . . to insure that requests for government data are received and complied with in an appropriate and prompt manner.”⁹³

13. In responding to requests for data, “when the procedures are followed and the requested data are not made available appropriately or promptly, the ‘established procedures’ do not *insure* that government data are properly available.”⁹⁴ A single inappropriate or not prompt response is sufficient to support a violation of the MGDPA.⁹⁵

14. Complainants bear the burden of proof to establish by a preponderance of the evidence that Respondent violated the MGDPA.⁹⁶

15. The County’s procedure of charging an individual who requested access to public data for purposes of inspection a fee should the individual take any photos of the data violated Minn. Stat. § 13.03, subd. 2(a).

16. The County’s procedure of addressing requests for government data exclusively in the order in which they were received resulted in responses to the Complainants’ requests for public data to not be promptly and appropriately complied with, in violation of Minn. Stat. § 13.03, subd. 2(a).

17. The County provided Complainants with inappropriate responses to requests for government data in violation of Minn. Stat. § 13.03, subd. 2(a) on two occasions.

18. Where the Judge has determined that a violation of the MGDPA occurred, they must take at least one of the following actions:

- (1) impose a civil penalty against the respondent of up to \$300;

⁹¹ Minn. Stat. § 13.025, subd. 2.

⁹² Minn. Stat. § 13.03, subd. 3(a).

⁹³ Minn. Stat. § 13.03, subd. 2(a).

⁹⁴ *Webster v. Hennepin Cnty.*, 910 N.W.2d 420, 431 (Minn. 2018).

⁹⁵ *Webster*, 910 N.W.2d 420.

⁹⁶ Minn. R. 1400.7300, subp. 5 (2025). Under Minn. Stat. § 13.085, subd. 5(d), proceedings on a data practices complaint are not a contested case under Minn. Stat. ch. 14; however, the Administrative Law Judge determines that Minn. R. 1400.7300, subp. 5, articulates the correct burden of proof for a data practices case as no other standard is identified in Minn. Stat. § 13.085.

- (2) issue an order compelling the respondent to comply with a provision of law that has been violated, and may establish a deadline for production of data, if necessary; and
- (3) refer the complaint to the appropriate prosecuting authority for consideration of criminal charges.⁹⁷

19. In determining whether to assess a civil penalty, this tribunal must consider whether the governmental entity has substantially complied with general data practices, including but not limited to, whether the governmental entity has:

- (1) designated a responsible authority under Minn. Stat. § 13.02, subd. 16;
- (2) designated a data practices compliance official under Minn. Stat. § 13.05, subd. 13;
- (3) prepared the data inventory that names the responsible authority and describes the records and data on individuals that are maintained by the government entity under Minn. Stat. § 13.025, subd. 1;
- (4) developed public access procedures under Minn. Stat. § 13.03, subd. 2; procedures to guarantee the rights of data subjects under Minn. Stat. § 13.025, subd. 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under Minn. Stat. § 13.05, subd. 5;
- (5) acted in conformity with an opinion issued under Minn. Stat. § 13.072 that was sought by a government entity or another person; or
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.⁹⁸

20. Based on the record, the factors in Minn. Stat. 13.08, subd. 4(b) listed above and for the reasons discussed in the attached memorandum, the Judge concludes that a civil penalty of \$300 is appropriate.

21. The Complainants in this matter have substantially prevailed. As a result, the Court of Administrative Hearings must refund the filing fee in full, less \$50, and the Court's costs in conducting the matter are billed to the respondent, not to exceed \$1,000.⁹⁹

22. Any Finding of Fact more properly considered to be a Conclusion of Law is adopted herein.

23. Any portion of the accompanying Memorandum that is more properly considered to be a Conclusion of Law is incorporated herein.

⁹⁷ Minn. Stat. § 13.085, subd. 5(a).

⁹⁸ Minn. Stat. §§ 13.08, subd. 4(b), .085, subd. 5(b).

⁹⁹ Minn. Stat. § 13.085, subd. 6(c).

Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Judge makes the following:

ORDER

1. Pursuant to Minn. Stat. § 13.085, subd. 5(a)(4), the County must maintain procedures that ensure appropriate responses to data requests, and in so doing:
 - a. Ensure appropriate ongoing communication with the public about pending data requests; and,
 - b. Mitigate or avoid circumstances where the Responsible Authority, or a Designee, are, in practice or effect, the only check on their own errors, misunderstandings, or miscommunications.
2. Pursuant to Minn. Stat. §§ 13.085, subd. 5(a)(3) and 13.08, subd. 4(b), the County shall pay a civil penalty of \$300.
3. Pursuant to Minn. Stat. § 13.085, subd. 6(c) the Court will refund \$950 of Complainant's filing fee.
4. Pursuant to Minn. Stat. § 13.085, subd. 6(c) the County must reimburse the Court for its costs in conducting this matter, as documented in an invoice to be sent by the Court to Respondent.
5. All other requests for relief are hereby dismissed.

Dated: November 24, 2025



CHRISTA L. MOENG
Administrative Law Judge

Reported: Digitally Recorded
No transcript prepared

NOTICE

This Order is the final decision in this case. Any party aggrieved by this decision may seek judicial review pursuant to Minn. Stat. §§ 14.63-69 (2024).

MEMORANDUM

I. Introduction

These proceedings arise out of a Complaint alleging that the County violated the MGDPA. The procedural history of this case is involved; a detailed discussion of the Complaint and the County's initial Response can be found in the September 15, 2025, Probable Cause Determination in this matter.¹⁰⁰

Between October 2024, and July 2025, Complainants sent the County a dozen requests for government data which generally concerned a municipal project known as the East Side Corridor Project.¹⁰¹ Each request resulted in communications about the request.¹⁰² Evincing frustration, the data requests evolved to include text colored red for emphasis and significant boilerplate: preemptive clarifications, demands, statutory citations, and legal argument.¹⁰³ Complainants also sought information directly from other county staff and officials, outside of the formal data practices process established by the County. The County, in turn, required Complainants' data requests be made directly to the County Attorney and County Administrator.

The parties also detailed considerable work arising out of the requests. Complainants produced hundreds of pages documenting their work on the requests.¹⁰⁴ The County also devoted many hours of work over many months and across multiple departments to respond to the requests—work which continues today.¹⁰⁵

In total, the record shows nine requests for data made by the Complainants (not counting repeated submissions of the same request) between October, 2024, and May, 2025.¹⁰⁶ The County is currently continuing to work on providing complete, responsive datasets for three of the requests.¹⁰⁷ Two have been completed with all responsive data provided.¹⁰⁸ The remaining three have been closed because the County possessed no responsive data.¹⁰⁹

Two issues remained for hearing after the probable cause determination:

- a. Charging a fee for inspection of public data, in violation of Minn. Stat. § 13.03, subd. 3, in response to an October 25, 2024 data request.
- b. Failure to establish a procedure, consistent with the Act, to insure that all requests for government data are received and complied with

¹⁰⁰ See Notice of Probable Cause Determination, and Order for Prehearing Conference at 2.

¹⁰¹ See generally Exs. 21-36 (showing emails and transcripts of conversations between the parties relating to the facts of the case); Complainants' Closing Argument at 3.

¹⁰² See, e.g. Ex. 1, ESC-3 – ESC-6.

¹⁰³ See, e.g., Ex. 12, ESC 58 –62 (a data request that takes less than one-half page to describe, cushioned by four-and-a-half pages of additional material).

¹⁰⁴ See Ex. 9.

¹⁰⁵ Test. Fry.

¹⁰⁶ See, e.g., Complainant's Closing Argument at 3 (showing a table of all data requests involved in this matter, along with their data preservation request and the requests sent after the Complaint was filed.).

¹⁰⁷ Test. Fry.

¹⁰⁸ See Complainants' Closing Argument at 3.

¹⁰⁹ Test. Fry; also see Complainants' Closing Argument at 3.

in an appropriate and prompt manner, in violation of Minn. Stat. § 13.03, subd. 2(a).

At the hearing, the County conceded that it violated Minn. Stat. § 13.03, subd. 3,¹¹⁰ by telling Complainants that it would charge a fee for photographing data made available for inspection, the County ultimately never charged the fee.

The sole issue that remains for substantive analysis, then, is whether the County violated Minn. Stat. § 13.03, subd. 2(a).

II. Applicable Law

The Minnesota Government Data Practices Act “governs the storage of government data and public access to that data.”¹¹¹ Members of the public who want to inspect or copy public government data submit a request to do so to the relevant responsible authority or designee.¹¹² Responsible Authorities must, in turn, “establish procedures . . . that insure requests for government data are received and complied with in an appropriate and prompt manner.”¹¹³ The act only requires that procedures be ‘established’, and does not require that they be in any particular form, or even that they be written down.¹¹⁴

The question before this Court, then, is not whether every response to a data request was appropriate and prompt—though this would be relevant. Rather, the law requires that 1) “government data be made available” and 2) “that personnel responsible for making it available establish procedures that ensure it is made available.”¹¹⁵

The MGDPA places significant burdens on government entities. At the same time, the weight of those burdens speaks to the import the Legislature has placed on the access to data the MGDPA requires. To balance these appropriately, both the Court of Administrative Hearings and the Commissioner of the Department of Administration have concluded that the requirement for prompt and appropriate responses to data requests does not have a mechanical or rote application. Rather, an assessment may consider factors such as: the scope or complexity of the data requested, the resources available to respond to the requests, and the government entities’ communications with requestors while work on the requests takes place.¹¹⁶

III. Analysis

Complainants alleged facts that met the probable cause threshold with respect to three of the County’s procedures. First, the County told Complainants it would charge a

¹¹⁰ If a person requests access to data “for the purpose of inspection, the responsible authority may not assess a charge or require the requesting person to pay a fee.” Minn. Stat. § 13.03, subd. 3(a).

¹¹¹ *Webster*, 910 N.W.2d at 427.

¹¹² *Id.*

¹¹³ Minn. Stat. § 13.03, subd. 2(a)).

¹¹⁴ *Webster*, 910 N.W.2d at 432.

¹¹⁵ *Webster*, 910 N.W.2d at 431.

¹¹⁶ See, e.g. Depart. Admin. Adv. Ops. 14-003 (Apr. 23, 2014) (University of Minnesota); and *In the Matter of Timothy J. Coughlin vs. City of Deerwood and Deerwood Police Department*, No. 22-0305-39381, FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER (Minn. Court of Admin. Hearings Nov. 17, 2023).

fee for photographs taken by Complainants of data made available for inspection—which the County concedes violated the MGDPA. Second, the County initially maintained a procedure of responding to data requests from Complainants only in the order in which they were received. Third, the County required all of Complainants’ communications regarding requests for data and the East Side Corridor Project be sent to County Attorney Jarrett and County Administrator Fry.

A. Ordering of County Responses to Multiple Data Requests

Complainants sent the County twelve distinct data requests in approximately a 10-month span. These requests ranged from extremely wide-ranging (such as the first, sent on October 25, 2024) to very small and precise (such as the May 6, 2025, request for three specific policy documents). In his reply acknowledging receipt of Complainants’ April 9, 2025, data request, County Attorney Jarrett informed Complainants that the County would “begin [work on] this following the general ESC requests which is still pending. I suspect it will be several months, likely this fall, before it is ready.”¹¹⁷ Similar language regarding the existence of prior data requests from Complainants and a lengthy wait time for completion—couched in terms of months or seasons—also appear in the County’s receipt acknowledgements of multiple subsequent requests.¹¹⁸ For example, the County (1) predicting that a request for three ostensibly public-facing documents made on May 6, 2025, would be satisfied by “estimated this fall/winter,” after other, larger requests were satisfied and (2) providing three pdfs on September 30, 2025.¹¹⁹ These responses were neither prompt nor appropriate.

Despite statements regarding the order in which the County would respond to the Complainants’ data requests, however, the record shows that responses were produced in a more flexible fashion and that the County improved its practices through the course of dealing with Complainant’s requests. Data, or responses that no data exists, were provided to a total of five requests while work on the first, and largest, request continued.

County Administrator Fry testified that while the First-In-First-Out procedure was important for maintaining coordinated and orderly tracking, work, and responses—particularly for large requests that required relying on an information technology staffing resource that proved to be a bottleneck—it was not being applied as a mechanical requirement.¹²⁰

As a result, what appears to be at issue more than the County’s ordering of responses is the County’s lack of effective or ongoing communication with Complainants regarding their data requests. Appropriate responses to data requests with lengthy response times should generally include *providing the requestors with updates*.¹²¹ The record does not show a single update from the County to Complainants regarding the status of an initial request beyond acknowledgements of receipt, even when

¹¹⁷ Ex. 7 at ESC-31.

¹¹⁸ See Exs. 11, 12, and 15.

¹¹⁹ Ex. 11 at ESC-55.

¹²⁰ Test. Fry.

¹²¹ See Dept. Admin. Adv. Op. 14-003 (Apr. 23, 2014 (University of Minnesota) (discussing how response to a request for data may still be appropriate and prompt despite a wait time of five months as a result of the complexity of the request and “continual communication” with the requester about their request.).

circumstances warranted revising the timeline for production. This lack of communication, rather than the County's ordering procedure, failed to meet the County's obligation to make appropriate responses to requests.

Going forward, rather than acknowledging receipt and ignoring subsequent contact, as the County appeared to do in this case, the County's procedures must contemplate ongoing communication with the public about pending data requests, particularly when new or better information could affect an earlier-communicated anticipated-completion timeline. Simply articulating the reason for prolonged response time or delay could inform requestors' expectations and forestall future complaints.

B. Communication with County Attorney Jarrett and County Administrator Fry

The MGDPA explicitly requires that requests for government data be made *only* to the Responsible Authority for a given government entity, or their Designee.¹²² At the same time, the Responsible Authority and their Designee are required by the Act to establish procedures that ensure appropriate and prompt responses to such requests.¹²³

County Attorney Jarrett is the Responsible Authority for the County under the MGDPA, and the County's Data Practices Compliance Officer.¹²⁴ County Administrator Fry is the formal Designee under the MGDPA for the County's Administration department.¹²⁵

The record of Complainants' communications with County Attorney Jarrett shows multiple responses, or lack thereof, to their requests for data that were entirely inappropriate. In the worst instances, those decisions resulted in County Administrator Fry providing a final response or novel update during her testimony.

The record of communication between County Attorney Jarrett and the Complainants is sparing. However, the record shows a pattern of construing Complainants' data requests uncharitably to excuse minimal communication and disregard for legitimate data requests and requests for updates from Complainants.

Specifically, County Attorney Jarrett closed a data request initially made on March 31, 2025, with the following reason, in substantive part: "This is not a data request. Chapter 13 does not require government entities to answer specific questions, to create data, or to reorganize data into a particular format to answer questions. This request will be closed." Complainants resubmitted the request, after revising it in an attempt to satisfy the thrust of the County's response by removing the question marks.

¹²² Minn. Stat. § 13.03, subd. 3(a); *also see Scheffler v. City of Anoka*, 890 N.W.2d 437, 447 (Minn. 2017) (holding in part that in order for the MGDPA to have been violated, a request for data must have been made to either the Responsible Authority or their Designee).

¹²³ Minn. Stat. § 13.03, subd. 2(a).

¹²⁴ Ex. 100A at 33; Ex. 37 at ESC-278.

¹²⁵ Ex. 100A at 33; Ex. 37 at ESC-278.

County Attorney Jarrett again closed the request, stating: “This is not a data request as it is vague and calls for answers to questions.”¹²⁶

These responses were not appropriate.¹²⁷ Ignoring other communications about the request, including attempts to clarify or resubmit the March 31 request, was also not appropriate. These responses and non-responses were inappropriate because, first, the data request on its face is not vague and the “questions” included were precatory and superfluous to a clearly stated data request: “any and all information regarding the Joint Transportation Committee including but not limited to....”¹²⁸ Second, even if the request were vague, closing the request immediately without seeking clarification—and ignoring subsequent clarifications and communications about the request—was, in this instance, inappropriate. The County’s response was inappropriate because it construed the data request unfavorably, in a light favoring expeditious summary disposition, and contrary to the purposes of the MGDPA.

The record does not show that County Attorney’s Jarrett’s responses to this request were the result of an established procedure for responding to data requests, except inasmuch as the procedure provided that that the request would be received and evaluated personally by County Attorney Jarrett. The failure to meaningfully respond to attempts to clarify the request, even if the County believed them to relate back to a previously addressed request, demonstrates that the County’s procedures failed to ensure appropriate responses to those requests.

Additionally, standing alone, the County mistakenly sending a response intended for another pending request is understandable. The volume of communications and pending requests could easily yield an intended reply sent in an inapposite email thread. However, County Attorney Jarrett received multiple replies to his errant email response, requesting more explanation and discussing a different, conflicting response. The Responsible Authority ignored this apparent confusion, which he inadvertently created, for months. These choices resulted in Complainants mistakenly believing a data request had been closed entirely. County Administrator Fry clarified at hearing that, instead, the request was still open with the County and work on a final review of responsive documentation was underway.¹²⁹ This, again, was too little and far too late.

The record demonstrates a pattern of responses inappropriate under the MGDPA. This pattern was a consequence of a procedure that seemingly allowed the Responsible Authority to be, in apparent effect, the only check on his own errors, misunderstandings, or miscommunications in the context of an ongoing relationship with multiple active data requests and in which tensions had escalated. Accordingly, to ensure the compliance with

¹²⁶ See, e.g. Steele County’s Post-Hearing Brief at 8, 10; and Exs. 100E, E-217 Ex. 7, ESC-33. The County attorney inadvertently sent this response to a different data request, causing additional confusion among the parties. Test. of Fry. The record offers no *direct* insight into which request County Attorney Jarrett intended this response for. Of the requests pending at the time, it is more likely than not that this response was intended to relate to the March 31 request. Respondent Zimmerman emailed Jarrett at 8:16 a.m. on April 10, 2025, about receiving no response to an attempt to clarify the March 31 data request, and Jarrett sent this email at 8:24 a.m. on the same day.

¹²⁷ Ex. 100D, E-217

¹²⁸ Ex. 100D, E-205.

¹²⁹ Test. Fry.

Minn. Stat. § 13.03, subd. 2(a), the Judge will require the County to maintain procedures that ensure appropriate responses to data requests and, in so doing, address this specific shortcoming.

This requirement is intentionally phrased broadly to ensure that the County has maximum flexibility to address the issue in light of its resource constraints and without impairing the Responsible Authority's ability to carry out the responsibilities and duties of that role. This Judge contemplates a segregation of duties or internal monitor to provide stronger internal quality control over data practices responses, as an entity might implement to avoid a single point of failure in financial controls.¹³⁰ But it would be inappropriate be overly prescriptive about the best manner of implementing such internal control, or which particular circumstances require the additional eyes. The County's decision to employ an attorney whose responsibilities will include data practices reflects a good faith effort toward mitigating this specific source of MGDPA violations. That role will likely be an essential component of any procedure that satisfies the MGDPA's mandate.

IV. Civil Penalty

After consideration of the factors listed in Minn. Stat. § 13.08, subd. 4(b), the Judge concludes that a \$300 civil penalty under Minn. Stat. § 13.085, subd. 5(a)(3) is appropriate. The record shows that the County has designated both a Responsible Authority as well as a data practices compliance official. The County also has published current data inventory and public access procedures documents, though the record also establishes that those documents had been out of date since approximately 2020 prior to these proceedings, including showing entirely incorrect names for the relevant officials.¹³¹ The Department of Administration did not issue an advisory opinion under Minn. Stat. § 13.072 regarding these requests. The County's ongoing training regarding MGDPA requirements reflects improvements since these proceedings began but were inadequate until the challenges presented by these data requests made their inadequacy apparent: relevant personnel have recently provided inappropriate responses to requests made under the Act.

As a result of these facts and the record as a whole, the Judge concludes that a civil penalty is warranted. The record establishes multiple violations of the MGDPA and inappropriate responses by the County in addressing the Complainants' data requests. It is laudable that the County has proactively addressed many of those issues, such as concluding it could not charge a fee for photographs of inspected data and improving its flexibility to respond to requests of varying size. However, the changes implemented during the pendency of these proceedings does not negate that the violations occurred. Similarly, mistaken or inappropriate data request responses by County Attorney Jarrett left Complainants without meaningful updates or responses to multiple requests until the hearing on their Complaint. As a result, a civil penalty is appropriate in this case.

¹³⁰ The Judge notes that it is likely that County Administrator Fry was copied on the emails sent by County Attorney Jarrett. However, the record demonstrates that she did not effectively serve as a check on the erroneous or inappropriate emails.

¹³¹ See Minn. Stat. § 13.025, subd. 3; Test. Zimmerman; Test. Fry.

V. Conclusion

The miscommunication and adverse posture that developed between the parties became so fraught at times that it entirely obscured each party's good faith efforts to engage with the requirements of the MGDPA. Despite clear improvement in its practices during the course of these requests, the County's responses to the Complainants' requests failed to be appropriate on multiple occasions. The inappropriate responses were a consequence of a procedure that provided no mechanism to ensure that the County identified errors or misunderstandings by the Responsible Authority before they grew into conflict.

Complainants' communications with the County undoubtedly contributed to the adversarial atmosphere, including their use of a bespoke data request form that opens with bright red letters declaring "WE ARE FULLY EDUCATED, PREPA[RED], WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAM[A]GES FOR NONCOMPLIANCE!"¹³² Nevertheless, conflict or an adversarial posture taken by data requestors (here, apparently taken in response to growing frustration with inappropriate responses from the County) does not relieve the County of its obligation to respond to properly submitted data requests appropriately.

The record indicates the County has, and continues to, work diligently to produce any and all data responsive to Complainants' open requests. The workload created by the requests, together with mutual miscommunications and misunderstandings, caused strain that highlighted weaknesses in the County's processes. As a consequence, the record shows that the County's processes failed to meet the requirements of the MGDPA. The County neglected to provide ongoing, timely updates regarding the status of data requests and failed to incorporate a means of validating the propriety of responses to requests. These violations warrant an order for compliance and a civil penalty, as articulated above.

C. L. M.

¹³² See, e.g. Ex. 7 at ESC-25.

Predetermination and Improper Sequencing Affecting Environmental Review

EAW Comment #7

Date: December 20, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Predetermination and Improper Sequencing Affecting Environmental Review

The Environmental Assessment Worksheet is procedurally inadequate because key decisions regarding alignment and alternatives were made prior to completion of environmental review and prior to meaningful public participation.

As documented in project correspondence, certain alternatives were removed from further consideration before the alternatives evaluation was released for public review and comment. Environmental studies addressing wetlands, noise, traffic, and other impacts proceeded despite the absence of public review of the alternatives evaluation and without incorporation of public input on alignment selection.

Project representatives also acknowledged that avoidance measures — including shifting the roadway hundreds of feet east to reduce residential noise impacts — were technically feasible but were not evaluated due to non-environmental considerations such as development agreements and cost. Avoidance analysis was deferred until after a “preferred alternative” was selected.

Additionally, statements by project officials indicate that further public meetings regarding alternative selection were viewed as unnecessary or confusing, despite unresolved concerns. This approach conflicts with MEPA’s requirement for early and continuous public participation and undermines the reliability of the environmental review.

Through a public data request, I obtained internal project correspondence between Steele County and MnDOT staff regarding the East Side Corridor project. This correspondence reflects that key decisions regarding alignment and alternatives were being treated as resolved prior to completion of environmental review and prior to public review and comment. It further reflects that avoidance measures were acknowledged as technically feasible but were deferred or dismissed due to non-environmental considerations. This correspondence is included as Exhibit A for the record.

Because environmental review and public participation occurred after key decisions were functionally made, the EAW cannot serve as a basis for a Finding of No Significant Impact. Preparation of an Environmental Impact Statement is required.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

From: Cabral Neto, Fausto (DOT) [REDACTED]
Sent: Monday, September 30, 2024 8:11 AM
To: Fenske, James W (DOT)
Subject: FW: Request for Clarification on East Side Corridor Project Updates and Concerns

fyi

From: Cabral Neto, Fausto (DOT)
Sent: Monday, September 30, 2024 7:29 AM
To: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>; Bottos, Elisa (DOT) [REDACTED] Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; sean.murphy@owatonna.gov
Subject: RE: Request for Clarification on East Side Corridor Project Updates and Concerns

Hello Paul,

I suggest to you, or your team, verify if there are new commentary among the new email that have not been responded to in 2023.

Provide response to those comments in combination to the commentary that will be received at future public meetings informing when it was initially addressed.

An environmental document captures all public input and provided responses.

In some instances, the already given answers can be repeated, if issues that it relates to haven't changed from the time when it was initially addressed.

Thanks

Fausto Cabral PE MS-ISE
507 251 1930
District State Aid Engineer
MN DOT District 6

From: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Sent: Monday, September 30, 2024 6:32 AM
To: Cabral Neto, Fausto (DOT) [REDACTED]; Bottos, Elisa (DOT) [REDACTED] Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; sean.murphy@owatonna.gov
Subject: Re: Request for Clarification on East Side Corridor Project Updates and Concerns

Looking for any thoughts on how to respond to this email full of inaccuracies and misinformation. Melissa has twisted things to meet her own agenda here. Shall we set up a teams meeting to discuss a response? I suggest a meeting with MnDOT, city and county engineers and administrators.

The study did look at all alternatives. She unfortunately doesn't like the fact that her preferred alternative didn't get past the purpose and need for the project and that we didn't study it in more detail. There are many reports in the memo outlining how we studied traffic and other information to come to that conclusion.

She's under the impression we were going to have a public meeting to discuss the chosen alternative but we already did, back in May 2023. There will be another public meeting for the final environmental document with a 30 day public comment period. And we've told her that. A meeting now will only confuse the majority of the public. I've gotten many comments of confusion why we even started over (NPCE vs PCE), so don't want to confuse the public even more.

The entire memo is public on our website and available for her to read. We put it out there as quick as possible just for her. And we've told her that. Including the previous 2 memos (purpose and need and evaluation criteria). We'll make other reports(wetlands, archaeological, traffic, noise, etc.) available on the website as we complete them. And I've told her that. I mentioned we have a few other updates to the website, but only just to summarize that 3rd memo. It takes time for our consultant to draft changes and then for the county and city to review before going live. And we are working on a newsletter to update the public. That will come soon. And we've told her that. Melissa needs to be patient.

We are doing a noise wall study. And a noise wall is only one alternative we are looking at. She was at the board meeting when we showed the board several options we are considering. That will come with all the other mitigation things that we must do. We've told Melissa many times that we can't look at mitigation, avoidance until we have the preferred alternative. Now we are starting those processes now that we have the memos completed.

I'm not sure how she has misunderstood that I said a noise wall will not be considered. Certainly I've said it's not in the county's interest due to the cost and if there is a way to avoid a wall we will. But we still need to follow the federal process and it will be considered. And I've told her that.

We aren't ready to discuss publicly, but other options to avoid the wall and address federal noise standards include moving the road 600-800 feet east, assuming it reduces noise impacts. It is feasible from the federal standpoint. However it has serious ramifications to the city and township and their development agreements, serious impacts to farmland since we already own 6 acres of land along the subdivision, and it would affect several farmer and their land, serious implications to area farmers and the many other people, who unlike Melissa, have always understood the road was going there and have told us they'd be very unhappy if we move it, serious impacts in how the city would redevelop that land with utilities, etc. All that discussion will like be looked at and included in the final reports.

The mitigation studies she is asking for is going to happen as we study impacts now and come up with avoidance and mitigations as we complete the environmental documentation. She needs patience. Ultimately she will unlikely be unhappy with the final results but we need to think of the county and city as a whole and not just her back yard.

Paul Sponholz, P.E. | County Engineer

Steele County | PO Box 890, 3000 Hoffman Dr NW, Owatonna, MN 55060-0890

O: (507) 444-7671 | M: (507) 475-2253 | paul.sponholz@steelecountymn.gov

From: Lyssa Lynn [REDACTED]
Sent: Sunday, September 29, 2024 9:39 PM
To: Cabral Neto, Fausto (DOT) [REDACTED]
Cc: Gade, Dale (DOT) [REDACTED]; Matthew Sennott [REDACTED]; Bottos, Elisa (DOT) [REDACTED]; Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Subject: Re: Request for Clarification on East Side Corridor Project Updates and Concerns

Hi Fausto,

We've reached out to the county and continue to receive conflicting information. Initially, we were told the current report needed to study all alternatives, but it didn't. We were also informed that there would be an open house and public comment period, with comments permanently tied to the project and used to determine the chosen alternative, but that isn't happening either. Additionally, we were assured that all information would be made public, yet as of Friday, Paul mentioned only some of it is now available. It feels as though the county and city are determined to push this project through, and as residents significantly impacted by this unprecedent initiative, we're simply trying to understand our rights, the process, and how to hold the RGU accountable.

If the county provided accurate information, transparency, and prioritized residents' safety, we wouldn't have needed to reach out. If you're not the right person to help us navigate this process and clarify what should be happening, could you please direct us to someone who can?

Unfortunately, the county has consistently proven to be an unreliable source of accurate information, starting from day one when Paul himself stated there were no plans for mitigation because other roads, built before homes, didn't require it—an entirely different situation. In last week's presentation, mitigations were mentioned, but only one complied with MNDOT regulations for noise mitigation. Over the last 2.5 years, Paul has repeatedly said a noise wall option wouldn't be considered, and while it was finally presented as an option, we have little confidence that anything is being handled correctly at this level. No options were provided to reroute in order to avoid noise impacts, which should be the case whenever possible. We're not downtown Minneapolis—it's possible here.

I appreciate your assistance in directing us to the right contact.

Thanks,
M [REDACTED]

On Fri, Sep 27, 2024, 1:11 PM Cabral Neto, Fausto (DOT) [REDACTED] | wrote:

Ms. M [REDACTED] Z [REDACTED]

Please direct your inquiries to Steele County.

Paul Sponholz is the new Steele County Engineer and I have his email on the cc list above.

So far county has been following proper FHWA procedures for this project.

Best Regards,

Fausto Cabral PE MS-ISE

507 251 1930

Procedural Irregularities, Engineer Oversight Gaps, and Professional Responsibility Concerns

EAW Comment #8

Date: December 21, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Procedural Irregularities, Engineer Oversight Gaps, and Professional Responsibility Concerns

I am submitting this comment to document serious procedural irregularities and oversight gaps affecting the preparation, review, and submission of the Environmental Assessment Worksheet (EAW) for the East Side Corridor project.

1. Absence of a County Engineer During Critical Project Advancement

From June 6 through October 28, Steele County did not have a County Engineer. During this period, the project continued to advance. County Administrator Renae Fry testified under oath on October 17, 2025, that the County lacked a County Engineer during this timeframe.

The absence of a qualified engineer raises fundamental questions about who exercised technical oversight, verified environmental information, and made project-related decisions during this period.

2. Interim Engineer Review Timeline and EAW Execution

The EAW cover page is dated November 2025 and was signed by the Interim County Engineer on November 5, 2025. Given the appointment timeline of October 28, 2025, this allowed approximately five days for review of a 352-page EAW, or the 3.5yr ESC project, prior to execution.

The Interim Engineer's subsequent lack of familiarity with core project elements—demonstrated during the December 11, 2025 open house—calls into question whether a meaningful review occurred at all.

3. Lack of Project Familiarity by the Interim Engineer

At the December 11 open house, the Interim Engineer:

- was unaware of Alternative 3B;
- was unaware that portions of the proposed right-of-way are within approximately 17 feet of existing homes, or that homes sat on the 150' mapped corridor;
- provided inaccurate statements regarding noise studies and mitigation;
- did not disclose that the project is a federal undertaking; and
- misstated the RGU's role in reviewing and responding to public comments.

Procedural Irregularities, Engineer Oversight Gaps, and Professional Responsibility Concerns

EAW Comment #8

These deficiencies indicate that the Interim Engineer had not sufficiently reviewed or understood the EAW prior to signing it.

4. Professional Responsibility Concerns

Minnesota Board of AEELSLAGID standards prohibit engineers from signing and certifying work that they did not prepare or adequately review. The circumstances surrounding the timing, execution, and demonstrated lack of familiarity with the EAW raise serious concerns regarding compliance with professional licensure obligations.

5. Governance and Accountability

The project advanced materially during a period when no County Engineer was in place, followed by rapid execution of a voluminous EAW by an Interim Engineer with limited project knowledge. This sequence raises unresolved questions regarding:

- who was responsible for technical decision-making;
- who verified environmental data submitted to agencies; and
- whether appropriate professional oversight existed at critical stages.

Conclusion

These procedural irregularities undermine confidence in the integrity of the environmental review process. An EAW prepared, advanced, and executed under these circumstances cannot be presumed accurate or reliable and further supports the need for preparation of a full Environmental Impact Statement (EIS).

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN
Directly impacted resident

Procedural Irregularities, Engineer Oversight Gaps, and Professional Responsibility Concerns

EAW Comment #9

Date: December 22, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Procedural Restart History Demonstrates Predetermination and Inadequate Environmental Review

This comment is submitted to document the repeated procedural restarts of the East Side Corridor project and to demonstrate that, despite multiple resets, the current Environmental Assessment Worksheet (EAW) remains incomplete, biased, and procedurally inadequate. The history of this project shows a pattern of predetermined decision-making followed by retroactive attempts to fit environmental documentation around a chosen outcome.

1. Initial EAW and Unacknowledged Substantial Changes

Early environmental review was conducted under a Hybrid EAW framework while the project alignment and scope materially changed. Residents raised concerns about substantial modifications that significantly increased residential impacts, including expansion of the affected area to the established North Country Subdivision, encompassing approximately 160 additional homes. Some of these homes are located within or immediately adjacent to the historically mapped right-of-way. Similar concerns apply to the Shady Hill Subdivision, which was platted across the mapped right-of-way without prior environmental analysis of roadway impacts.

The County later asserted that the EAW had to be restarted because the project no longer connected to Highway 14 and therefore constituted a substantial change. However, through public data requests, it became clear that the prior EAW had never actually been properly filed with the State. The restart was therefore not merely discretionary, but necessary due to a fundamental procedural failure.

2. Shift to a Programmatic Categorical Exclusion (PCE)

After residents raised concerns with state agencies that the project's scope had materially changed to include existing residential neighborhoods not previously analyzed — a substantial change under MEPA requiring renewed environmental review — the project transitioned from the EAW process to a Programmatic Categorical Exclusion (PCE). Project representatives indicated that this shift would involve additional federal oversight. However, during the PCE phase, alternatives were further narrowed and the level of publicly available information regarding impacts, mitigation measures, and comparative analysis was reduced.

3. “Preferred Alternative” Without Supporting Analysis and Narrative Reframing

In 2023, a “preferred alternative” was released without supporting technical documentation and in direct contradiction to multiple historical studies that had evaluated east-side beltline alignments. When residents cited those counties provided historical, the project narrative shifted again: the County and the City asserted that the historical documents were no longer relevant because they addressed a “beltline,” while the current project was now characterized as a “new road with a new purpose.”

This reframing did not resolve the underlying issue. A “new road with a new purpose” requires new studies including a new purpose and need documentation and a full, good-faith evaluation of alternatives.

Procedural Irregularities, Engineer Oversight Gaps, and Professional Responsibility Concerns

EAW Comment #9

When residents raised this issue with state and federal agencies, it was acknowledged behind the scenes that the existing documentation was inadequate.

As a result, the project was required to restart again in fall 2023 under a Non-Programmatic Categorical Exclusion (NPCE), as directed by the Federal Highway Administration in coordination with MnDOT District 6. In March 2024, County staff informed residents that this federal involvement had been triggered by communications with FHWA. Public data later confirmed that these communications consisted of written requests for clarification and that the restart requirement originated from FHWA/MnDOT District 6, which met directly with County staff to convey that determination.

4. Repeated Restarts Without Corrective Substantive Analysis

Despite at least three procedural resets, the current EAW still fails to meaningfully analyze or disclose:

- noise, vibration, light, and air quality impacts to nearby residents;
- safety, environmental justice, social, and cultural impacts;
- agricultural impacts beyond acreage conversion, including drainage, tiling, productivity, and long-term tax implications;
- floodplain and stormwater risks;
- cumulative impacts resulting from scope expansion;
- cost escalation, public financial exposure, and tax liabilities; and
- a full, unbiased evaluation of reasonable alternatives.

Alternatives have continued to be prematurely eliminated despite repeated acknowledgments that prior analyses were insufficient or procedurally invalid.

Conclusion

The repeated restarting of environmental review — without correcting the same substantive deficiencies — demonstrates a pattern of outcome-driven decision-making rather than compliance with MEPA's requirement for informed, transparent, and participatory environmental review. An Environmental Impact Statement (EIS) now represents the fourth opportunity to reset this process. Given the history of incomplete analysis, withheld or insufficiently disclosed impacts, and prematurely narrowed alternatives, an independent EIS is warranted and necessary to fully evaluate the environmental, human, agricultural, and fiscal impacts associated with this project.

M [REDACTED] Z [REDACTED]

[REDACTED]
Owatonna, MN
Directly impacted resident

Inadequate Traffic Methodology – No Travel Demand Model

EAW Comment #10

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Inadequate Traffic Methodology – No Travel Demand Model

The April 3, 2024 WSB traffic forecast memorandum states that *“a travel demand model was not developed for this project.”* The East Side Corridor is a new roadway intended to serve future growth and redistribute traffic across the local and regional network. Without a travel demand model, the EAW lacks any validated analysis of route choice, traffic redistribution, induced demand, or cumulative network impacts.

Trip assignment based solely on assumed origins and destinations cannot substitute for a network-level model when evaluating a new corridor. This omission prevents meaningful assessment of whether the project will actually reduce congestion, shift traffic patterns, or create new impacts on surrounding neighborhoods. As a result, the transportation analysis is methodologically inadequate and cannot support a finding of no significant impact.

M [REDACTED] Z [REDACTED]
[REDACTED]

Owatonna, MN

Directly impacted resident

Incomplete Existing Conditions – Missing Baseline AADT

EAW Comment #11

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Incomplete Existing Conditions – Missing Baseline AADT

This comment addresses a discrete technical deficiency in the traffic analysis supporting the East Side Corridor Environmental Assessment Worksheet.

The traffic forecast memorandum states that existing AADT volumes were compiled “where available,” acknowledging that complete baseline traffic data does not exist for multiple roadway segments affected by the project. Several segments of the East Side Corridor do not currently exist, and other local roads lack recent traffic counts.

Traffic forecasts cannot be meaningfully evaluated without clearly documented baseline conditions. Adding projected trips to unknown or incomplete existing traffic volumes renders the 2026 and 2046 AADT estimates unverifiable. This lack of baseline data prevents the public from evaluating cumulative impacts, safety implications, and consistency with roadway design assumptions, making the EAW incomplete.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

Improper Land-Use Assumptions Based on Annexation Map

EAW Comment #12

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Improper Land-Use Assumptions Based on Annexation Map

This comment addresses a discrete technical deficiency in the traffic analysis supporting the East Side Corridor Environmental Assessment Worksheet.

The memorandum states that *“development traffic was estimated using the map included in the 2024 Owatonna Township Orderly Annexation agreement.”* Orderly annexation agreements are jurisdictional planning documents; they do not approve development, establish land-use intensity, or define build-out timelines.

Using an annexation map to estimate development traffic improperly substitutes a political planning document for adopted land-use approvals. The EAW fails to disclose zoning, density assumptions, phasing, or approved development programs for the parcels referenced. Treating speculative annexation areas as settled development embeds unsupported assumptions into the traffic analysis and biases the environmental review.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

Unverifiable Traffic Estimates Using ITE Trip Generation

EAW Comment #13

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Unverifiable Traffic Estimates Using ITE Trip Generation

This comment addresses a discrete technical deficiency in the traffic analysis supporting the East Side Corridor Environmental Assessment Worksheet.

The EAW relies on trip generation rates from the Institute of Transportation Engineers Trip Generation Manual (11th Edition) but does not disclose the land-use codes, independent variables, assumed development sizes, selected trip rates, or directional distributions used in the calculations.

ITE trip generation estimates trips generated by a defined land use; it does not replace traffic counts or traffic impact analysis. Without disclosure of the required inputs and assumptions, the traffic projections cannot be reproduced or verified by the public. This lack of transparency violates the requirement for meaningful environmental review and undermines the validity of the projected AADT values.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

Speculative School Siting Used as Traffic Input

EAW Comment #14

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Speculative School Siting Used as Traffic Input

This comment addresses a discrete technical deficiency in the traffic analysis supporting the East Side Corridor Environmental Assessment Worksheet.

The memorandum states that the Owatonna School District is “planning for a future elementary school near the intersection of the East Side Corridor and Rose Street.” The referenced parcel is labeled “Future Destination” and has not been approved, sited, funded, or environmentally reviewed by the school district.

Treating a speculative school location as a traffic generator improperly inflates traffic projections and embeds undisclosed assumptions into the analysis. The EAW also fails to evaluate the safety, noise, air quality, and pedestrian impacts associated with placing a high-capacity roadway adjacent to a potential elementary school. This omission is particularly concerning given the presence of children and school transportation needs.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

Internally Inconsistent and Unexplained Traffic Projections

EAW Comment #15

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Internally Inconsistent and Unexplained Traffic Projections

This comment addresses a discrete technical deficiency in the traffic analysis supporting the East Side Corridor Environmental Assessment Worksheet.

Table 1 in the traffic forecast memorandum presents similar AADT values across multiple corridor segments, with abrupt increases that are not explained by specific development inputs or traffic assignment methodology. The EAW does not disclose how development traffic was distributed across individual segments or how assumed growth translates into the reported volumes.

Because the stated assumptions cannot be used to reproduce the reported AADT values, the traffic projections appear smoothed or assumed rather than analytically derived. This internal inconsistency undermines the credibility of the traffic analysis and prevents meaningful public review.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

Missing Referenced Cultural Resource and Project Documents – Incomplete EAW Record

EAW Comment #16

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Missing Referenced Cultural Resource and Project Documents – Incomplete EAW Record

This comment is submitted to address the absence of multiple documents that are explicitly referenced and relied upon in the Environmental Assessment Worksheet (EAW) for the East Side Corridor project but are not included in the publicly available record.

The EAW incorporates and relies upon correspondence from the Minnesota Department of Transportation Cultural Resources Unit (MnDOT CRU), including the letter titled *Re: S.P. 074-070-009, East Side Corridor Project, Sec. 1, 12, 13, 14, 23, 24 – T107N – R20W & Sec. 36 – T108N – R20W, Steele County*. Beginning on page 199 of the EAW, the federal review section references multiple supporting documents that are not provided in the EAW or its appendices and are not otherwise available for public review.

Missing referenced documents include, but are not limited to:

- **Area of Potential Effects (APE) Maps**
 - SP074_070_009APE_FullMap.pdf
 - SP074_070_009APE_NorthMap.pdf
 - SP074_070_009APE_SouthMap.pdf
- **Project Layout and Profile Documents**
 - *East Side Corridor + Profile* (dated March 18, 2025)
 - *S.P. 074-070-009 Project Layout 3B* (June 4, 2024)
- **Cultural Resource Investigations and Assessments**
 - *Phase I Archaeological Investigation, MnDOT CSAH 8 Realignment Project (SP 074-070-009), Steele County, Minnesota* (Westwood Professional Services, January 2025)
 - *Phase I and II Architecture/History Investigations for the Proposed MnDOT CSAH 8 Realignment Project (SP 074-070-009), Steele County, Minnesota* (Westwood Professional Services, January 2025)
 - *Architecture/History Assessment of Effects for CSAH 8 (SP 074-070-009), Steele County, Minnesota* (Westwood Professional Services, January 2025)

These documents are repeatedly referenced by MnDOT CRU and are clearly relied upon to support findings related to cultural resources, avoidance, impacts, and federal compliance. However, because these materials are not included in the EAW or made available to the public, residents are unable to review the underlying analyses, maps, or conclusions on which the EAW depends.

An environmental review may not rely on undisclosed supporting documents. The absence of these referenced materials prevents meaningful public participation, impairs the ability to

Missing Referenced Cultural Resource and Project Documents – Incomplete EAW Record

EAW Comment #16

evaluate impacts and avoidance measures, and renders the EAW incomplete and misleading. Without access to the documents cited in the federal review section, the public cannot independently assess cultural resource impacts or the validity of the conclusions presented.

Because the EAW relies on missing supporting documentation, it does not provide an adequate factual basis for environmental review and cannot support a finding of no significant impact.

M [REDACTED] Z [REDACTED]

[REDACTED]
Owatonna, MN

Directly impacted resident

Website Unavailability, Project Inactivity Signals, and Timing of Public Comment Period

EAW Comment #17

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Website Unavailability, Project Inactivity Signals, and Timing of Public Comment Period

This comment is submitted to document impaired public awareness and transparency resulting from the unavailability of the official East Side Corridor project website during a critical period of project transition and immediately preceding the opening of the EAW public comment period.

From approximately **June 6 through October 28, 2025**, Steele County did not have a county engineer. During this same general timeframe, the primary project website, www.eastsidecorridor.com, became inaccessible beginning on **June 16, 2025**, was allowed to **expire on June 27, 2025**, and remained unavailable for several months.

The website was restored on **November 16, 2025**. The public comment period for the Environmental Assessment Worksheet opened shortly thereafter, on **November 18, 2025**.

Because the project website served as the primary public-facing source of information, its extended unavailability—combined with the absence of an identified county engineer and the lack of public updates or status information—created the reasonable public perception that the project was inactive and that no substantive decisions were occurring during that period. Residents reasonably believed the project had stalled or paused.

The restoration of the official project website immediately prior to the opening of the public comment period limited the public's opportunity to reorient, review materials, and understand the status of a project that had appeared dormant for months. Meaningful public participation depends on timely, accessible, and continuous access to information. The circumstances described above impaired public understanding of project status and further contribute to the procedural deficiencies in the environmental review process.

This period of impaired access occurred while an active **Minnesota Government Data Practices Act** proceeding involving the East Side Corridor project was active, during which residents substantially prevailed and maximum statutory consequences were imposed. The absence of accessible, county-hosted project materials during this period further impaired meaningful public awareness and participation, while residents were already being denied meaningful access to project data, as later confirmed by an Administrative Law Judge.

M [REDACTED] Z [REDACTED]
[REDACTED]

Owatonna, MN
Directly impacted resident

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Predetermination Through Improper Reliance on the "Imagine Owatonna 2050" Comprehensive Plan

Project materials and the official project video explicitly assert that the *Imagine Owatonna 2050* Comprehensive Plan identified **29th Avenue as the preferred location** for the East Side Corridor. At timestamp **3:28–3:35**, the narrator states:

"A key element of the plan was identifying 29th Avenue as the preferred location for the new north-south road on the east side of the City."

Source: <https://youtu.be/zD03GhWSP58?si=roAHAzIA3SXHWANp&t=208>

This assertion is procedurally improper and reflects a fundamental misapplication of a visioning document. Comprehensive plans and vision plans articulate **policy goals and long-term aspirations**; they do not select, authorize, or justify **specific roadway alignments**. Corridor identification and alignment selection must result from transportation planning, engineering analysis, alternatives evaluation, and environmental review—not from a non-binding planning document.

By presenting *Imagine Owatonna 2050* as having identified a preferred corridor location, the project narrative reverses the lawful planning sequence. The transcript portrays the vision plan as the basis for selecting 29th Avenue, with subsequent studies framed as implementation rather than evaluation. This sequence constitutes predetermination, as it implies that alignment selection occurred prior to—and independent of—environmental review and alternatives analysis.

This mischaracterization is reinforced by the project timeline presented in the video. The narration states that the East Side Corridor Study began in 2021 (3:09–3:18), while *Imagine Owatonna 2050* was released in 2023 (3:23–3:28). Despite this, the video retroactively assigns alignment selection authority to the comprehensive plan, creating the false impression that the plan legitimized a corridor choice that should have remained open for study and public input.

Contemporaneous Planning During Environmental Review

Importantly, *Imagine Owatonna 2050* was developed **while** East Side Corridor environmental studies were already underway—not before them. Per the county's vides, the East Side Corridor Study began in 2021, although not made public until July 2022, and environmental review activities continued through the period in which *Imagine Owatonna 2050* was being drafted, discussed, and finalized, culminating in its release in 2023.

When a comprehensive vision plan is created contemporaneously with an active project-specific environmental review, it cannot lawfully be treated as an upstream policy basis for alignment selection. Under MEPA, planning documents developed in parallel with environmental review must remain neutral and may not be used to memorialize, legitimize, or reinforce assumptions that are still subject to alternatives analysis. Treating a contemporaneous vision plan as having “identified” a preferred corridor location improperly collapses planning and review into a single outcome-driven process.

This sequencing further undermines the project narrative presented in the official video. Rather than Imagine Owatonna guiding subsequent corridor evaluation, the record shows overlapping processes in which corridor assumptions were advanced while environmental review was still ongoing. That overlap is incompatible with MEPA and NEPA’s requirement that alternatives remain genuinely open until environmental impacts are evaluated and subjected to public participation.

Legal Status and Limits of the Imagine Owatonna 2050 Comprehensive Plan

As a matter of law, Imagine Owatonna 2050 is not a formal or “official” map. It is a comprehensive vision and policy document that provides high-level guidance on land use and transportation goals, but it does not establish transportation corridors, reserve right-of-way, impose land-use controls, or authorize specific roadway alignments. The plan is not recorded with the County Recorder, is not parcel-specific, and does not carry regulatory or siting authority. While such plans may inform future studies, they cannot lawfully select or legitimize a specific roadway alignment. Treating Imagine Owatonna 2050 as having identified a preferred corridor location therefore overstates its legal effect and improperly substitutes a non-binding vision plan for the transportation planning and environmental analysis required under MEPA.

Further, the transcript repeatedly frames official mapping, joint powers agreements, and planning documents as collectively establishing the East Side Corridor alignment (2:18–2:56), without acknowledging that these actions did not preserve right-of-way, did not preclude alternative alignments, and did not satisfy MEPA’s requirement for comparative environmental analysis. The reliance on policy documents to substantiate alignment choice improperly substitutes narrative continuity for environmental justification.

MEPA requires that alternatives remain genuinely open until impacts are evaluated and subjected to public participation. Using a comprehensive plan to identify a “preferred location” prior to completion of environmental review undermines the integrity of the alternatives analysis and materially contributes to predetermination.

Accordingly, because the EAW relies on a planning premise that improperly treats Imagine Owatonna 2050 as having identified a preferred roadway alignment, the alternatives analysis is fundamentally constrained and predetermination is embedded in the environmental review. An environmental document based on a predetermined alignment cannot support a Finding of No

**Predetermination - "Imagine Owatonna 2050" Comprehensive Plan
ESC EAW Comment #18**

Significant Impact (FONSI), as it fails to provide the objective, comparative evaluation of reasonable alternatives required under MEPA. This flaw is substantive and cannot be remedied through clarification or minor revision. Preparation of a full Environmental Impact Statement (EIS) is therefore required to correct the defective baseline, reopen the alternatives analysis, and ensure informed decision-making.

The statement cited above appears in the official project video published on the East Side Corridor website and hosted on YouTube. To preserve the public record, a copy of the video as it appeared on 12/23/2025 has been archived and is available at <https://youtu.be/zD03GhWSP58>. The original source was linked from the ESC project website to https://www.youtube.com/watch?v=IOPTwVn35s.

M [REDACTED] Z [REDACTED]
[REDACTED]

Owatonna, MN
Directly impacted resident

Factually Incorrect Claim Regarding CSAH 43

ESC EAW Comment #19

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Factually Incorrect Claim Regarding CSAH 43 Connection to US 14 Raises Serious Reliability Concerns

The project website states that CSAH 43 is “still planned to ultimately connect directly to US 14.” This statement is factually incorrect. CSAH 43 already connects directly to US 14 and has done so for decades as existing infrastructure.

This is not a nuanced disagreement—it is a basic description of the current roadway network. Inclusion of such a plainly inaccurate statement raises serious concerns regarding whether website content was subject to any meaningful engineering review prior to publication and whether technical authority was exercised at all. When public-facing materials contain errors of this magnitude, it undermines public trust and calls into question the reliability of other project claims presented as fact.

The Responsible Governmental Unit is responsible for the accuracy of all project information. The publication of inaccurate and misleading project information—particularly during an active environmental review and a period of staffing transition—demonstrates a breakdown in procedural integrity that cannot be cured by post-hoc corrections alone. Accordingly, the RGU must disclose who authored the website content, what technical or engineering review occurred prior to publication, and acknowledge that these defects materially undermine the Environmental Assessment Worksheet and preclude reliance on it to support a Finding of No Significant Impact.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

OFFICIAL MAP – OVERSTATES LEGAL EFFECT AND MISLEADS THE PUBLIC

ESC EAW Comment #20

Date: December 23, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: “Official Mapping” Claims on the Website Overstate Legal Effect and Mislead the Public About Property Notice and Corridor Preservation

The project website states that officially mapping the corridor in 2000:

- identifies land for future public use,
- gives the public agency a first right of refusal if land is up for development,
- shows the corridor on the title record of affected property, and
- creates a formal map at the County Recorder’s Office.

These statements overstate the legal and practical effect of a recorded planning map and are not supported by the public record or subsequent governmental actions.

Identifies land for future public use: Identification alone does not preserve land for public use. Preservation requires affirmative actions such as right-of-way acquisition, plat reservations, zoning/development restrictions, or consistent enforcement through permitting. Instead, the City and County approved annexations, subdivisions, and permanent residential construction within the mapped alignment, demonstrating the corridor was not preserved.

First right of refusal: While the Joint Powers Agreement contemplated preservation mechanisms, the public record shows these mechanisms were not exercised when corridor land was developed. Land was annexed, subdivided, and built upon without refusal, purchase, or preservation action.

Shows on title record of affected property: This claim is not supported by parcel-level records. The 2000 map was recorded as a planning document and was not tied to individual parcel IDs, nor carried forward through subsequent subdivision plats or re-recorded against successor parcels. Recorded deeds—including deeds to City-owned parcels—do not reflect a transportation reservation or right-of-way designation. The assertion that the corridor appears on “title record” is therefore inaccurate and misleading.

Recorded map at the Recorder’s Office: Recording a planning map does not, by itself, preserve land, encumber title, or restrict development absent further affirmative action. The existence of a recorded map does not negate decades of contrary land-use decisions authorizing permanent construction within the remaining mapped corridor.

These misstatements materially affect public understanding of property rights, preservation history, and the environmental baseline used to justify the East Side Corridor. Residents repeatedly warned the County and City—through public meetings, written comments, and

OFFICIAL MAP – OVERSTATES LEGAL EFFECT AND MISLEADS THE PUBLIC

ESC EAW Comment #20

direct communications—that the mapped corridor had been functionally and legally abandoned through decades of affirmative governmental action, including subdivision approvals, residential construction, and failure to preserve right-of-way. Despite this notice, the Responsible Governmental Unit continued to rely on the same abandoned corridor as a foundational premise of the Environmental Assessment Worksheet. Reliance on a corridor that was repeatedly abandoned constitutes **a false and unsupported baseline** that permeates the Environmental Assessment Worksheet. This defect is structural and cannot be cured through website corrections, post-hoc explanation, or disclosure of purported legal theories. Continued reliance on an abandoned corridor undermines the validity of the environmental review, precludes issuance of a Finding of No Significant Impact, and requires preparation of a full Environmental Impact Statement.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN
Directly impacted resident

Failure to Incorporate Federal Undertaking Requirements

EAW Comment #21

Date: December 26, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Failure to Incorporate Federal Undertaking Requirements Renders the EAW Incomplete and Misleading

The Environmental Assessment Worksheet (EAW) for the East Side Corridor is fundamentally incomplete because it fails to incorporate the analyses, studies, and disclosures required once the project was formally determined to be a **federal undertaking**. Although the administrative record contains MnDOT Cultural Resources Unit (CRU) correspondence declaring the project a federal undertaking on behalf of the Federal Highway Administration (FHWA), the EAW does not reflect the substantive consequences of that determination.

A federal undertaking is not merely a label; it carries mandatory analytical obligations. None of those obligations are meaningfully addressed in the EAW.

Federal Undertaking Determination Triggered Federal Compliance Obligations

On **April 1, 2025**, MnDOT's Cultural Resources Unit, acting on behalf of FHWA, determined that the East Side Corridor constitutes a **federal undertaking**. That determination was reaffirmed on **July 3 and July 29, 2025**. These determinations are included in the EAW attachments.

However, the EAW treats the federal undertaking as a background administrative clearance rather than as a condition that governs the scope, content, and rigor of environmental review. The EAW does not explain how federal involvement alters applicable standards, required studies, or impact thresholds.

Required Federal Analyses Are Missing from the EAW

Once a project is a federal undertaking, federal environmental compliance requirements apply regardless of later funding decisions. The EAW fails to include or integrate the following required federal analyses:

1. FHWA Traffic Noise Analysis

- No FHWA-compliant traffic noise analysis is included.
- No identification of noise receptors under federal criteria.
- No determination of traffic noise impacts using federal thresholds.

Failure to Incorporate Federal Undertaking Requirements

EAW Comment #21

- No evaluation of feasible and reasonable noise abatement under **23 CFR Part 772**.

Instead, the EAW minimizes noise impacts by relying on the absence of federal funding, even though federal undertaking status had already been established. Noise mitigation options presented are therefore **non-compliant with federal standards** and cannot lawfully substitute for an FHWA noise analysis.

2. Section 106 Effects Analysis Integrated into the EAW

While correspondence from MnDOT's Cultural Resources Unit (CRU) regarding Section 106 review is included in the EAW attachments, the EAW itself does not meaningfully integrate federal historic review into its environmental analysis. Specifically, the EAW:

- References historic properties in a summary manner but does **not present a complete Area of Potential Effects (APE) analysis within the EAW narrative**, nor does it include APE mapping sufficient for public review;
- Does **not analyze indirect, cumulative, or visual effects** to historic properties associated with the federal undertaking;
- Does **not explain how alternatives, alignment selection, or design decisions affect historic resources**, despite those decisions being central to the project;
- Does **not incorporate Section 106 findings into the MEPA impact analysis**, treating them instead as a separate administrative process.

As a result, federal historic review is presented as an external clearance rather than as an environmental impact subject to disclosure, evaluation, and public comment under MEPA.

3. Federal Farmland Protection Analysis

The EAW does not include analysis required under the **Farmland Protection Policy Act (FPPA)**, despite the project constituting a federal undertaking and converting agricultural land. Specifically, the EAW does not include:

- Identification or evaluation of **prime, unique, or statewide-important farmland under federal FPPA criteria**, beyond generalized acreage totals;
- Analysis of **direct, indirect, or cumulative farmland conversion impacts** associated with the project;
- Documentation of **coordination with USDA Natural Resources Conservation Service (NRCS)** or completion of **Form AD-1006**; or
- Disclosure of **federal farmland conversion impacts** required for a project subject to federal environmental compliance.

Failure to Incorporate Federal Undertaking Requirements

EAW Comment #21

Instead, farmland impacts are presented solely as acreage figures, which do not satisfy FPPA requirements and materially understate the extent of federal farmland impacts. The absence of FPPA analysis further reflects improper minimization of federal obligations.

4. U.S. Army Corps of Engineers Review and Water Impacts

The EAW does not include analysis required for federal review of impacts to waters and floodplains, despite the project constituting a federal undertaking. Specifically, the EAW does not:

- Identify or delineate **waters of the United States** subject to federal jurisdiction;
- Analyze **floodplain impacts under applicable federal standards**, including effects associated with roadway fill, bridges, and grade-separated structures;
- Disclose whether **Clean Water Act Section 404 permitting** is required for placement of fill in waters or wetlands; or
- Document **coordination with the U.S. Army Corps of Engineers** regarding federal water resource impacts.

Instead, floodplains and waterways are discussed only in generalized terms, without the federal permitting context or impact analysis required for a project subject to federal environmental compliance. As a result, the EAW understates the scope and significance of water and floodplain impacts and does not provide the public with sufficient information to evaluate federal regulatory consequences.

Failure to Analyze Railroad Crossing and Grade-Separated Structure

As part of the federal undertaking, the project includes a railroad crossing requiring a large grade-separated structure. Aside from references contained in MnDOT Cultural Resources Unit correspondence included in the attachments, the EAW does not disclose or analyze this structure as a project impact.

The EAW does not describe the railroad crossing or associated elevated structure in the project description, nor does it evaluate its visual, noise, vibration, land use, safety, or cumulative impacts. A grade-separated railroad crossing is a major infrastructure component with independent environmental consequences and federal coordination requirements. Its omission from the EAW's analytical sections further demonstrates that federally significant project elements were minimized or excluded from environmental review.

Improper Minimization of Impacts Through Funding Recharacterization

Rather than incorporating required federal analyses, the EAW minimizes impacts by implicitly treating the project as locally funded and therefore subject to reduced standards. This approach is legally flawed.

Federal undertaking status does not disappear because funding sources change. The EAW's failure to analyze impacts under federal standards results in:

- Understated noise impacts;
- Non-compliant mitigation options;
- Incomplete evaluation of farmland loss; and
- Insufficient analysis of floodplain and waterway effects.

As a result, the EAW presents an artificially constrained and misleading environmental baseline.

Incomplete Federal Environmental Record Following Non-Programmatic Categorical Exclusion

As of **March 26, 2025**, the project was being advanced under a **Non-Programmatic Categorical Exclusion (NPCE)** and represented as sufficiently complete that a vote on noise mitigation was contemplated, with an Environmental Assessment Worksheet (EAW) to follow. A Non-Programmatic CE is a federal NEPA determination and is supported by federal documentation addressing the scope of the federal action and applicable environmental compliance requirements.

On **April 1, 2025**, MnDOT's Cultural Resources Unit, acting on behalf of the Federal Highway Administration (FHWA), formally determined that the project constitutes a **federal undertaking**, a determination that was subsequently reaffirmed. Once federal undertaking status is established, federal environmental compliance obligations apply regardless of funding source.

However, the EAW does not include — nor does the administrative record disclose — the federal environmental documentation that would be expected for a project that has progressed under an NPCE and has been confirmed as a federal undertaking. Specifically, the record lacks federally required analyses addressing noise, farmland conversion, historic effects, water and floodplain impacts, railroad coordination, and other federal review elements necessary for meaningful public evaluation of federal impacts.

As a result, the public is presented with an EAW that minimizes or omits federal impacts by treating them as external or administrative matters, rather than as substantive environmental considerations. Without inclusion of the federal analyses underlying the NPCE and the federal

Failure to Incorporate Federal Undertaking Requirements

EAW Comment #21

undertaking determination, the environmental review is incomplete and does not allow for informed public participation or lawful decision-making.

Why This Defect Is Fatal

MEPA requires that an EAW accurately describe the project and disclose the full scope of environmental impacts before decisions are made. Where a project is a federal undertaking, omission of federally required analyses renders the EAW incomplete and misleading as a matter of law.

Because the EAW omits required federal noise, farmland, historic, and water resource analyses, it cannot support a Finding of No Significant Impact. These omissions cannot be cured through attachments, post-hoc explanations, or future studies conducted after project commitment.

Requested Action

For these reasons, the Responsible Governmental Unit must either:

1. Prepare a legally adequate environmental review that fully incorporates federal undertaking requirements, or
2. Require preparation of an Environmental Impact Statement (EIS) that evaluates the project under the correct federal and state standards.

Absent such action, continued reliance on the current EAW would perpetuate a materially incomplete and misleading environmental review.

M [REDACTED] Z [REDACTED]
[REDACTED]

Owatonna, MN
Directly impacted resident

Failure to Incorporate Federal Undertaking Requirements

EAW Comment #22

Date: December 26, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Failure to Incorporate Federal Undertaking Requirements Renders the EAW Incomplete and Misleading

I had previously requested project updates and notifications but did not receive notice of the Environmental Assessment Worksheet (EAW) until approximately two weeks after the public comment period had already opened, nor did I receive the EAW itself. At the same time, I was being denied access to public data necessary to understand and comment on the project and was a named party in an ongoing public data practices case involving the County.

Approximately one week after the EAW comment period opened, an administrative ruling was issued finding that we had substantially prevailed in that case, that the County had unlawfully prevented access to public data, and that maximum statutory penalties were imposed. Despite this ruling, access to project-related data has continued to be denied during the EAW comment period. In addition, more than 1,800 records went missing while in the County's possession, and the County has refused to provide the software necessary to view data that we were previously able to inspect.

Cumulatively, these failures—including delayed notice, failure to provide the EAW, continued denial of access to public data, and loss or inaccessibility of records—prevented meaningful participation in the environmental review process and reflect the broader notice and access failures described in the group comment.

M [REDACTED] Z [REDACTED]
[REDACTED]

Owatonna, MN
Directly impacted resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Sun, Dec 28, 2025 at 5:23 PM

RGU - Ronald Gaines,

The County asked residents from North Country Subdivision to respond to the three noise "options" presented. None of those options constitute lawful noise mitigation. Landscaping and a 6-foot fence do not meet any recognized noise standards and do not satisfy the County's obligations under MEPA or NEPA.

While the County may claim exemption from certain numeric noise thresholds, it is not exempt from identifying, addressing, and mitigating noise impacts. The EAW fails to do so. Further, despite statements that federal funding has been dropped, the EAW documents that the East Side Corridor is a federal undertaking and therefore remains subject to applicable federal regulations, including federal noise requirements.

Under MEPA and NEPA, impacts must be addressed in the following order: Avoid, Minimize, Mitigate. Avoidance remains the preferred and required option because it prevents the substantial, documented noise impacts altogether.

If the County refuses to pursue avoidance, we are willing to accept a noise berm that complies with Minnesota and Federal noise regulations, including Minn. R. 7030 and 23 C.F.R. Part 772, spanning the full length of the subdivision—not landscaping or decorative grading. Any berm relied upon as mitigation must, at a minimum and without limitation:

Block line of sight, equivalent in function to a 20-foot noise wall;

Meet applicable MnDOT engineering standards, including but not limited to 1:3 or 1:4 slope ratios;

Fully address stormwater impacts, including but not limited to preventing any increase in runoff or drainage onto adjacent properties;

Be entirely contained on public property;

Require no private easements or encroachment onto residential land; and

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I incorporate by reference the detailed Owatonna East Side Corridor group noise comment submitted into the EAW record.

Thank you,

B [REDACTED] B [REDACTED]-A [REDACTED]



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Public Comment-Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

1 message

To: "ronald.gaines@steelecountymn.gov" <ronald.gaines@steelecountymn.gov>

Sun, Dec 28, 2025 at 5:26 PM

Dear Mr. Ronald Gaines,

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Block line of sight, equivalent in function to a 20-foot noise wall;

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S [REDACTED] M [REDACTED]

Owatonna, Mn. 55060
[REDACTED]



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Public Comment - Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov

Sun, Dec 28, 2025 at 5:59 PM

RGU - Ronald Gaines,

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C█ & S█ W█

Owatonna, MN

Subject: Public comment- Noise mitigation, Federal Obligations and Safety (East Side Corridor EAW)

1 message

[REDACTED]
To: "Gaines, Ronald" <ronald.gaines@steelecountymn.gov>
Bcc: owatonnaeastsidecorridor@gmail.com

Sun, Dec 28, 2025 at 6:15 PM

RGU - Ronald Gaines,

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G [REDACTED] P [REDACTED]

[REDACTED]

Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

1 message

[REDACTED]
To: Ronald.gaines@steelecountymn.gov
Cc: EQB.monitor@state.mn.us

Sun, Dec 28, 2025 at 6:17 PM

RGU - Ronald Gaines,

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T [REDACTED] A [REDACTED] H [REDACTED]

[REDACTED]
Owatonna MN, 55060
[REDACTED]



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Fwd: Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

[REDACTED]
To: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Sun, Dec 28, 2025 at 5:13 PM

We did send the message by email, but forgot to cc you guys on it. Below is the message we sent, in case you want it for documenting and records. Thank you!

G [REDACTED] and K [REDACTED] W [REDACTED]

----- Forwarded message -----

[REDACTED]
Date: Sun, Dec 28, 2025, 5:08 PM
Subject: Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)
To: <ronald.gaines@steelecountymn.gov>

Ronald Gaines,

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Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Please send this additional comment to the RGU

To: "owatonnaeastsidecorridor@gmail.com" <owatonnaeastsidecorridor@gmail.com>

Sun, Dec 28, 2025 at 5:27 PM

Done!
Sent from my iPhone

On Dec 28, 2025, at 5:01 PM, Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com> wrote:

Hey folks,

Before December 31st, please copy and paste the text below in an email to the RGU so we document and maintain our federal protections with regard to noise and safety mitigations.

The easy way out for them is moving the road out to 34th avenue to comply with these federal standards vs. berm and wall. Regardless, we need to submit this to record by sending it to the RGU.

Thank you!

[REDACTED]

RGU: ronald.gaines@steelecountymn.gov

Subject: Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

Body:
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[Your Name and contact information]

Please send this additional comment to the RGU

[REDACTED]
To: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Sun, Dec 28, 2025 at 5:12 PM

Done.

L [REDACTED] and K [REDACTED] W [REDACTED]
[REDACTED] r [REDACTED]

On Sun, Dec 28, 2025 at 17:01 Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com> wrote:
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Subject: Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

Body:

RGU - Ronald Gaines,

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[REDACTED]
To: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Sun, Dec 28, 2025 at 5:13 PM

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G [REDACTED] and K [REDACTED] W [REDACTED]

Owatonna, MN

Date: December 27, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: Finding: The Claimed “Preserved Corridor” Is Contradicted by an Affirmative Governmental Determination That the Project Was Not Foreseeable

The Environmental Assessment Worksheet (EAW) repeatedly relies on the assertion that the East Side Corridor has been “preserved for decades” to justify alignment selection, proximity to existing homes, and dismissal of avoidance alternatives. That claim is directly contradicted by the City’s own prior governmental action. As reflected in the public record on August 5, 2013, a formal motion was made and adopted to remove the relevant roadway segments from the Municipal State Aid (MSA) system because the City did not foresee the project ever being constructed. Resolution 73-13 was recorded. Removal from MSA is not clerical or incidental; it is an affirmative determination that a roadway is not planned, not foreseeable, and not part of the functional transportation system. A corridor cannot simultaneously be “preserved” and “not expected to ever happen.” The EAW’s reliance on the existence of a preserved corridor therefore rests on a false and unsupported environmental baseline that ignores prior abandonment of the project by the partner to the responsible governmental unit.

Watch resolution 72-13 approval here: https://youtu.be/Ic_GGLH7TUs

Implications for Environmental Review

This contradiction between the claimed “preserved corridor” and the City’s prior determination that the project was not foreseeable has multiple material implications for the adequacy of the environmental review:

1. **Predetermination.** The City affirmatively abandoned the corridor, then later revived only a single alignment while asserting inevitability and stating that it could “legally build there,” demonstrating that alignment selection preceded and constrained environmental review rather than resulting from it.
2. **Incomplete and Misleading EAW.** An Environmental Assessment Worksheet cannot lawfully rely on a corridor as “preserved” when the administrative record contains a formal governmental decision that the project was not expected to ever occur. This omission distorts the environmental baseline and materially misleads the public and decision-makers.
3. **Improper Dismissal of Alternatives.** Avoidance and alternative corridors were rejected based on the false premise that the selected alignment was preordained, foreclosing meaningful comparative analysis required under MEPA.
4. **Bad Faith Planning.** The sequence of governmental actions—abandoning the project for decades, allowing homes to be built in reliance on that abandonment, removing the

"Preserved Corridor" Is Contradicted by an Affirmative Governmental Determination

EAW Comment #22

corridor from the Municipal State Aid system, and later resurrecting the same corridor as justification for imposing impacts on established neighborhoods—reflects inconsistent and unreliable planning practices incompatible with the integrity of environmental review.

This defect is structural, materially misleading, and cannot be cured through post-hoc explanation or website corrections, rendering the EAW inadequate to support a Finding of No Significant Impact.

M [REDACTED] Z [REDACTED]

[REDACTED]
Owatonna, MN

Directly impacted resident

Date: December 27, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: Purpose and Need Collapse: Lack of a Demonstrated Transportation Problem

The East Side Corridor (ESC) Environmental Assessment Worksheet fails to demonstrate a legitimate transportation purpose and need as required under MEPA and NEPA. When current, accurate traffic data are applied, the foundational claims of congestion, capacity deficiency, poor connectivity, and travel-time inefficiency do not hold. What remains is a project that primarily enables future development, which is not a lawful basis for advancing a transportation project under environmental review statutes.

Current Traffic Data Undermines the Claimed Transportation Need

The EAW relies on traffic volumes and growth assumptions derived from the 2040 Transportation Plan and earlier datasets. However, the most recent traffic counts show that traffic volumes on nearly all roadways cited as justification for the project have declined substantially—by approximately 8–20 percent—relative to earlier counts.

Roadway	From	To	2019 AADT	2040 AADT	2024 AADT	2046 AADT	Capacity	Current V/C	Capacity Change
Bridge St	Park Dr NW	Selby Ave	15400	20,500	11,123	14,807	22,000	0.51	-19.4%
18 St SW	CR 45	Hartle Ave	6200	9,500	6,550	10,036	10,000	0.66	3.5%
North St	CR 45	Cedar Ave	8900	11,300	6,959	8,836	10,000	0.70	-19.4%
Cedar Ave	North St	16 St NE	7200	9,200	5,521	7,055	10,000	0.55	-16.8%
Mineral Springs Rd	Freemont St	Cherry St	7900	9,300	7,025	8,270	10,000	0.70	-8.8%
Mineral Springs Rd	Cherry St	St. Paul Rd	9300	10,100	7,825	8,498	10,000	0.78	-14.8%

**There was no 2019 data, next most recent 2011 data used

Figure 1: Todays traffic counts vs the counts use in the 2040 Transportation plan.

$$\text{Future Traffic} = \text{Current Traffic} * (1 + \text{Growth Rate})^{\text{Number of Years}}.$$

Using updated AADT values from MnDOT TrafficViewer and applying the same growth rates used in the 2040 Transportation Plan, projected future volumes remain well below roadway capacity on all corridors cited in the Purpose and Need. Where capacity concerns were previously asserted, those concerns no longer exist when accurate baseline data are used.

Traffic data accuracy is not a secondary consideration under MEPA or NEPA. It is the foundation of transportation need. Where current data contradicts claimed congestion or capacity deficiency, the purpose and need analysis collapses.

EAW – Purpose and Need

1. Alleged Poor Connectivity Is Not Supported

The EAW characterizes Owatonna as suffering from “poor north–south connectivity” that necessitates construction of the East Side Corridor. However, Owatonna’s roadway network developed as a spoke-and-wheel system centered on downtown, a design that inherently funnels traffic toward the city center rather than around it. This configuration reflects intentional planning choices that prioritize access to civic, commercial, and residential destinations rather than bypass travel.

Because of this network structure, through-traffic is naturally limited, and travel between destinations continues to route through downtown regardless of the addition of a parallel corridor. Construction of a new north–south roadway does not alter this fundamental travel behavior and therefore does not resolve the asserted connectivity concern. The EAW provides no analysis demonstrating that the ESC would meaningfully change travel patterns or eliminate downtown routing.

The County further asserts that north–south arterial spacing of one to three miles is required. However, the County’s own spacing maps show that all studied alternatives—including those prematurely eliminated—meet this criterion. As shown in Figure 2, the 34th Avenue alternative lies approximately three miles from Cedar Avenue and one mile from CSAH 43, fully satisfying the stated spacing standard.

Spacing, therefore, is not a legitimate eliminating factor. The continued exclusion of alternatives that meet the County’s own connectivity criteria indicates premature elimination rather than a demonstrated transportation need.

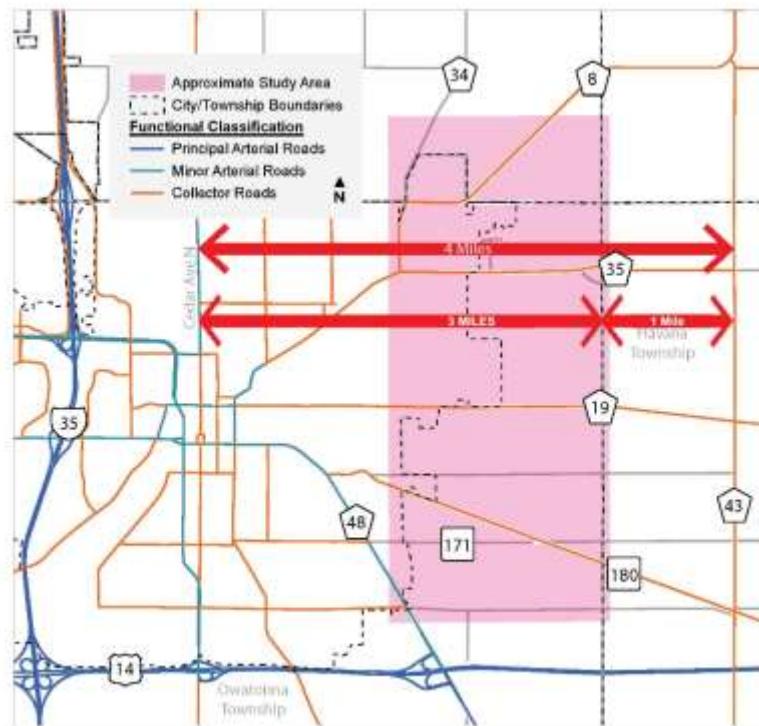


Figure 2: County Spacing Map Showing All Alternatives Meet Arterial Spacing Criteria

2. Downtown Congestion Is Unsupported and Methodologically Inflated

Claimed Congestion Relief Is Based on Inflated and Outdated Traffic Analysis

The Preferred Alternative Federal Memorandum asserts that the East Side Corridor (ESC) could reduce downtown traffic volumes by approximately 800 vehicles and produce nominal travel-time savings of approximately one second. However, the methodology used to derive these figures materially inflates the purported benefit.

At the intersection of Mineral Springs Road and Bigelow Avenue—a T-intersection—WSB counted all traffic on Bigelow Avenue and all traffic on Mineral Springs Road east of the intersection as eligible for diversion by the ESC. This approach double-counts individual vehicles. A vehicle approaching from Bigelow or traveling west on Mineral Springs Road will either exit the count area or enter the adjacent segment; it cannot be removed twice from the network. Treating these movements as separate diverted vehicles improperly inflates the estimated benefit.

In addition, no analysis was performed to determine whether traffic on Bigelow Avenue is destination-based, including trips associated with nearby schools. Destination-based traffic would not be diverted by a peripheral corridor and would continue to use existing routes. The assumption that such traffic would shift to the ESC further overstates congestion relief.

Even with these inflated assumptions, the analysis shows that the ESC would provide measurable benefit to only a single roadway segment—Mineral Springs Road between Cherry Street and St. Paul Road. This outcome contradicts the project's stated purpose of providing broad relief to downtown collector and arterial roadways. If the only segment identified as approaching capacity is not, in fact, operating at or near capacity, then the remaining downtown congestion claims necessarily fail as well.

Table 12 of the Federal Memorandum, which was submitted to federal agencies in support of a preferred alternative, relies on several unsupported assumptions. First, it assumes that construction of the ESC would result in no additional traffic on the affected downtown roadways. Second, the “No Build” traffic volume of 10,100 AADT is derived from the 2040 Transportation Plan using a 0.41 percent average annual growth rate applied to older baseline counts. Third, these calculations were not updated to reflect post-COVID traffic conditions, despite documented traffic declines of 30–60 percent statewide and substantially lower observed volumes in Owatonna. Fourth, the memorandum notes that Alternatives 2–4 would produce similar traffic outcomes, yet Alternative 4 was eliminated without further study.

When current traffic counts are used and the same growth rate is applied consistently, the results differ materially from those presented in the Federal Memorandum. Applying the formula

$$\text{Future Traffic} = \text{Current Traffic} \times (1 + \text{Growth Rate})^{\text{Years}}$$

to the 2024 AADT for Mineral Springs Road (7,825 vehicles) yields a projected future volume of approximately 8,492 vehicles.

As shown in Figure 3, this results in a volume-to-capacity ratio of approximately 0.85 under the no-build condition and approximately 0.78 under Alternatives 2–4—well below capacity thresholds. This

represents lower traffic volumes than those observed in 2019 and directly contradicts the claim that downtown congestion necessitates construction of the ESC.

Table 12. Downtown congestion impact of Alternatives 2-4.

Roadway	From	To	No Build AADT	No Build V/C	Alt 2-4 AADT	Change	Alt 2-4 V/C
Mineral Spgs Rd	Fremont St	Cherry St	9,300	0.93	8,500	-800	0.85
Mineral Spgs Rd	Cherry St	St Paul Rd	10,100	1.01	9,300	-800	0.93
Cedar Ave	North St	16th St NE	9,200	0.92	9,200	0	0.92

Roadway	From	To	No Build AADT	No Build V/C	Alt 2-4 AADT	Change	Alt 2-4 V/C
Mineral Spgs Rd	Cherry St	St. Paul Rd	8,492	0.85	7,825	-667	0.78

Figure 3. Future traffic projections using current AADT - Mineral Springs Road operates below capacity.

Despite the Federal Memorandum's conclusion that Alternatives 2-4 would yield the same traffic benefits, Alternative 4 was removed from consideration without further study, undermining the objectivity of the alternatives analysis.

Assumed Downtown Through-Traffic Is Unsupported by Data or Observed Travel Behavior

The EAW asserts that traffic traveling between the northeast part of Owatonna and U.S. Highway 14, or other southern destinations, requires indirect travel through downtown Owatonna and contributes to downtown congestion and residential cut-through traffic. However, no empirical data are provided to support this claim. No origin-destination study, route choice analysis, or local street traffic counts were conducted to substantiate assumed travel patterns.

Instead, routing assumptions appear to have been made without verification and do not align with observed resident travel behavior. Residents of the North Country neighborhood report routinely avoiding downtown routes when traveling to destinations, even when doing so requires less direct travel. With limited exceptions for specific destinations, such as trips to the Hy-Vee area via Main Street and Oak Avenue, downtown is generally avoided rather than used as a through-route.

This disconnect between assumed and actual travel behavior further undermines the claim that the East Side Corridor would meaningfully reduce downtown congestion. Without data demonstrating that significant through-traffic currently uses downtown routes—and would divert to the proposed corridor—the asserted congestion relief remains **speculative and unsupported**.

3. Residential Street Traffic Claims Are Unsupported by Data

The EAW asserts that "considerable through traffic" uses local residential streets, including Crestview Lane, Shady Avenue, and Countryview Avenue. If accurate, this would represent a serious transportation and safety concern. However, the EAW provides no empirical data to support this claim.

MEPA and NEPA require analytical evidence to substantiate assertions of transportation impacts. Despite repeated requests over multiple years, no traffic studies, traffic counts, or origin-destination analyses were conducted on these residential streets. In June 2025, Steele County confirmed that no

such studies exist and that the claim is based solely on recollections and informal communications rather than measured data.

Jarrett, Robert
to: Renae, Rebecca, me: +
Jun 10, 2025, 11:30 AM (9 days ago)  

We do not have any documentation related to this data request. As such, the request will be closed.

A response from Paul:

All we have is staff recollection of numerous phone calls of complaints over the years, and comments received from the public during the East Side Corridor public meetings. Also, I reviewed the state traffic counts, they don't show anything on their website traffic mapping application.

Paul Sponholz, P.E. | County Engineer
Steele County | PO Box 890, 3000 Hoffman Dr NW, Owatonna, MN 55060-0890
O: (507) 444-7671 | M: (507) 475-2253 | Paul.Sponholz@SteeleCountyMN.gov



Figure 4 - Data request response shows no traffic studies exist for Crestview Lane or Shady Avenue.

As shown in Figure 4, data request responses confirm the absence of traffic studies for Crestview Lane and Shady Avenue. MnDOT TrafficViewer further corroborates that no traffic count data exists. Where no data exist, conclusions regarding “considerable through traffic” cannot be supported and cannot lawfully form the basis for a transportation purpose and need.

In the absence of any empirical analysis, residents documented observed traffic conditions to illustrate the disconnect between claimed and actual conditions. While these observations are not offered as a substitute for formal traffic studies, they underscore the absence of congestion or capacity issues on the cited residential streets. Recorded observations during multiple trips, including peak periods, show minimal traffic volumes inconsistent with claims of significant through traffic.

(<https://youtube.com/shorts/2tye-azfqMI>)

Countryview Avenue, in particular, functions as a dead-end roadway serving destination-based residential traffic only. Crestview Lane experiences periodic increases associated with specific events, such as school-related activities at BrookTree Golf Course, but these are episodic, destination-driven movements that would not be diverted by construction of the East Side Corridor. Such traffic does not represent a systemic transportation deficiency.

The EAW itself acknowledges that these routes are “local streets intended to provide access to residential areas and not to provide mobility for through traffic.” No evidence is presented to show that these streets are currently functioning outside that role or that construction of a new arterial corridor would materially alter travel behavior. Absent data demonstrating existing or projected through traffic volumes, the residential street traffic justification remains speculative and unsupported.

4. Claimed Travel Time Benefits Are Based on Unsupported Assumptions

The EAW asserts that the East Side Corridor (ESC) would reduce travel times to selected destinations. However, the travel time analysis does not rely on standard transportation methodology. Instead of applying basic, transparent calculations, travel times were derived from assumptions about routing behavior and distances that are not supported by the record. In several instances, distances appear to have been overstated or understated in ways that favor the preferred alternative.

When accurate distances are used and travel times are calculated using standard formulas (**Time = Distance ÷ Speed**), the asserted benefits materially change. As shown in Figure 5, Alternative 3 produces travel times that are approximately equivalent to existing conditions, offering little to no improvement. Alternative 4, by contrast, results in consistently shorter travel times across the evaluated routes.

This outcome is explained by design assumptions acknowledged in project materials. WSB presentations indicate that the northern segment of the preferred alternative would operate at approximately 40–45 miles per hour. Lower operating speeds necessarily increase travel time and diminish any claimed efficiency advantage. When these speed assumptions are applied consistently, the preferred alternative does not outperform other options.

Importantly, Alternative 4 not only yields superior travel time performance but also avoids direct impacts to existing residential neighborhoods, thereby avoiding noise impacts and the need for mitigation measures such as noise walls. Despite providing equal or superior transportation performance with fewer environmental and community impacts, Alternative 4 was eliminated from further consideration without adequate justification. This undermines the credibility of the travel time analysis as a basis for purpose and need.

Residential Analysis of Alternatives Using Mathematical Formulas + Stops

Existing	Origin	Owatonna High School/US 14 & US 218 Interchange Area	Cedar Ave & 18th St Commercial Area (Hyvee)	Owatonna Hospital/I-35 & 26th St Interchange Area
	26th St NE & Kenyon Rd	10 min/4.5 mi	11 min/4.1 mi	
	Country View Ave & Fox Hollow Ln	8 min/3.3 mi	10 min/3.9 mi	12 min/5.1 mi
3	Origin	Owatonna High School/US 14 & US 218 Interchange Area	Cedar Ave & 18th St Commercial Area (Hyvee)	Owatonna Hospital/I-35 & 26th St Interchange Area
	26th St NE & Kenyon Rd	10 min/4.8	13 min/6.3 mi	
	Country View Ave & Fox Hollow Ln	7 min/2.8 mi	10 min/4.3 mi	9 min/5.7 mi
4	Origin	Owatonna High School/US 14 & US 218 Interchange Area	Cedar Ave & 18th St Commercial Area (Hyvee)	Owatonna Hospital/I-35 & 26th St Interchange Area
	26th St NE & Kenyon Rd	8 min/5.1 mi	11 min/6.6 mi	
	Country View Ave & Fox Hollow Ln	6 min/3.3 mi	9 min/4.8 mi	10 min/6.0 mi
5	Origin	Owatonna High School/US 14 & US 218 Interchange Area	Cedar Ave & 18th St Commercial Area (Hyvee)	Owatonna Hospital/I-35 & 26th St Interchange Area
	26th St NE & Kenyon Rd	9 min/6.1 mi	12 min/7.0 mi	
	Country View Ave & Fox Hollow Ln	7 min/4.3 mi	10 min/5.8 mi	11 min/7.0 mi



**Alternative 3 in its proximity to homes will cause a slower roadway - assumed a 40mph travel speed.

**Factored in 30 seconds for each of 4 stops on each route. Most stops do not take 30 seconds.

Figure 5. Travel time comparison using accurate distances and standard calculation methods.

5. Development Considerations Cannot Supply a Transportation Purpose and Need

While the Environmental Assessment Worksheet does not formally identify development as part of the project's purpose and need, development objectives are documented elsewhere in the project record. The project website states that "*the lack of a complete transportation network limits the potential for new development to occur in this area*" and cites inconsistency with the City of Owatonna's Development Plan, which identifies the area as a primary growth zone as part of the project's purpose and need. This framing introduces development enablement as a justification for the project outside the EAW's stated purpose and need.

The EAW further includes a land use map identifying a "Future Destination" on page 337. The parcel depicted is owned by the Owatonna School District and has long been designated for a future elementary school. The property has been held by the School District since the prior iterations of the East Side Corridor study in the 1990s and early 2000s, either through purchase or donation, and has remained in public ownership for more than two decades. It currently generates educational and agricultural value through use by the FFA program.

Recent elementary school redistricting was undertaken due to capacity constraints, temporarily alleviating overcrowding but not eliminating the long-term need for an additional elementary school as the community grows. The identified parcel represents a viable and cost-effective site for that purpose. Conversion of this publicly owned school property for private development would impose substantial replacement costs on taxpayers and diminish future public infrastructure options.

Locating or routing a high-capacity roadway adjacent to property intended for an elementary school raises additional concerns, as it would expose children and other vulnerable populations to elevated noise and traffic impacts. These impacts are not addressed in the context of land use compatibility within the Purpose and Need analysis.

Taken together, these materials demonstrate that development objectives are influencing the project's justification, even though they are not disclosed as part of the formal purpose and need. MEPA and NEPA do not permit transportation projects to be justified by speculative development or growth-inducing objectives. Purpose and need must be grounded in an actual, demonstrated transportation deficiency. Reliance on development plans, future land use assumptions, or growth accommodation improperly substitutes land-use goals for a lawful transportation purpose and undermines the validity of the environmental review.

Other Material Inaccuracies Undermining Purpose and Need

Several additional inaccuracies in the EAW further undermine the validity of the project's stated purpose and need.

Inaccurate Capacity Claims in EAW Tables

Table 4 of the EAW indicates that North Street East and Mineral Springs Road are operating near capacity. However, the table contains both geographic and numerical errors. North Street East does not run between CSAH 45 and Cedar Avenue North as described, indicating either a mislabeling of roadway segments or incorrect traffic attribution.

Purpose & Need Collapse

EAW Comment #23

In addition, the traffic volumes used in Table 4 do not reflect current AADT. When corrected traffic counts are applied, both roadways operate well below capacity, as shown in Figure 6. Under corrected data, North Street East operates at a volume-to-capacity ratio of approximately 0.69, and Mineral Springs Road operates at approximately 0.78—well within acceptable operating conditions.

Table 4 - Asserts that North Street East and Mineral Springs Road are operating near capacity.

Roadway Name	Road Owner	From	To	Vehicles Per Day	Roadway Capacity (Vehicles Per Day)	V/C Ratio
North St E	City of Owatonna	CR 45	Cedar Ave N	8,900	10,000	.89
Mineral Springs Rd	City of Owatonna	Cherry St	St. Paul Rd	9,300	10,000	.93

Roadway Name	Road Owner	From	To	Current AADT	Roadway Capacity (Vehicles Per Day)	V/C Ratio
North St E	City of Owatonna	CR 45	Cedar Ave N	6,959	10,000	.69
Mineral Springs Rd	City of Owatonna	Cherry St	St. Paul Rd	7,825	10,000	.78

Figure 6 – Corrected traffic volumes show roads operating below capacity.

Similarly, Table 3 of the EAW lists CSAH 8 (Kenyon Road) as carrying 1,760 vehicles per day. The correct traffic volume is approximately 849 vehicles per day; the higher value appears to have been improperly taken from a different roadway segment (26th Street). These inaccuracies materially affect conclusions regarding congestion and roadway performance.

Table 3 – Inaccurate traffic volumes reported for CSAH 8.

Roadway Name	Functional Class	Owner Daily	Traffic Volumes*
CSAH 8 (Kenyon Rd)	Major Collector	Steele County	1,760 (2024)

Updated Traffic Projections Contradict EAW Conclusions

When current 2024 traffic counts are used and the same growth rates from the 2040 Transportation Plan are applied consistently, projected 2046 volumes show that nearly all evaluated roadways and intersections continue to operate below capacity. As shown in Figure 8, only 18th Street Southwest is projected to approach capacity by 2046.

Importantly, Figure 1 shows that 18th Street is also the only corridor where traffic has increased in recent years. The Federal Memorandum further indicates that construction of the East Side Corridor is expected to increase traffic volumes on 18th Street, exacerbating—not alleviating—the only identified

capacity concern.

Table 5 – Roadways Approaching and Exceeding Capacity (2046)

Roadway	Road Owner	From	To	Vehicles Per Day	Roadway Capacity (Vehicles Per Day)	V/C Ratio
Bridge St W	City of Owatonna	Park Dr NW	Selby Ave SW	20,500	22,000	0.93
18th St SW	City of Owatonna	CR 45	Hartle Ave SE	9,500	10,000	0.95
North St W	City of Owatonna	CR 45	Cedar Ave N	11,300	10,000	1.13
Cedar Ave N	City of Owatonna	North St W	16th St NE	9,200	10,000	0.92
Mineral Springs Rd	City of Owatonna	Fremont St E	Cherry St NE	9,300	10,000	0.93
Mineral Springs Rd	City of Owatonna	Cherry St NE	St. Paul Rd NE	10,100	10,000	1.01

Source: Steele County 2040 Transportation Plan

Figure 8 – 2046 V/C based on today's traffic and growth percentages from the 2040 Transportation Plan

Roadway	From	To	2024 AADT	2046 AADT	Capacity	2046 V/C
Bridge St	Park Dr NW	Selby Ave	11,123	14,807	22,000	0.67
18 St SW	CR 45	Hartle Ave	6,550	10,036	10,000	1.00
North St	CR 45	Cedar Ave	6,959	8,836	10,000	0.88
Cedar Ave	North St	16 St NE	5,521	7,055	10,000	0.71
Mineral Springs Rd	Freemont St	Cherry St	7,025	8,270	10,000	0.83
Mineral Springs Rd	Cherry St	St. Paul Rd	7,825	8,498	10,000	0.85

The EAW also asserts a projected 35 percent increase in school-related traffic as an additional justification for the project. However, the relevant school opened in 2023, and traffic counts were updated in 2024. Actual data from Bixby Road show a decrease in traffic from approximately 4,200 vehicles per day to 4,144 vehicles per day. The asserted increase is speculative and contradicted by observed conditions.

Traffic counts are generally updated on a five-year cycle. The 2024 data represent a substantial departure from earlier assumptions and directly undermine nearly all stated transportation justifications for the project, with the exception of newly introduced development considerations.

Alternatives Analysis and Premature Elimination

The Federal Memorandum acknowledges that Alternatives 2, 3, and 4 would produce equivalent transportation benefits. Despite this, Alternative 4 was eliminated without additional analysis, even though it avoids direct impacts to existing residential neighborhoods and reduces the need for mitigation measures. Elimination of an alternative that provides equivalent performance without documented justification reflects premature elimination rather than a transportation-based distinction.

Conclusions

- All evaluated alternatives meet the stated roadway spacing criteria.
- Downtown congestion claims are unsupported and rely on outdated or inflated data; when current data are applied, the asserted need does not exist.
- No empirical data support claims of substantial through traffic on Shady Avenue, Crestview Lane, or Countryview Avenue, nor is there evidence that such traffic would be diverted by the East Side Corridor.
- When travel times are calculated using accurate distances and standard formulas, 29th Ave/Alternative 3 does not outperform existing conditions or eliminated alternatives.
- Development objectives appear to be driving the project in the absence of a demonstrated transportation deficiency.

MEPA and NEPA require analytical data that are accurate, current, and objectively applied. When corrected traffic data are used, the record presents a materially different picture than that relied upon in the EAW. The 2040 Transportation Plan itself anticipates relatively stable population through 2030 followed by slight decline through 2060 and identifies only two roadways approaching capacity, both within the City of Owatonna. The East Side Corridor does not address those locations and, by the project's own analysis, would worsen conditions on one of them.

The East Side Corridor would substantially benefit future growth areas while imposing significant impacts on existing residents, particularly within the North Country neighborhood. Residents have consistently requested avoidance of this neighborhood for more than three years based on safety, health, and quality-of-life concerns. These objections are not rooted in opposition to growth, but in the absence of a demonstrated transportation need and the availability of less harmful alternatives.

Where a project's stated purpose and need fail to demonstrate an actual transportation problem, a Finding of No Significant Impact cannot be supported. Proceeding under these circumstances requires either preparation of an Environmental Impact Statement to evaluate reasonable alternatives—including no-build—or termination of the project due to the absence of a lawful public transportation purpose.

M [REDACTED] Z [REDACTED]

[REDACTED]
Owatonna, MN

Directly impacted resident

Mathematics and Computer Science, B.S.

**The County was made aware of these inaccuracies, yet no supplemental public notice or comment period was provided to allow the public to attach their comments to the project.*

Date: December 28, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

RE: Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

The County asked residents from North Country Subdivision to respond to the three noise “options” presented. None of those options constitute lawful noise mitigation. Landscaping and a 6-foot fence do not meet any recognized noise standards and do not satisfy the County’s obligations under MEPA or NEPA.

While the County may claim exemption from certain numeric noise thresholds, it is **not exempt from identifying, addressing, and mitigating noise impacts**. The EAW fails to do so. Further, despite statements that federal funding has been dropped, the EAW documents that the East Side Corridor is a **federal undertaking** and therefore remains subject to applicable federal regulations, including federal noise requirements.

Under MEPA and NEPA, impacts must be addressed in the following order: **Avoid, Minimize, Mitigate. Avoidance remains the preferred and required option** because it prevents the substantial, documented noise impacts altogether.

If the County refuses to pursue avoidance, we are willing to accept a **noise berm that complies with Minnesota and Federal noise regulations, including Minn. R. 7030 and 23 C.F.R. Part 772**, spanning the full length of the subdivision—not landscaping or decorative grading. Any berm relied upon as mitigation must, at a minimum and without limitation:

- **Block line of sight**, equivalent in function to a **20-foot noise wall**;
- **Meet applicable MnDOT engineering standards**, including but not limited to **1:3 or 1:4 slope ratios**;
- **Fully address stormwater impacts**, including but not limited to preventing any increase in runoff or drainage onto adjacent properties;
- **Be entirely contained on public property**;
- **Require no private easements or encroachment** onto residential land; and
- **Exclude any roadway connections to Timberwood Lane or Fox Hollow Lane**, which would increase traffic, noise, and safety impacts and reduce mitigation effectiveness.

Any use of residential property—**even temporary**—for construction, grading, access, utilities, drainage, or other purposes would constitute a taking and **trigger eminent domain and condemnation proceedings**, as acknowledged on the County’s own website.

As noted in the EAW, the County has referenced berms “similar to Deer Trail Lane NE.” Those berms were constructed where residential development occurred *after* the roadway existed.

Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

EAW Comment #24

Here, the proposed project represents a **highway encroaching on established homes**, which requires a different mitigation analysis and heightened protections under MEPA and NEPA.

If the County asserts that a berm meeting these criteria cannot be provided, the County must identify an alternative noise mitigation measure that achieves the **same functional performance**, such as a **20-foot noise wall** identified in the project's noise study as reasonable, feasible, and recommended. The need for mitigation of this magnitude confirms the severity of impacts and reinforces that **avoidance is the legally required first option**.

The County's consideration of mitigation at this scale demonstrates that the project will cause **significant environmental impacts**. Significant impacts preclude a Finding of No Significant Impact (FONSI) and require preparation of an **Environmental Impact Statement (EIS)**. These issues and appropriate mitigations were excluded from the EAW, rendering it inadequate. An EIS is needed.

I incorporate by reference the detailed **Owatonna East Side Corridor group noise comment** submitted into the EAW record.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Sun, Dec 28, 2025 at 11:41 PM

Hello Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

The EAW relies heavily on the assertion that the East Side Corridor has been a “preserved” or “planned” corridor for approximately three decades. That assertion is not supported by the public record and results in an inaccurate environmental baseline that undermines the adequacy of the EAW.

The record demonstrates that while discussions and agreements to preserve an east side beltline occurred at various points, those agreements were never executed. The corridor was never purchased, no right-of-way was acquired, no deed restrictions or designations were recorded, and development was approved multiple times directly over the mapped route. The City did not refuse permits, contest development, or otherwise act to preserve the corridor.

Most notably, in 2013 the Owatonna City Council voted to declassify the East Side Beltline and reclaimed state aid funding for the project, explicitly acknowledging that the corridor was no longer anticipated to be built. This constitutes affirmative abandonment, not preservation.

Despite this history, the EAW treats the corridor as an established planning constraint and uses it as a baseline justification for locating a new highway immediately adjacent to existing homes. Reliance on a corridor that was functionally abandoned through governmental action misrepresents existing conditions, prejudices alternatives analysis, and improperly narrows the scope of environmental review.

Because the EAW’s Purpose and Need, alternatives screening, and impact analysis are premised on an inaccurate and unsupported “preserved corridor” narrative, the EAW fails to provide a reliable foundation for environmental decision-making. This defect cannot be cured through clarification or supplemental explanation and warrants heightened environmental review.

Thank you for including this comment in the official EAW record.

Sincerely,
C [REDACTED] W [REDACTED]
Owatonna East Side Corridor Resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Sun, Dec 28, 2025 at 11:54 PM

Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

Traffic conditions on neighborhood streets such as Shady Avenue have been cited as a justification for the proposed East Side Corridor. However, the EAW does not disclose any traffic counts, studies, or analyses demonstrating that Shady Avenue experiences congestion, unsafe conditions, or traffic volumes inconsistent with its residential function.

The absence of traffic data is not incidental. It is consistent with residents' daily, lived experience using Shady Avenue, which does not reflect a traffic problem of regional or corridor-level significance.

To document observed conditions, a resident recently compiled all trips made on Shady Avenue over a typical 24-hour period, including peak hours on a school day. Across multiple trips, only three vehicles were observed. These observations corroborate the lack of supporting data and directly contradict the assertion that Shady Avenue traffic necessitates construction of a \$30–60 million regional roadway.

Under MEPA, an Environmental Assessment Worksheet may not support a Finding of No Significant Impact when a project's purpose and need is based on disputed, incomplete, or unsupported assumptions, particularly where those assumptions are central to the scale and location of the proposed action. Here, the claimed traffic problem is a core justification for the project, yet it is unsupported by disclosed data and contradicted by real-world conditions.

This unresolved discrepancy creates substantial uncertainty regarding the project's necessity, scale, and location, and undermines the EAW's ability to meaningfully evaluate environmental impacts, alternatives, and mitigation. Such uncertainty cannot be resolved through an EAW and requires preparation of a full Environmental Impact Statement (EIS) to ensure informed decision-making, public transparency, and compliance with MEPA.

Thank you,
C [REDACTED] W [REDACTED]
Owatonna East Side Corridor Resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 12:03 AM

Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

I am concerned that the environmental review process has been prejudiced by governmental actions taken before environmental review is complete. On December 16, 2025, the City of Owatonna adopted a Resolution of Support for the East Side Corridor prior to completion of environmental review and while key impact information remains unavailable to the public.

The resolution commits the City to support and advance the project, including continued development and right-of-way considerations, before the EAW process has concluded. This action signals a predetermined outcome and undermines the purpose of environmental review, which is intended to inform decisions—not follow them.

Public comment on the resolution occurred after the vote, preventing residents from raising these concerns before action was taken. Written notice identifying these process concerns was submitted to the City prior to the vote and entered into the public record, yet the City proceeded anyway.

Advancing formal project support prior to completion of environmental review prejudices the decision-making process and compromises the integrity of the EAW. Because project decisions are being made before environmental review is complete, a Finding of No Significant Impact (FONSI) would be improper.

An Environmental Impact Statement (EIS) is required to restore a lawful and unbiased review process, or at a minimum, the EAW must be supplemented to address the effects of pre-decision commitments and to ensure that alternatives and impacts are evaluated without predetermination.

Thank you,
C [REDACTED] W [REDACTED]
Owatonna East Side Corridor Resident

Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

1 message

[REDACTED] To: "ronald.gaines@steelecountymn.gov" <ronald.gaines@steelecountymn.gov>

Mon, Dec 29, 2025 at 11:32 AM

RGU - Ronald Gaines,

The County asked residents from North Country Subdivision to respond to the three noise “options” presented. None of those options constitute lawful noise mitigation. Landscaping and a 6-foot fence do not meet any recognized noise standards and do not satisfy the County’s obligations under MEPA or NEPA. While the County may claim exemption from certain numeric noise thresholds, it is not exempt from identifying, addressing, and mitigating noise impacts. The EAW fails to do so. Further, despite statements that federal funding has been dropped, the EAW documents that the East Side Corridor is a federal undertaking and therefore remains subject to applicable federal regulations, including federal noise requirements. Under MEPA and NEPA, impacts must be addressed in the following order: Avoid, Minimize, Mitigate. Avoidance remains the preferred and required option because it prevents the substantial, documented noise impacts altogether.

If the County refuses to pursue avoidance, we are willing to accept a noise berm that complies with Minnesota and Federal noise regulations, including Minn. R. 7030 and 23 C.F.R. Part 772, spanning the full length of the subdivision—not landscaping or decorative grading. Any berm relied upon as mitigation must, at a minimum and without limitation:

- Block line of sight, equivalent in function to a 20-foot noise wall
- Meet applicable MnDOT engineering standards, including but not limited to 1:3 or 1:4 slope ratios
- Fully address stormwater impacts, including but not limited to preventing any increase in runoff or drainage onto adjacent properties
- Be entirely contained on public property
- Require no private easements or encroachment onto residential land
- Exclude any roadway connections to Timberwood Lane or Fox Hollow Lane, which would increase traffic, noise, and safety impacts and reduce mitigation effectiveness.

Any use of residential property—even temporary—for construction, grading, access, utilities, drainage, or other purposes would constitute a taking and trigger eminent domain and condemnation proceedings, as acknowledged on the County’s own website.

As noted in the EAW, the County has referenced berms “similar to Deer Trail Lane NE.” Those berms were constructed where residential development occurred after the roadway existed. Here, the proposed project represents a highway encroaching on established homes, which requires a different mitigation analysis and heightened protections under MEPA and NEPA. If the County asserts that a berm meeting these criteria cannot be provided, the County must identify an alternative noise mitigation measure that achieves the same functional performance, such as a 20-foot noise wall identified in the project’s noise study as reasonable, feasible, and recommended. The need for mitigation of this magnitude confirms the severity of impacts and reinforces that avoidance is the legally required first option.

The County’s consideration of mitigation at this scale demonstrates that the project will cause significant environmental impacts. Significant impacts preclude a Finding of No Significant Impact (FONSI) and require preparation of an Environmental Impact Statement (EIS). These issues and appropriate mitigations were excluded from the EAW, rendering it inadequate. An EIS is needed.

I incorporate by reference the detailed Owatonna East Side Corridor group noise comment submitted into the EAW record.

G [REDACTED] F [REDACTED]

Response to County Request to Select Among Three Noise Options

I. Purpose of This Comment

This comment is submitted in direct response to the Steele County's request that East Side Corridor (ESC) residents select one of three noise "options" presented in the Environmental Assessment Worksheet (EAW). As explained below, none of the three options constitutes lawful noise mitigation, and the County's framing of these options does not satisfy the requirements of MEPA or NEPA.

II. None of the Three Options Presented Constitutes Noise Mitigation

The three noise "options" presented by the County consist of landscaping, shallow grading, or fencing. None of these options meets recognized state or federal standards for noise mitigation:

- **Landscaping** is explicitly not noise mitigation under state and federal guidance.
- A **6-foot fence** does not block line of sight, does not reduce traffic noise, and does not comply with recognized noise-abatement standards.
 - Placing a fence on the property line and shifting responsibility to residents **imposes additional burdens on residents already disproportionately harmed by the project**, which is **not permitted under MEPA or NEPA**.
 - Additionally, locating a fence at the property line or relying on private property for noise mitigation would constitute a **taking** and would **trigger eminent domain and condemnation**. As HUD has advised in communications regarding this corridor, even minimal encroachment onto residential property would likely result in the **condemnation and displacement of homes along the route**, particularly given the proximity of the proposed roadway to existing residences.

Because none of the three options qualifies as mitigation, residents cannot lawfully "choose" among them.

III. Claimed Exemptions Do Not Relieve the County of Its Duty to Address Noise Impacts

While the County may claim exemption from certain numeric upper noise thresholds, it is **not exempt from identifying, evaluating, and mitigating noise impacts**. The EAW **does not include or analyze the project's noise study** and therefore fails to disclose, assess, or evaluate mitigation for the substantial noise impacts associated with the project. This omission renders

the EAW **incomplete and insufficient** under MEPA and NEPA.

IV. Substantial Noise Impacts Are Documented

The County's own noise studies, omitted from the EAW, show that the proposed project will result in:

- **371 homes experiencing noise impacts;**
- **82 homes experiencing substantial noise impacts; and**
- **57 homes within the North Country subdivision experiencing substantial noise impacts.**

These impacts are permanent and unavoidable under the proposed alignment.

V. The Noise Study Identifies Mitigation Equivalent to a 20-Foot Noise Wall

The EAW's noise analysis identifies mitigation of a **20-foot noise wall as reasonable, feasible, and recommended**. The need to contemplate mitigation of this scale underscores the severity of the project's impacts.

VI. The Project Remains a Federal Undertaking

Despite statements that federal funding has been dropped, the EAW documents that the East Side Corridor constitutes a **federal undertaking**. Accordingly, the County remains subject to applicable federal requirements, including **23 C.F.R. Part 772**, as well as Minnesota noise regulations such as **Minn. R. 7030**. Additionally, this project was already funded in part or in whole with CRRSA money, which are federal funds.

VII. Avoidance Must Be Considered Before Residents Are Asked to Choose Mitigation

Under MEPA and NEPA, environmental impacts must be addressed in the following order:

1. **Avoid**
2. **Minimize**
3. **Mitigate**

Avoidance is **feasible and reasonable**, meets the project's stated criteria, and would prevent the documented noise impacts altogether, as reflected in communications from the County

Owatonna East Side Corridor Residents EAW Comment

Engineer to MnDOT and other internal communications. Avoidance was withheld because it interferes with development agreements and utility planning involving the City of Owatonna, Owatonna Township, and Owatonna Public Utilities—considerations that do **not** lawfully justify bypassing avoidance under MEPA or NEPA. A transportation project must be driven by a **demonstrated transportation need**, not development objectives. As documented in other comments, the asserted transportation needs collapse when accurate and up-to-date traffic data is applied.

Residents cannot be required to select among mitigation measures before avoidance has been fully evaluated.

VIII. Conditional Response to the County's Request

In response to the County's request to select among the three presented options, **Owatonna East Side Corridor Residents cannot select any of them**, as none constitutes lawful mitigation.

If the County refuses to pursue avoidance, residents are willing to accept is a **noise berm** that complies with **Minn. R. 7030** and **23 C.F.R. Part 772**, spans the **full length of the affected subdivision**, and meets the following minimum criteria:

- Blocks line of sight, equivalent in function to a **20-foot noise wall**;
- Meets applicable MnDOT engineering standards, including but not limited to **1:3 or 1:4 slope ratios**;
- Fully addresses stormwater impacts without increasing runoff onto adjacent properties;
- Is entirely contained on public property and complies with setbacks;
- Requires no private easements or encroachment; and
- Excludes any roadway connections to Timberwood Lane or Fox Hollow Lane.

Any use of residential property—**even temporary** for construction, grading, access, utilities, or drainage—would constitute a taking and trigger eminent domain and condemnation proceedings, as acknowledged on the County's own website.

If the County asserts that a berm meeting these criteria cannot be provided, the County must identify an alternative mitigation measure that achieves the same functional performance, such as mitigation equivalent to a **20-foot noise wall** identified in the noise study as reasonable, feasible, and recommended. The need for mitigation of this magnitude confirms the severity of impacts and reinforces that **avoidance is the legally required first option**.

IX. Deer Trail Berm Comparison Does Not Cure the Impacts

The EAW references berms “similar to Deer Trail Lane NE.” Those berms were constructed where residential development occurred after the roadway existed. Here, the proposed project represents a highway encroaching on established homes and therefore requires heightened protections under MEPA and NEPA. Therefore the above berm is the “equivalent”.

Residents have already compromised. We began at 34th Avenue. We publicly proposed a hybrid alternative. The County privately withheld from the public, Alternative 3B. **We are not willing to compromise on safety, health, and quality of life.**

Residents did not choose to impose a roadway through subdivisions that have existed for decades based on a long-abandoned plan. That decision was made by **Steele County, the City of Owatonna, Owatonna Township, and WSB**, through a process that excluded the most impacted residents—culminating in a request that those residents select among three options that **do not meet regulatory requirements or provide meaningful protection**.

Avoidance prevents the impacts.

X. Significant Impacts Preclude a FONSI

The need to contemplate mitigation equivalent to a 20-foot noise barrier constitutes an admission of **significant environmental impacts**. Significant impacts preclude a Finding of No Significant Impact (FONSI) and require preparation of an **Environmental Impact Statement (EIS)**.

XI. Conclusion

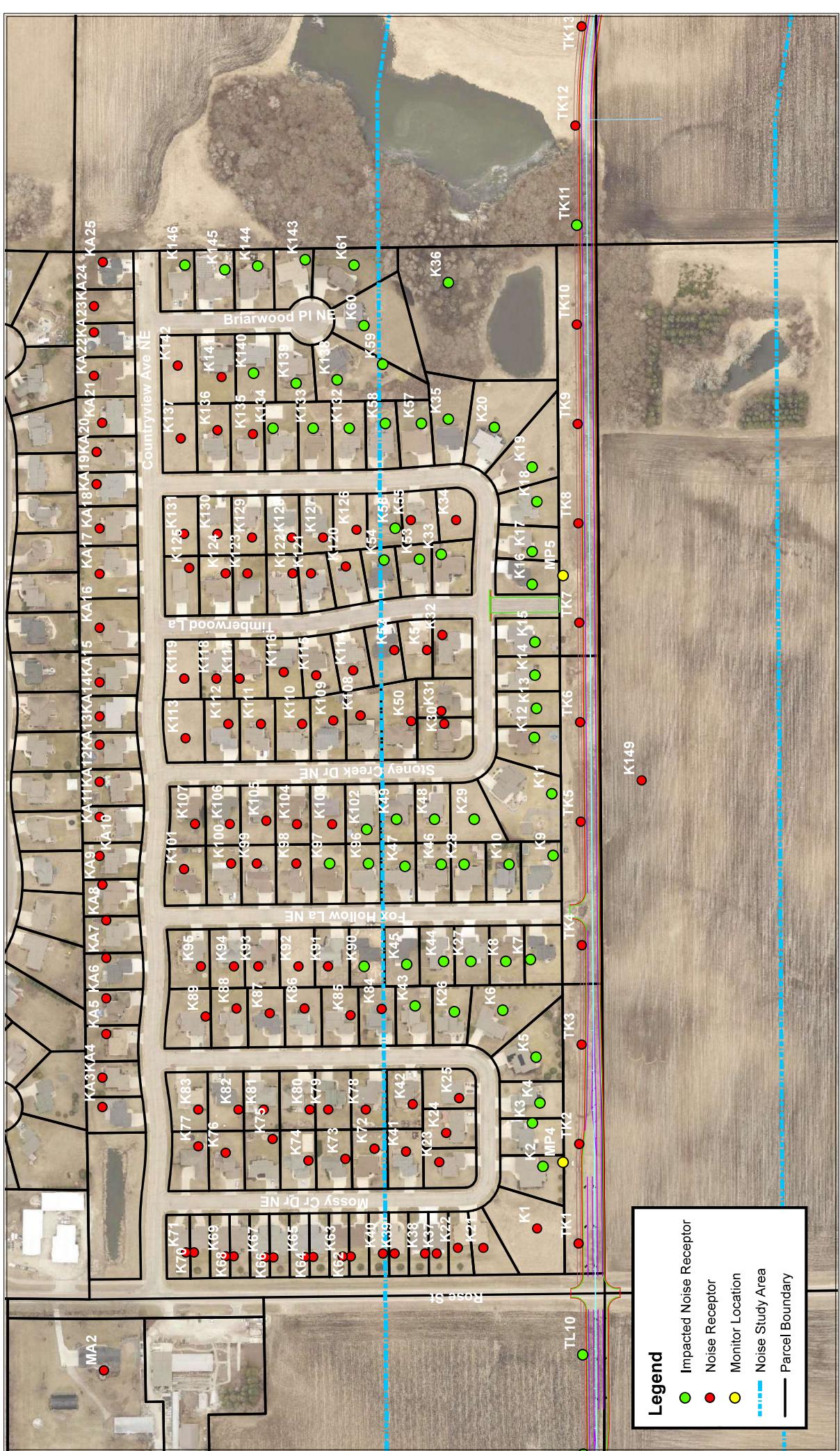
Because none of the three noise options presented constitutes lawful mitigation, because avoidance has not been lawfully evaluated, and because the project will cause significant environmental impacts, **Owatonna East Side Corridor Residents** request that the EAW be found inadequate and that an **Environmental Impact Statement (EIS)** be prepared.

Owatonna East Side Corridor Residents
OwatonnaEastSideCorridor@gmail.com

Attached:

North Country impacted homes

Excerpts from Steele County Noise Study documenting a 20 foot noise wall is reasonable, feasible, and recommended.



Steele Co. East Side Corridor - Noise Study Exhibit

2 Hz UNITED



Appendix A-6: Noise Receptors

Date: 3/19/2024

Traffic Noise Analysis Report
Owatonna East Side Corridor
State Aid Project Number 074-070-009

DRAFT

Prepared for Steele County

12/14/2024

HZ UNITED

designed to meet the MnDOT design goal of 7 dBA for 1 impacted receptor, and to provide 5 dBA sound level reduction for each impacted receptor. The walls were located between the roadway and the shared use trail. The wall extents were placed based on traffic sight lines⁵ and stopping sight distance requirements⁶ based on FHWA and MnDOT standards.

- **Wall KA:** A 340 ft long wall (Wall KA) was evaluated at varied wall heights for cost effectiveness to abate noise levels for receptors K150-. Results are summarized below:
 - **20 ft Wall:** A 340 ft long, 20 ft high wall (Wall KA) was evaluated for cost effectiveness. There is not at least one receptor with 7 dBA reduction, thus the wall does not meet the noise reduction goal and is not recommended for further evaluation.
 - **15 ft Wall:** A 340 ft long, 15 ft high wall (Wall KA) was evaluated for cost effectiveness. There is not at least one receptor with 7 dBA reduction, thus the wall does not meet the noise reduction goal and is not recommended for further evaluation.
 - **10 ft Wall:** A 340 ft long, 10 ft high wall (Wall KA) was evaluated for cost effectiveness. There is not at least one receptor with 7 dBA reduction, thus the wall does not meet the noise reduction goal and is not recommended for further evaluation.
 - **8 ft Wall:** A 340 ft long, 8 ft high wall (Wall KA) was evaluated for cost effectiveness. There is not at least one receptor with 7 dBA reduction, thus the wall does not meet the noise reduction goal and is not recommended for further evaluation.
 - **6 ft Wall:** A 340 ft long, 6 ft high wall (Wall KA) was evaluated for cost effectiveness. There is not at least one receptor with 7 dBA reduction, thus the wall does not meet the noise reduction goal and is not recommended for further evaluation.
- **Wall K1:** A 2430 ft long wall (Wall K1) was evaluated at varied wall heights for cost effectiveness to abate noise levels for receptors K1-K4. Results are summarized below:
 - **20 ft Wall:** A 2430 ft long, 20 ft high wall (Wall K1) was evaluated for cost effectiveness. There is at least one receptor with 7 dBA reduction thus the wall meets the noise reduction goal. There are 24 benefited receptors. The estimated wall cost is \$72,900 per receptor. The wall meets the Cost Effectiveness standard and is recommended for further evaluation.
 - **10 ft Wall:** A 2430 ft long, 10 ft high wall (Wall K1) was evaluated for cost effectiveness. There is at least one receptor with 7 dBA reduction thus the wall meets the noise reduction goal. There are 14 benefited receptors. The estimated wall cost is \$62,486 per receptor. The wall meets the Cost Effectiveness standard and is recommended for further evaluation.
 - **8 ft Wall:** A 2430 ft long, 8 ft high wall (Wall K1) was evaluated for cost effectiveness. There is at least one receptor with 7 dBA reduction thus the wall meets the noise reduction goal. There are 9 benefited receptors. The estimated wall cost is \$77,760 per receptor. The wall meets the Cost Effectiveness standard and is recommended for further evaluation.
 - **6 ft Wall:** A 2430 ft long, 6 ft high wall (Wall K1) was evaluated for cost effectiveness. There is not at least one receptor with 7 dBA reduction, thus the wall does not meet the noise reduction goal and is not recommended for further evaluation.

NSA L: There are no impacted existing receptors in NSA L, so no barrier analysis was performed for this location.

⁵ MnDOT Field Design Guide Chapter 6, Exhibit 6E-16 and MnDOT Road Design Manual Chapter 5, Figure 5-2.02B

⁶ FHWA Railroad Crossing Handbook, Table C-1

ensure the desired compatibility between the proposed East Side Corridor and potential future development.

3.0 Construction Noise

The construction activities associated with implementation of the proposed project will result in increased noise levels relative to existing conditions. These impacts will primarily be associated with construction equipment.

The following table (Table 5) shows peak noise levels monitored at 50 feet from various types of construction equipment. This equipment is primarily associated with site grading/site preparation, which is generally the roadway construction phase associated with the greatest noise levels.

Table 5: Typical construction noise [Source: EPA and FHWA]

Equipment Type	Manufacturers Sampled	Total Number of Models in Sample	Peak Noise Level (dBA)	
			Range	Average
Backhoes	5	6	74-92	83
Front Loaders	5	30	75-96	85
Dozers	8	41	65-95	85
Graders	3	15	72-92	84
Scrapers	2	27	76-98	87
Pile Drivers	N/A	N/A	95-105	101

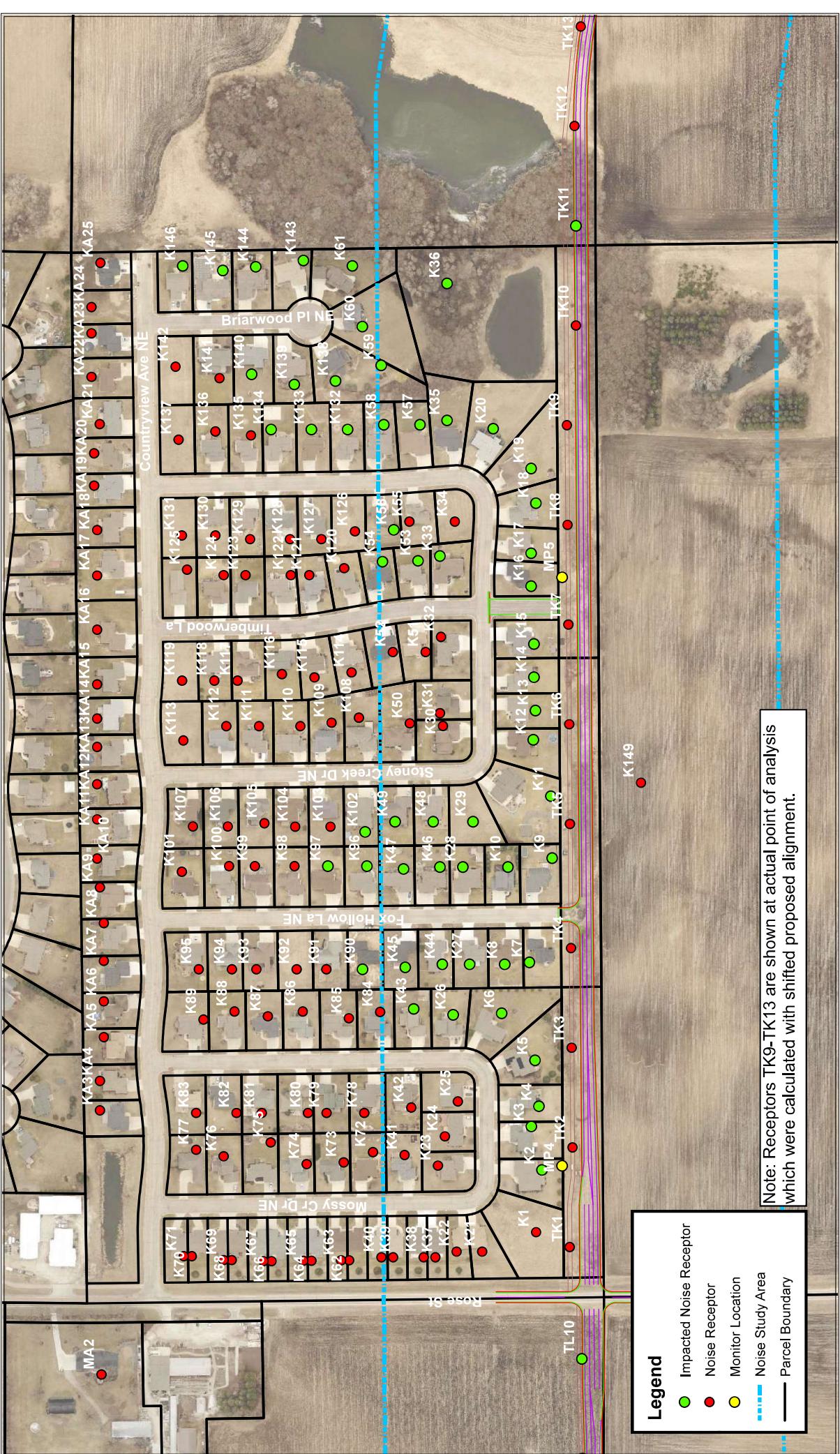
Elevated noise levels are, to a degree, unavoidable for this type of project. Scott County and its contractor(s) are exempt from local noise ordinances, it is the practice to require contractor(s) to comply with applicable local noise restrictions and ordinances to the extent that is reasonable. Advanced notice will be provided to affected communities of any planned abnormally loud construction activities. It is anticipated that night construction may sometimes be required to minimize traffic impacts and to improve safety. However, construction will be limited to daytime hours as much as possible. If necessary, a detailed nighttime construction mitigation plan will be developed during the project final design stage.

Any associated high-impact equipment noise, such as pile driving, pavement sawing, or jack hammering, will be unavoidable with construction of the proposed project. The use of this high-impact noise equipment will be prohibited during nighttime hours.

4.0 Conclusions

Based on the analysis completed using the guidelines and procedures laid out by the MnDOT Noise Requirements, there are multiple walls that were determined to be reasonable and feasible and are being advanced for public solicitation for implementation. Walls which are determined to be reasonable/feasible, but where Steele County has the deciding vote, as determined by MnDOT noise public solicitation standards, will not be advanced for public solicitation. Two walls will be advanced for public solicitation (Wall K1, Wall TI-2).

Statement of Likelihood



Steele Co. East Side Corridor - Noise Study Exhibit
Appendix A-6: Noise Receptors

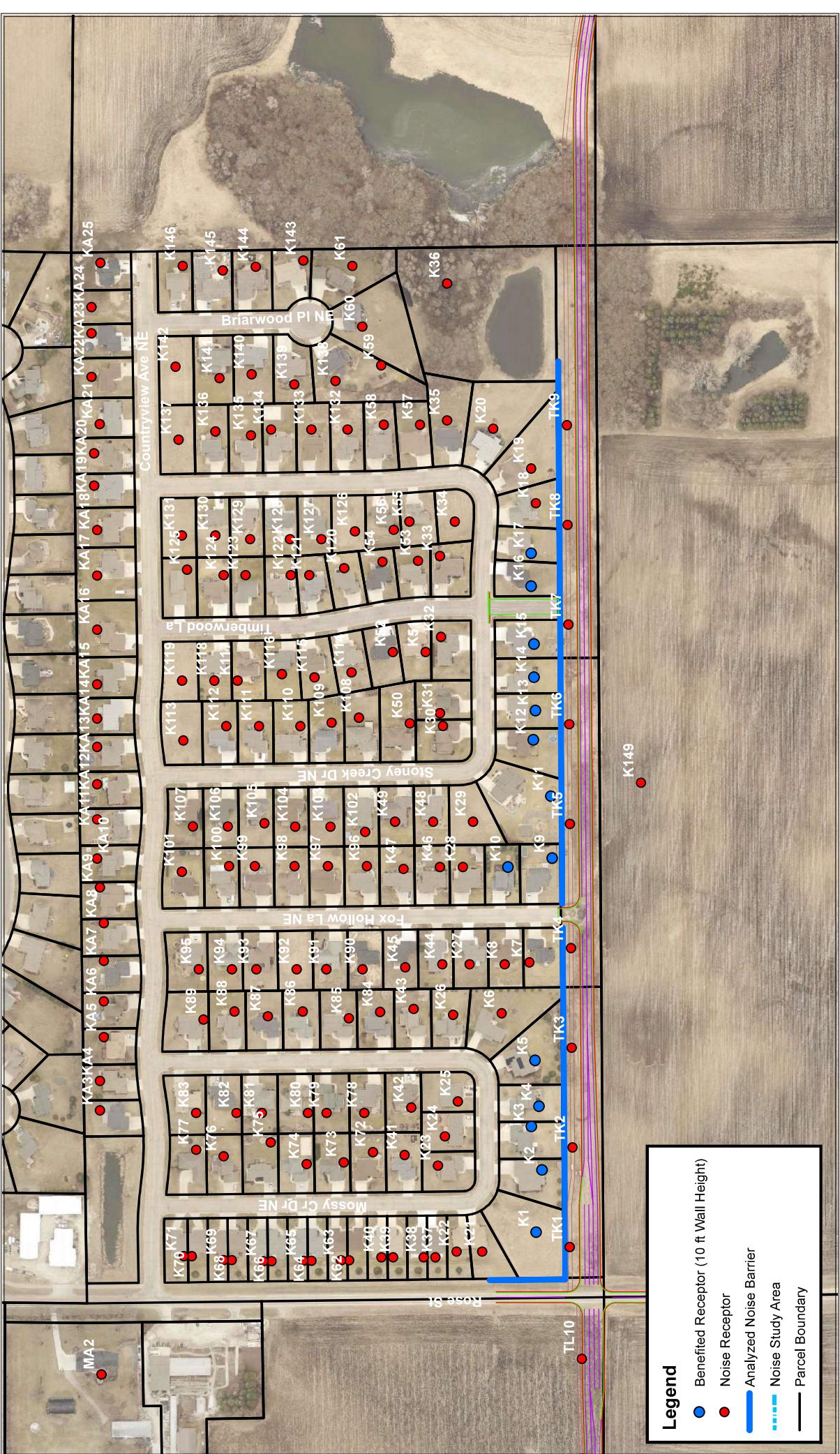
Date: 12/8/2024



Note: Receptors TK9-TK13 are shown at actual point of analysis which were calculated with shifted proposed alignment.

Legend

- Noise Study Area
- Parcel Boundary



Steele Co. East Side Corridor - Noise Study Exhibit Appendix A-X: Noise Receptors (Wall K1)

Date: 12/14/2024



HZ UNITED

0 250 500 Feet

Legend

- Benefited Receptor (10 ft Wall Height)
- Noise Receptor
- Analyzed Noise Barrier
- Noise Study Area
- Parcel Boundary

Appendix B: Table B1

Steele Co - Owatonna

Noise Analysis Summary Table

Existing and Future Scenarios

Noise Level Comparison								
XX		Approaches or Exceeds FHWA Noise Abatement Criteria						
XX		Substantial Noise Increase (Increase of 5dBA or more)						

Receptor		FHWA Noise Abatement Criteria		2023	2044	Difference - Existing and No Build	2044	Difference - Build and No-Build	Difference - Existing and Build	Notes
				Existing Conditions	No Build Conditions		Build Conditions			
ID	Number of Units	Criteria	Leq	Leq	Leq	Leq	Leq	Leq	Leq	
I30	10	B	67	58.7	59.6	0.9	57.2	-2.4	-1.5	(1)
I31	1	B	67	58.5	59.4	0.9	57.2	-2.2	-1.3	
I32	1	G	-	56.9	57.8	0.9	58.4	-	-	
I33	1	G	-	56.6	57.4	0.8	57.8	-	-	
I34	1	G	-	56.4	57.2	0.8	57.3	-	-	
I35	1	B	67	55.4	56.2	0.8	56.3	0.1	0.9	
I36	1	B	67	49.3	50.2	0.9	50.7	0.5	1.4	
I37	1	B	67	45.1	45.9	0.8	46.1	0.2	1.0	
I38	1	B	67	43.8	44.6	0.8	44.4	-0.2	0.6	
I39	1	B	67	43.2	44.0	0.8	44.1	0.1	0.9	
I40	1	B	67	43.8	44.6	0.8	43.9	-0.7	0.1	
I41	3	B	67	41.0	41.8	0.8	41.1	-0.7	0.1	
I42	10	G	-	46.3	47.0	0.7	45.4	-	-	(1)
I43	3	B	67	41.9	42.7	0.8	42.1	-0.6	0.2	
I44	9	B	67	44.9	45.7	0.8	44.1	-1.6	-0.8	(1)
I45	1	B	67	42.3	43.1	0.8	42.6	-0.5	0.3	
I46	1	B	67	53.4	54.2	0.8	47.0	-7.2	-6.4	(1)
J1	1	B	67	53.6	54.3	0.7	57.1	2.8	3.5	
J2	1	G	-	36.9	37.7	0.8	53.0	-	-	
J3	1	G	-	35.1	35.9	0.8	58.5	-	-	
K1	1	B	67	56.5	57.5	1.0	60.0	2.5	3.5	
K2	1	B	67	45.2	46.3	1.1	57.9	11.6	12.7	
K3	1	B	67	40.7	42.1	1.4	52.3	10.2	11.6	
K4	1	B	67	43.0	44.1	1.1	54.6	10.5	11.6	
K5	1	B	67	40.0	41.3	1.3	54.8	13.5	14.8	
K6	1	B	67	37.0	39.5	2.5	50.4	10.9	13.4	
K7	1	B	67	40.4	43.7	3.3	52.1	8.4	11.7	
K8	1	B	67	39.1	42.2	3.1	49.6	7.4	10.5	
K9	1	B	67	38.0	41.1	3.1	60.6	19.5	22.6	
K10	1	B	67	37.2	41.5	4.3	52.3	10.8	15.1	
K11	1	B	67	36.2	38.8	2.6	60.4	21.6	24.2	
K12	1	B	67	33.3	34.8	1.5	58.6	23.8	25.3	
K13	1	B	67	32.9	34.3	1.4	58.8	24.5	25.9	
K14	1	B	67	32.4	33.7	1.3	58.7	25.0	26.3	
K15	1	B	67	31.8	33.1	1.3	58.8	25.7	27.0	
K16	1	B	67	36.3	40.3	4.0	58.5	18.2	22.2	
K17	1	B	67	34.9	38.4	3.5	57.8	19.4	22.9	
K18	1	B	67	31.1	32.3	1.2	54.9	22.6	23.8	
K19	1	B	67	34.3	37.6	3.3	55.0	17.4	20.7	
K20	1	B	67	28.3	29.5	1.2	52.2	22.7	23.9	
K21	1	B	67	59.9	60.9	1.0	62.0	1.1	2.1	
K22	1	B	67	59.1	60.1	1.0	61.1	1.0	2.0	
K23	1	B	67	42.8	45.8	3.0	44.4	-1.4	1.6	
K24	1	B	67	39.2	42.0	2.8	41.2	-0.8	2.0	
K25	1	B	67	42.2	46.2	4.0	44.9	-1.3	2.7	
K26	1	B	67	38.6	42.9	4.3	44.8	1.9	6.2	
K27	1	B	67	38.6	42.2	3.6	46.9	4.7	8.3	
K28	1	B	67	38.3	42.7	4.4	48.3	5.6	10.0	
K29	1	B	67	40.0	44.5	4.5	48.7	4.2	8.7	
K30	1	B	67	33.7	38.2	4.5	35.1	-3.1	1.4	
K31	1	B	67	37.7	42.3	4.6	39.9	-2.4	2.2	
K32	1	B	67	42.6	47.5	4.9	45.2	-2.3	2.6	
K33	1	B	67	39.7	44.9	5.2	45.3	0.4	5.6	
K34	1	B	67	43.0	48.1	5.1	47.5	-0.6	4.5	
K35	1	B	67	33.5	38.3	4.8	49.6	11.3	16.1	
K36	1	B	67	30.9	33.4	2.5	49.1	15.7	18.2	
K37	1	B	67	60.4	61.4	1.0	62.4	1.0	2.0	
K38	1	B	67	60.3	61.3	1.0	62.3	1.0	2.0	
K39	1	B	67	60.1	61.2	1.1	62.1	0.9	2.0	
K40	1	B	67	60.8	61.8	1.0	62.8	1.0	2.0	
K41	1	B	67	41.6	44.1	2.5	43.9	-0.2	2.3	
K42	1	B	67	41.2	44.2	3.0	43.4	-0.8	2.2	
K43	1	B	67	38.3	42.5	4.2	43.7	1.2	5.4	
K44	1	B	67	39.5	43.2	3.7	46.5	3.3	7.0	
K45	1	B	67	38.3	42.1	3.8	44.5	2.4	6.2	
K46	1	B	67	38.2	42.5	4.3	46.9	4.4	8.7	

Appendix B: Table B1

Steele Co - Owatonna

Noise Analysis Summary Table

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				Existing Conditions	No Build Conditions		Build Conditions			
ID	Number of Units	Criteria	Leq	Leq	Leq	Leq	Leq	Leq	Leq	Notes
K47	1	B	67	38.3	42.6	4.3	45.6	3.0	7.3	
K48	1	B	67	38.0	42.3	4.3	45.3	3.0	7.3	
K49	1	B	67	37.9	42.1	4.2	43.7	1.6	5.8	
K50	1	B	67	38.0	42.6	4.6	40.4	-2.2	2.4	
K51	1	B	67	39.0	43.9	4.9	41.6	-2.3	2.6	
K52	1	B	67	37.9	42.6	4.7	40.7	-1.9	2.8	
K53	1	B	67	37.1	42.5	5.4	44.4	1.9	7.3	
K54	1	B	67	34.8	40.3	5.5	41.2	0.9	6.4	
K55	1	B	67	35.8	40.8	5.0	39.9	-0.9	4.1	
K56	1	B	67	35.7	40.5	4.8	41.0	0.5	5.3	
K57	1	B	67	34.7	39.4	4.7	48.0	8.6	13.3	
K58	1	B	67	35.2	39.7	4.5	45.9	6.2	10.7	
K59	1	B	67	32.1	35.6	3.5	46.4	10.8	14.3	
K60	1	B	67	31.7	34.8	3.1	46.5	11.7	14.8	
K61	1	B	67	31.8	33.7	1.9	45.9	12.2	14.1	
K62	1	B	67	61.2	62.2	1.0	63.2	1.0	2.0	
K63	1	B	67	61.2	62.2	1.0	63.2	1.0	2.0	
K64	1	B	67	61.2	62.2	1.0	63.1	0.9	1.9	
K65	1	B	67	61.1	62.1	1.0	63.1	1.0	2.0	
K66	1	B	67	61.0	62.0	1.0	63.0	1.0	2.0	
K67	1	B	67	61.0	62.0	1.0	63.0	1.0	2.0	
K68	1	B	67	59.5	60.5	1.0	61.4	0.9	1.9	
K69	1	B	67	60.0	61.0	1.0	62.0	1.0	2.0	
K70	1	B	67	57.7	58.7	1.0	59.5	0.8	1.8	
K71	1	B	67	58.6	59.6	1.0	60.3	0.7	1.7	
K72	1	B	67	41.0	43.5	2.5	43.3	-0.2	2.3	
K73	1	B	67	40.9	43.6	2.7	43.0	-0.6	2.1	
K74	1	B	67	41.5	44.0	2.5	43.1	-0.9	1.6	
K75	1	B	67	42.9	44.8	1.9	44.1	-0.7	1.2	
K76	1	B	67	46.3	47.8	1.5	46.0	-1.8	-0.3	(2)
K77	1	B	67	50.2	51.4	1.2	49.1	-2.3	-1.1	(2)
K78	1	B	67	41.2	43.8	2.6	43.2	-0.6	2.0	
K79	1	B	67	42.0	44.4	2.4	43.9	-0.5	1.9	
K80	1	B	67	42.4	44.7	2.3	44.1	-0.6	1.7	
K81	1	B	67	44.0	45.9	1.9	45.0	-0.9	1.0	
K82	1	B	67	45.4	47.1	1.7	45.8	-1.3	0.4	
K83	1	B	67	50.4	51.6	1.2	49.4	-2.2	-1.0	(2)
K84	1	B	67	38.3	42.4	4.1	42.5	0.1	4.2	
K85	1	B	67	39.4	43.3	3.9	42.8	-0.5	3.4	
K86	1	B	67	40.0	43.4	3.4	42.8	-0.6	2.8	
K87	1	B	67	41.3	44.2	2.9	43.0	-1.2	1.7	
K88	1	B	67	43.8	45.8	2.0	44.1	-1.7	0.3	
K89	1	B	67	47.7	49.1	1.4	46.5	-2.6	-1.2	(2)
K90	1	B	67	38.4	42.0	3.6	43.7	1.7	5.3	
K91	1	B	67	40.2	43.6	3.4	44.7	1.1	4.5	
K92	1	B	67	41.9	45.5	3.6	46.7	1.2	4.8	
K93	1	B	67	42.3	44.7	2.4	45.0	0.3	2.7	
K94	1	B	67	44.3	46.1	1.8	45.4	-0.7	1.1	
K95	1	B	67	48.9	50.1	1.2	47.9	-2.2	-1.0	(2)
K96	1	B	67	38.2	42.3	4.1	44.9	2.6	6.7	
K97	1	B	67	38.7	42.5	3.8	44.4	1.9	5.7	
K98	1	B	67	39.4	42.8	3.4	44.1	1.3	4.7	
K99	1	B	67	41.0	43.7	2.7	44.3	0.6	3.3	
K100	1	B	67	43.5	45.3	1.8	45.5	0.2	2.0	
K101	1	B	67	50.4	51.3	0.9	50.7	-0.6	0.3	
K102	1	B	67	37.7	41.6	3.9	43.3	1.7	5.6	
K103	1	B	67	38.6	42.3	3.7	43.0	0.7	4.4	
K104	1	B	67	39.1	42.5	3.4	42.7	0.2	3.6	
K105	1	B	67	40.7	43.7	3.0	43.2	-0.5	2.5	
K106	1	B	67	43.6	45.4	1.8	44.8	-0.6	1.2	
K107	1	B	67	48.7	49.7	1.0	49.0	-0.7	0.3	
K108	1	B	67	37.0	41.1	4.1	40.0	-1.1	3.0	
K109	1	B	67	37.4	41.6	4.2	40.0	-1.6	2.6	
K110	1	B	67	37.9	41.9	4.0	39.7	-2.2	1.8	
K111	1	B	67	39.3	42.6	3.3	40.6	-2.0	1.3	
K112	1	B	67	42.3	44.5	2.2	42.9	-1.6	0.6	

Appendix B: Table B1

Steele Co - Owatonna

Noise Analysis Summary Table

Existing and Future Scenarios

Noise Level Comparison								
Receptor		FHWA Noise Abatement Criteria		2023	2044	Difference - Existing and No Build	2044	Difference - Build and No-Build
ID	Number of Units	Criteria	Leq	Existing Conditions	No Build Conditions		Build Conditions	
K113	1	B	67	49.1	50.7	1.6	49.3	-1.4
K114	1	B	67	36.9	41.4	4.5	39.8	-1.6
K115	1	B	67	37.7	41.8	4.1	40.1	-1.7
K116	1	B	67	38.8	42.5	3.7	40.6	-1.9
K117	1	B	67	41.2	43.8	2.6	42.4	-1.4
K118	1	B	67	44.4	46.2	1.8	44.8	-1.4
K119	1	B	67	48.7	50.2	1.5	48.8	-1.4
K120	1	B	67	37.5	42.3	4.8	41.1	-1.2
K121	1	B	67	37.8	42.3	4.5	41.4	-0.9
K122	1	B	67	38.2	42.5	4.3	41.5	-1.0
K123	1	B	67	39.4	42.8	3.4	41.5	-1.3
K124	1	B	67	41.2	43.7	2.5	42.5	-1.2
K125	1	B	67	46.0	47.3	1.3	46.4	-0.9
K126	1	B	67	38.9	43.9	5.0	41.6	-2.3
K127	1	B	67	37.4	42.2	4.8	41.9	-0.3
K128	1	B	67	37.3	41.6	4.3	40.4	-1.2
K129	1	B	67	39.0	42.4	3.4	41.1	-1.3
K130	1	B	67	42.4	44.6	2.2	43.3	-1.3
K131	1	B	67	47.2	48.6	1.4	47.5	-1.1
K132	1	B	67	35.6	40.1	4.5	44.3	4.2
K133	1	B	67	35.5	40.0	4.5	43.1	3.1
K134	1	B	67	34.8	39.2	4.4	41.4	2.2
K135	1	B	67	37.1	41.0	3.9	41.8	0.8
K136	1	B	67	38.9	41.7	2.8	41.9	0.2
K137	1	B	67	44.2	46.6	2.4	45.2	-1.4
K138	1	B	67	32.7	36.4	3.7	44.2	7.8
K139	1	B	67	33.5	37.0	3.5	42.0	5.0
K140	1	B	67	36.1	38.4	2.3	41.2	2.8
K141	1	B	67	38.2	40.0	1.8	41.5	1.5
K142	1	B	67	42.5	43.8	1.3	43.8	0.0
K143	1	B	67	31.7	33.0	1.3	43.0	10.0
K144	1	B	67	32.7	33.7	1.0	40.3	6.6
K145	1	B	67	33.3	34.3	1.0	39.7	5.4
K146	1	B	67	33.6	34.6	1.0	39.3	4.7
K147	1	G	-	30.8	32.0	1.2	49.3	-
K148	1	G	-	55.4	56.2	0.8	55.3	-
K149	1	G	-	35.5	37.2	1.7	58.0	-
K150	1	B	67	54.1	54.9	0.8	57.3	2.4
L1	1	G	-	36.6	36.7	0.1	57.7	-
L2	1	G	-	43.0	43.0	0.0	58.9	-
L3	1	G	-	36.6	36.8	0.2	59.2	-
L4	1	G	-	42.6	42.6	0.0	58.7	-
M1	1	B	67	42.2	42.2	0.0	43.9	1.7
M2	1	G	-	55.7	55.7	0.0	54.4	-
M3	1	B	67	39.9	40.0	0.1	50.1	10.1
M4	1	G	-	45.4	45.5	0.1	62.0	-
M5	1	G	-	38.2	38.3	0.1	59.6	-
N1	1	G	-	48.3	48.4	0.1	53.1	-
N2	1	G	-	48.0	48.0	0.0	49.3	-
N3	1	G	-	52.3	52.3	0.0	58.6	-
N4	1	G	-	52.8	52.8	0.0	54.4	-
O1	1	B	67	47.3	48.2	0.9	53.3	5.1
O2	1	G	-	39.0	39.6	0.6	53.8	-
O3	1	G	-	39.1	39.6	0.5	54.4	-
P1	1	G	-	57.2	58.1	0.9	59.1	-
P2	1	G	-	57.7	58.7	1.0	60.1	-
Q1	1	G	-	64.1	65.1	1.0	64.8	-
Q2	1	B	67	49.0	50.0	1.0	50.1	0.1
Q3	1	G	-	61.2	62.2	1.0	63.2	-
Q4	1	G	-	60.4	61.4	1.0	58.9	-
Q5	1	B	67	59.9	60.8	0.9	58.3	-2.5
R1	1	C	67	52.0	53.0	1.0	52.8	-0.2
R2	1	B	67	53.5	54.5	1.0	54.5	0.0
R3	1	B	67	49.3	50.3	1.0	50.2	-0.1
R4	1	B	67	49.0	50.0	1.0	49.9	-0.1
R5	1	B	67	50.2	51.2	1.0	51.2	0.0

(4)

Table B-2: Wall K1 Summary

Noise Barrier	Receptor	Activity Category	Number of Units	FHWA Noise Criteria	Leg. Noise Level (dBA)	Build Year 2040 With Noise Barrier	Noise Reduction (dBA)	Benefited Receptors	Total Benefited Receptors	Acoustically Effective	Design Goal Reduction (>7 dBA)	Height of Barrier (ft)	Length of Barrier (ft)	Barrier Area (sq ft)	Total Cost of Barrier (\$36/sq ft)	Cost Per Benefited Receptor	Noise Barrier Results	
Wall K1	K1	B	1	67	60.0	50.7	9.3	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K2	B	1	67	57.9	44.3	13.6	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K3	B	1	67	52.3	42.6	9.7	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K4	B	1	67	54.6	44.9	9.7	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K5	B	1	67	54.8	44.3	10.5	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K6	B	1	67	50.4	41.9	8.5	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K7	B	1	67	52.1	45.6	6.5	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K8	B	1	67	49.6	44.1	5.5	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K9	B	1	67	60.6	46.9	13.7	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K10	B	1	67	52.3	43.9	8.4	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K11	B	1	67	60.4	45.0	15.4	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K12	B	1	67	58.6	44.5	14.1	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K13	B	1	67	58.8	44.6	14.2	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K14	B	1	67	58.7	44.7	14	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K15	B	1	67	58.8	44.7	14.1	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K16	B	1	67	58.5	45.2	13.3	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K17	B	1	67	57.8	45.6	12.2	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K18	B	1	67	54.9	45.8	9.1	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K19	B	1	67	55.0	46.9	8.1	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K20	B	1	67	52.2	47.0	5.2	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K21	B	1	67	62.0	58.6	3.4	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K22	B	1	67	61.1	59.7	1.4	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K23	B	1	67	44.4	43.6	0.8	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K24	B	1	67	41.2	40.6	0.6	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K25	B	1	67	44.9	42.0	2.9	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K26	B	1	67	44.8	41.2	3.6	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K27	B	1	67	46.9	43.6	3.3	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K28	B	1	67	48.3	43.8	4.5	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K29	B	1	67	48.7	42.8	5.9	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K30	B	1	67	35.1	34.5	0.6	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K31	B	1	67	39.9	38.5	1.4	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K32	B	1	67	45.2	43.3	1.9	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K33	B	1	67	45.3	41.2	4.1	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K34	B	1	67	47.5	43.7	3.8	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K35	B	1	67	49.6	44.5	5.1	1	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K36	B	1	67	49.1	45.4	3.7	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K37	B	1	67	62.4	61.6	0.8	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K38	B	1	67	62.3	61.6	0.7	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K39	B	1	67	62.1	61.8	0.3	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K40	B	1	67	62.8	62.5	0.3	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K41	B	1	67	43.9	42.0	1.9	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K42	B	1	67	43.4	42.7	0.7	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K43	B	1	67	41.7	41.1	2	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K44	B	1	67	46.5	44.0	2.5	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K45	B	1	67	44.5	42.9	1.6	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K46	B	1	67	46.9	43.4	3.5	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K47	B	1	67	45.6	43.4	2.2	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K48	B	1	67	41.5	3.8	0	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K49	B	1	67	43.7	41.0	2.7	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K50	B	1	67	40.4	39.2	1.2	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	
Wall K1	K51	B	1	67	41.6	40.1	1.5	0	24	Yes	Yes	20	2430	48600	\$ 1,749,600	\$ 72,900	Propose to Construct	

Noise Level Comparison														XX Approaches or Exceeds FHWA Noise Abatement Criteria			
XX Approaches or Exceeds FHWA Noise Abatement Criteria													Propose to Construct				
Wall	K1	K52	B	1	67	40.7	39.1	1.6	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K53	B	1	67	44.4	40.4	4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K54	B	1	67	41.2	36.8	4.4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K55	B	1	67	39.9	36.9	3	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K56	B	1	67	41.0	38.0	3	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K57	B	1	67	48.0	42.9	5.1	1	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K58	B	1	67	45.9	41.3	4.6	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K59	B	1	67	46.4	41.5	4.9	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K60	B	1	67	46.5	41.4	5.1	1	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K61	B	1	67	45.9	41.4	4.5	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K62	B	1	67	63.2	62.1	1.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K63	B	1	67	63.2	62.1	1.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K64	B	1	67	63.1	62.1	1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K65	B	1	67	63.1	62.1	1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K66	B	1	67	63.0	62.1	0.9	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K67	B	1	67	63.0	62.1	0.9	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K68	B	1	67	61.4	61.4	0	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K69	B	1	67	62.0	61.6	0.4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K70	B	1	67	59.5	59.4	0.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K71	B	1	67	60.3	60.4	-0.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K72	B	1	67	43.3	42.0	1.3	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K73	B	1	67	43.0	41.9	1.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K74	B	1	67	43.1	42.2	0.9	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K75	B	1	67	44.1	43.3	0.8	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K76	B	1	67	46.0	45.7	0.3	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K77	B	1	67	49.0	49.1	0.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K78	B	1	67	43.2	42.4	0.8	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K79	B	1	67	43.9	43.0	0.9	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K80	B	1	67	44.1	43.3	0.8	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K81	B	1	67	45.0	44.5	0.5	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K82	B	1	67	45.8	45.5	0.3	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K83	B	1	67	49.4	49.3	0.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K84	B	1	67	42.5	41.1	1.4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K85	B	1	67	42.8	41.7	1.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K86	B	1	67	42.8	42.0	0.8	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K87	B	1	67	43.0	42.4	0.6	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K88	B	1	67	44.1	43.7	0.4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K89	B	1	67	46.5	46.3	0.2	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K90	B	1	67	43.7	42.7	1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K91	B	1	67	44.7	44.2	0.5	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K92	B	1	67	46.7	46.4	0.3	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K93	B	1	67	44.1	44.6	0.4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K94	B	1	67	45.4	45.1	0.3	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K95	B	1	67	47.9	47.8	0.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K96	B	1	67	44.9	42.8	2.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K97	B	1	67	44.4	42.9	1.5	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K98	B	1	67	44.1	43.1	1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K99	B	1	67	44.3	43.8	0.5	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K100	B	1	67	45.5	45.1	0.4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K101	B	1	67	50.6	50.7	0.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K102	B	1	67	40.7	40.7	2.6	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K103	B	1	67	43.0	41.0	2.0	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K104	B	1	67	42.7	41.4	1.3	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K105	B	1	67	43.2	42.4	0.8	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K106	B	1	67	44.8	44.4	0.4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K107	B	1	67	49.0	48.9	0.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K108	B	1	67	40.0	37.6	2.4	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900
Wall	K1	K109	B	1	67	40.0	37.9	2.1	0	24	Yes	Yes	20	2430	.48600	\$ 1,749,500	\$ 72,900

Noise Level Comparison									
Wall K1	K110	B	1	67	39.7	38.6	1.1	0	Approaches or Exceeds FHWA Noise Abatement Criteria
									XX
								Yes	20
								Yes	24



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 8:53 PM

Hello Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

During this EAW comment period, statements and submissions have been made by individuals who are members of the project team and/or are acting on behalf of the Responsible Governmental Unit (RGU). While MEPA does not prohibit agency staff or officials from providing technical information, the use of the public comment process by project team members to defend a preferred alternative, minimize impacts raised by the public, or justify prior decisions raises serious procedural concerns.

Under Minnesota Rules, part 4410.3100, a governmental unit shall not take actions that would prejudice the ultimate decision on a project prior to completion of environmental review. Comments submitted by project team members that advocate for project outcomes, rebut public concerns, or assert that impacts have already been adequately mitigated risk prejudicing the environmental review process and undermine the neutrality required under MEPA.

Additionally, internal or agency-generated comments cannot substitute for missing analysis or cure deficiencies in the EAW itself. Environmental review must be based on information contained in the EAW and its incorporated studies, not post-hoc explanations or advocacy submitted during the comment period.

For these reasons, any comments submitted by project team members should be clearly identified as agency input, segregated from public comments, and not relied upon to support a negative declaration or finding of no significant impact (FONSI). The presence of advocacy or outcome-oriented statements by project team members further demonstrates that the EAW is incomplete and biased toward a predetermined outcome and supports the need for preparation of a full Environmental Impact Statement (EIS).

Thank you,
C [REDACTED] W [REDACTED]
Owatonna East Side Corridor Resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 9:05 PM

Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

The Environmental Assessment Worksheet (EAW) for the East Side Corridor is legally insufficient because it fails to evaluate avoidance and reflects a predetermined, development-driven outcome, which precludes a lawful Finding of No Significant Impact (FONSI).

Under Minn. R. 4410.1400, the Responsible Governmental Unit (RGU) is responsible for the completeness and accuracy of the EAW. Environmental review requires evaluation of reasonable alternatives, including avoidance, before commitments are made. This EAW does not meaningfully analyze avoidance, nor does it transparently compare alternatives that would reduce or avoid impacts to residents and the environment.

The record shows that at least one alternative exists that meets federal transportation requirements and reduces impacts, yet it was not fully disclosed or evaluated in the EAW. Instead, the preferred alignment aligns with existing development agreements and planned utility redevelopment, indicating that the project's alignment was shaped by development considerations rather than transportation needs.

Transportation projects cannot be development driven. When an alignment is effectively selected in advance and alternatives are screened out due to conflicts with development plans, predetermination has occurred, violating the purpose of environmental review.

Because avoidance was not properly evaluated and significant environmental effects have not been ruled out, the RGU cannot lawfully issue a FONSI. A full Environmental Impact Statement (EIS) is required to evaluate avoidance, alternatives, and cumulative impacts before irreversible decisions are made.

Sincerely,
C [REDACTED] W [REDACTED]
Owatonna ESC Resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 9:10 PM

Hello Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

I submit this comment to formally request preparation of an Environmental Impact Statement (EIS) for the East Side Corridor / 29th Avenue project.

A 143-page Traffic Noise Analysis Report prepared by WSB for Steele County, dated December 14, 2024, exists and was submitted to the State of Minnesota on behalf of Steele County. This report was not included in the Environmental Assessment Worksheet (EAW) materials provided for public review.

The omitted noise study documents significant impacts, including:

- 82 homes classified as substantially impacted, and
- 57 substantially impacted homes located in the North Country neighborhood.

The study further evaluates mitigation and concludes that a 20-foot noise wall is required to meet minimum noise reduction criteria. Even with mitigation, the report shows that many homes would continue to experience substantial and potentially life-altering noise impacts.

Because this noise analysis existed prior to publication of the EAW and was prepared for the project by the County's consultant, its exclusion prevented meaningful public participation and informed review of noise impacts, mitigation feasibility, and avoidance alternatives.

The omission of this study constitutes a material deficiency, not a technical oversight. Without disclosure of known, significant noise impacts and mitigation requirements, the EAW cannot support a lawful finding of no significant environmental impact (FONSI).

Pursuant to Minn. R. ch. 4410, 23 CFR 772, MnDOT noise requirements, and Minn. R. ch. 7030, the documented scope and severity of noise impacts, combined with the incomplete disclosure in the EAW, require preparation of a full Environmental Impact Statement (EIS) to evaluate:

- the extent of noise impacts,
- avoidance alternatives,
- feasible and reasonable mitigation,
- and cumulative impacts to affected neighborhoods.

For these reasons, I respectfully request that an EIS be ordered for this project.

Sincerely,
C [REDACTED] W [REDACTED]
Owatonna ESC Resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 9:15 PM

Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

After reviewing the EAW and the County's own data, it appears the project does not meet its stated Purpose & Need:

- Purpose & Need #1 – 1–3 Mile Spacing:

All alternatives, including routes as far east as 34th Ave, meet the spacing requirement. No unique benefit has been shown for 29th Ave.

- Purpose & Need #2a – North/South Travel Times:

Standard travel-time calculations show no meaningful improvement on 29th Ave. Some alternatives perform better.

- Purpose & Need #2b – Downtown Congestion:

MnDOT traffic data shows downtown traffic has decreased, not increased. A new roadway is not justified by current conditions.

- Purpose & Need #2c – Truck Traffic:

In response to a formal data request, the County confirmed:

- No traffic counts
- No truck volume data
- No modeling showing diversion

There is no documented truck-traffic problem to solve.

- Purpose & Need #3 – Development:

Highlighting "future destinations" suggests a land-use goal, not a transportation need.

Because the project **does not meet its stated Purpose & Need**, the environmental review cannot move forward as written. Without a Purpose & Need, there is no project to advance.

An Environmental Impact Statement (EIS) is required.

Thank you,
C [REDACTED] W [REDACTED]
Owatonna ESC Resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 9:31 PM

Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

Because the East Side Corridor is being advanced alongside multiple connected roadway projects, the impacts **cannot be understood by reviewing each piece in isolation**. Together, these projects function as a single system that will significantly affect traffic, safety, noise, neighborhoods, and long-term costs.

That is exactly why an Environmental Impact Statement (EIS) is required. An EIS would evaluate the cumulative impacts, whether one corridor could meet the need, and which alternative causes the least harm before irreversible decisions are made. For the ESC, segmentation makes the current review inadequate and incomplete — an EIS is necessary.

Thank you,
C [REDACTED] W [REDACTED]
Owatonna ESC Resident



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 9:39 PM

Hello Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

The EAW includes an alignment map dated April 29, 2022, yet the project was not made public until July 21, 2022. When a specific alignment is mapped months before public notice and later presented through environmental review, serious concerns about predetermination are raised.

Environmental review is required to inform decisions and evaluate avoidance and alternatives before an alignment is effectively committed. Presenting a mapped alignment after the fact does not constitute meaningful public participation.

Because the record suggests the alignment was identified prior to public disclosure, the EAW cannot support a Finding of No Significant Impact (FONSI). A lawful review must address whether decisions were made in advance and fully evaluate avoidance and reasonable alternatives. An EIS is required.

Sincerely,
C [REDACTED] W [REDACTED]
Owatonna ESC Resident

Public Comment – Noise Mitigation, Federal Obligations, and Safety (East Side Corridor EAW)

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 9:43 PM

RGU - Ronald Gaines,

The County asked residents from North Country Subdivision to respond to the three noise “options” presented. None of those options constitute lawful noise mitigation. Landscaping and a 6-foot fence do not meet any recognized noise standards and do not satisfy the County’s obligations under MEPA or NEPA.

While the County may claim exemption from certain numeric noise thresholds, it is not exempt from identifying, addressing, and mitigating noise impacts. The EAW fails to do so. Further, despite statements that federal funding has been dropped, the EAW documents that the East Side Corridor is a federal undertaking and therefore remains subject to applicable federal regulations, including federal noise requirements.

Under MEPA and NEPA, impacts must be addressed in the following order: Avoid, Minimize, Mitigate. Avoidance remains the preferred and required option because it prevents the substantial, documented noise impacts altogether.

If the County refuses to pursue avoidance, we are willing to accept a noise berm that complies with Minnesota and Federal noise regulations, including Minn. R. 7030 and 23 C.F.R. Part 772, spanning the full length of the subdivision—not landscaping or decorative grading. Any berm relied upon as mitigation must, at a minimum and without limitation:

Block line of sight, equivalent in function to a 20-foot noise wall;

Meet applicable MnDOT engineering standards, including but not limited to 1:3 or 1:4 slope ratios;

Fully address stormwater impacts, including but not limited to preventing any increase in runoff or drainage onto adjacent properties;

Be entirely contained on public property;

Require no private easements or encroachment onto residential land; and

Exclude any roadway connections to Timberwood Lane or Fox Hollow Lane, which would increase traffic, noise, and safety impacts and reduce mitigation effectiveness.

Any use of residential property—even temporary—for construction, grading, access, utilities, drainage, or other purposes would constitute a taking and trigger eminent domain and condemnation proceedings, as acknowledged on the County’s own website.

As noted in the EAW, the County has referenced berms “similar to Deer Trail Lane NE.” Those berms were constructed where residential development occurred after the roadway existed. Here, the proposed project represents a highway encroaching on established homes, which requires a different mitigation analysis and heightened protections under MEPA and NEPA.

If the County asserts that a berm meeting these criteria cannot be provided, the County must identify an alternative noise mitigation measure that achieves the same functional performance, such as a 20-foot noise wall identified in the project’s noise study as reasonable, feasible, and recommended. The need for mitigation of this magnitude confirms the severity of impacts and reinforces that avoidance is the legally required first option.

The County’s consideration of mitigation at this scale demonstrates that the project will cause significant environmental impacts. Significant impacts preclude a Finding of No Significant Impact (FONSI) and require preparation of an Environmental Impact Statement (EIS). These issues and appropriate mitigations were excluded from the EAW, rendering it inadequate. An EIS is needed.

I incorporate by reference the detailed Owatonna East Side Corridor group noise comment submitted into the EAW record.

A [REDACTED] F [REDACTED]
[REDACTED]



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

East Side Corridor EAW - formal public comment

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Mon, Dec 29, 2025 at 9:48 PM

Ron,

I appreciate your attention to the Owatonna ESC EAW. I am submitting this email as a formal public comment on the Environmental Assessment Worksheet (EAW) for the East Side Corridor (ESC) project.

MEPA and NEPA require that environmental impacts be **avoided** where feasible and that reasonable alternatives be fully evaluated and disclosed to the public. The Environmental Assessment Worksheet (EAW) for the East Side Corridor **fails to meet this standard by omitting Alternative 3B**, a feasible avoidance alternative that was known, studied, and relied upon internally **but excluded from the EAW**.

Project correspondence from 2023–2024 shows that the County, its consultant, and state partners evaluated a realigned version of Alternative 3 that would move the roadway several hundred feet away from existing homes to reduce noise impacts. Internal emails and contract amendment records confirm that Alternative 3B was designed, modeled, and analyzed, including noise modeling and consideration of mitigation options. This demonstrates that Alternative 3B was operationally advanced and met project criteria, not merely conceptual.

Additional correspondence indicates that County staff and consultants understood roadway relocation (Alternative 3B) to be the appropriate avoidance response to noise impacts, including discussion of shifting the roadway rather than constructing a noise wall. Despite this, Alternative 3B was not disclosed to the public and was not identified in materials presented to decision-makers when the preferred alignment was selected.

Although state and interagency correspondence referenced in the project record acknowledges alignment shifts and specifically references “3B,” the EAW omits Alternative 3B entirely. The EAW therefore fails to evaluate its environmental impacts, fails to compare it against the selected alignment, and presents an incomplete and misleading alternatives analysis.

Because Alternative 3B represents a feasible avoidance alternative that was known and studied but excluded from the EAW, the environmental review is incomplete and procedurally deficient. The EAW must be revised to include full evaluation of Alternative 3B. Absent that correction, preparation of an Environmental Impact Statement (EIS) is warranted.

Sincerely,
C [REDACTED] W [REDACTED]
Owatonna ESC Resident

East Side Corridor (ESC) – Steele County, Minnesota – Request for Full Environmental Impact Statement (EIS) Public Comment

[REDACTED]
To: "ronald.gaines@steelecountymn.gov" <ronald.gaines@steelecountymn.gov>
Cc: "owatonnaeastsidecorridor@gmail.com" <owatonnaeastsidecorridor@gmail.com>

Tue, Dec 30, 2025 at 12:59 PM

To: Ronald Gaines, Responsible Governmental Unit (RGU)

We formally request that Steele County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Based on the information provided in the Environmental Assessment Worksheet (EAW) and materials withheld from the public, the project clearly exceeds the threshold for significant environmental effects under Minnesota Rules 4410.1200.

The EAW is incomplete, improperly segmented, and fails to analyze required impacts related to noise, safety, air quality, human health, traffic, environmental justice, and cumulative effects. Independent oversight and an independent RGU are necessary to ensure compliance with MEPA and NEPA.

Steele County, the City of Owatonna, and their consultants improperly segmented a single, connected transportation and development system into multiple projects to avoid full environmental review.

The following projects function as connected actions and must be reviewed together:

- East Side Corridor (ESC)
- 18th Street expansion and trails
- 18th Street railroad roundabout
- 26th Street roundabout
- Owatonna High School relocation
- Utility expansions and substation upgrades
- Havana intersection project
- Main Street project
- Fire and Police Station relocation
- Adjacent housing and commercial development identified in Imagine Owatonna

Federal and state law prohibit segmentation when projects:

- depend on one another,
- are justified by the same traffic or development need, or
- cumulatively increase impacts.

Additionally, the public process was fundamentally flawed:

- Only two days' notice for the first open house
- Notice of the EAW comment period received two weeks late
- RFPs were signed before public disclosure
- RFPs and study data were withheld from public access
- A 61-page federal memorandum was kept from residents
- Residents were denied a comment period after approval of purpose, need, and preferred alternative on 9/24/2024

The above actions denied residents the opportunity to correct inaccuracies before information was submitted to state and federal agencies.

Here, each project was used to justify the next, while being excluded from environmental analysis. This is classic segmentation and requires a single, unified EIS. We formally request that Steele County require a **full Environmental Impact Statement (EIS)** for the East Side Corridor project. Additionally, a FONSI requires a complete, accurate and good-faith evaluation of environmental impacts and reasonable alternatives, and must be supported by substantial evidence in the record. That standard is not met here.

While we do not live in the East Side Corridor area, all residents of Steele County and the City of Owatonna are impacted by the decisions made concerning the ESC. We are all dependent upon the actions of Steele County and the City of Owatonna to request the appropriate surveys, assessments, and studies to ensure impacts related to noise, safety, air quality, human health, traffic, environmental justice, and cumulative effects are understood. Decisions need to be focused on safety, sustainability and community well-being.

However, before decisions are made, County and City leaders must hear and understand residents' feedback, giving residents adequate notice to attend meetings or provide written feedback and to give County and City leaders time to comprehend and respond to that feedback.

There have been many breakdowns in communications and notifications where studies are being done, directions determined and decisions made with no public knowledge or feedback. We have seen communication and process failures when attending meetings not only for the ESC project but also other projects (referenced above), realizing that decisions were already made and the residents' feedback meaningless. Over and over we hear "why bother, they've already decided what they are going to do". Bottom line, for every project run by Steele County and the City of Owatonna, we are talking about people's safety, homes, and lives. Let's work together to get it right.

Sincerely,

M [REDACTED] and D [REDACTED] S [REDACTED]

[REDACTED]

Owatonna, MN 55060

Public Comment – Noise Mitigation, Federal Obligations, and Safety, East Side Corridor EAW

1 message

[REDACTED]
To: ronald.gaines@steelecountymn.gov
Bcc: owatonnaeastsidecorridor@gmail.com

Tue, Dec 30, 2025 at 3:39 PM

RGU - Ronald Gaines,

The County asked residents from North Country Subdivision to respond to the three noise “options” presented. None of those options constitute lawful noise mitigation. Landscaping and a 6-foot fence do not meet any recognized noise standards and do not satisfy the County’s obligations under MEPA or NEPA.

While the County may claim exemption from certain numeric noise thresholds, it is not exempt from identifying, addressing, and mitigating noise impacts. The EAW fails to do so. Further, despite statements that federal funding has been dropped, the EAW documents that the East Side Corridor is a federal undertaking and therefore remains subject to applicable federal regulations, including federal noise requirements.

Under MEPA and NEPA, impacts must be addressed in the following order: Avoid, Minimize, Mitigate. Avoidance remains the preferred and required option because it prevents the substantial, documented noise impacts altogether.

If the County refuses to pursue avoidance, we are willing to accept a noise berm that complies with Minnesota and Federal noise regulations, including Minn. R. 7030 and 23 C.F.R. Part 772, spanning the full length of the subdivision—not landscaping or decorative grading. Any berm relied upon as mitigation must, at a minimum and without limitation:

Block line of sight, equivalent in function to a 20-foot noise wall;

Meet applicable MnDOT engineering standards, including but not limited to 1:3 or 1:4 slope ratios;

Fully address stormwater impacts, including but not limited to preventing any increase in runoff or drainage onto adjacent properties;

Be entirely contained on public property;

Require no private easements or encroachment onto residential land; and

Exclude any roadway connections to Timberwood Lane or Fox Hollow Lane, which would increase traffic, noise, and safety impacts and reduce mitigation effectiveness.

Any use of residential property—even temporary—for construction, grading, access, utilities, drainage, or other purposes would constitute a taking and trigger eminent domain and condemnation proceedings, as acknowledged on the County’s own website.

As noted in the EAW, the County has referenced berms “similar to Deer Trail Lane NE.” Those berms were constructed where residential development occurred after the roadway existed. Here,

the proposed project represents a highway encroaching on established homes, which requires a different mitigation analysis and heightened protections under MEPA and NEPA.

If the County asserts that a berm meeting these criteria cannot be provided, the County must identify an alternative noise mitigation measure that achieves the same functional performance, such as a 20-foot noise wall identified in the project's noise study as reasonable, feasible, and recommended. The need for mitigation of this magnitude confirms the severity of impacts and reinforces that avoidance is the legally required first option.

The County's consideration of mitigation at this scale demonstrates that the project will cause significant environmental impacts. Significant impacts preclude a Finding of No Significant Impact (FONSI) and require preparation of an Environmental Impact Statement (EIS). These issues and appropriate mitigations were excluded from the EAW, rendering it inadequate. An EIS is needed.

I incorporate by reference the detailed Owatonna East Side Corridor group noise comment submitted into the EAW record.

A [REDACTED] W [REDACTED]
[REDACTED]

Date: December 27, 2025

Submitted to:

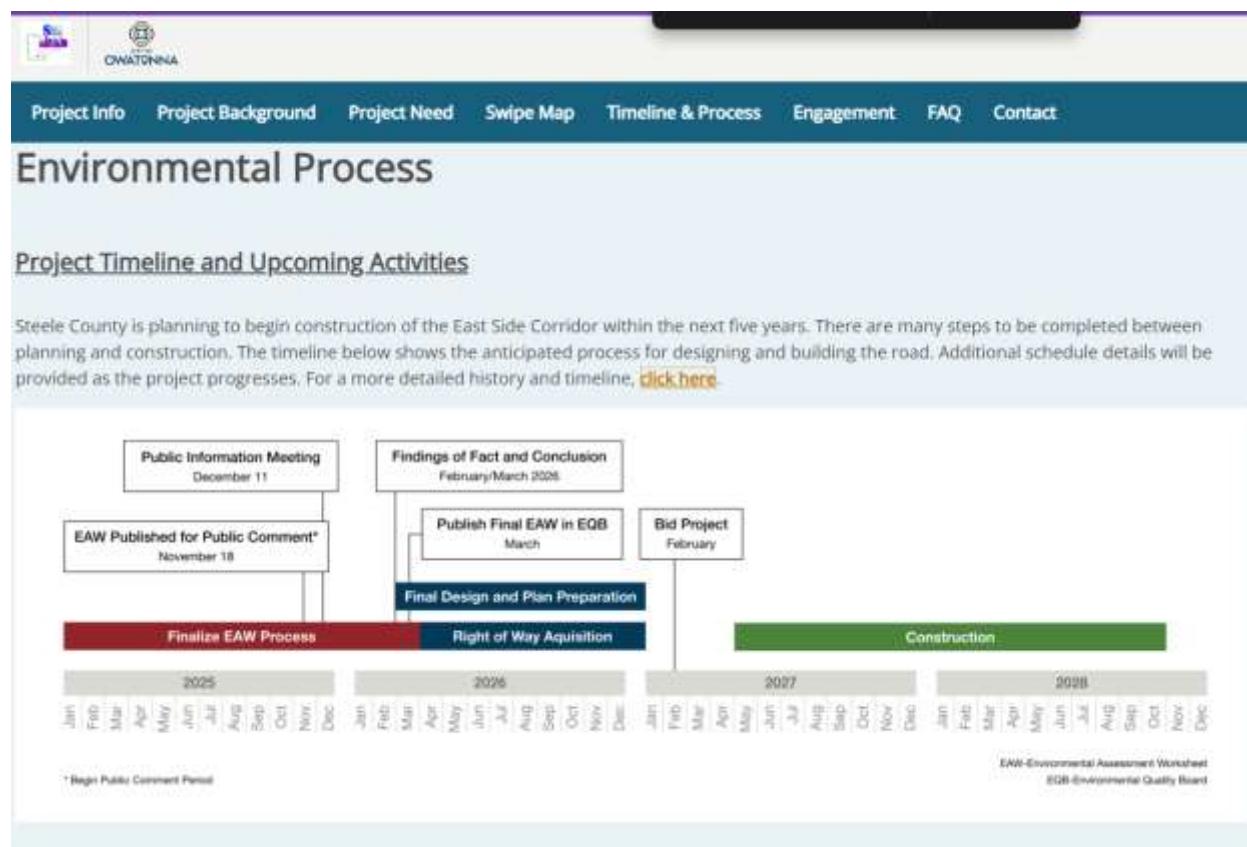
Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: Purpose and Need Collapse: Lack of a Demonstrated Transportation Problem

I am submitting this comment to document **inconsistencies in the project schedule presented to the public** for the East Side Corridor (ESC) and to request clarification regarding **the source and authority of these timelines**.

During my review of public-facing materials, I identified **three different presentations of the same project schedule information**, each appearing in a different context and format. These materials present **materially different implications** about when final design, right-of-way acquisition, and construction are expected to occur, and whether those steps are contingent on the outcome of environmental review.

Screenshot 1 – Project Website



This screenshot is taken from the WSB-hosted East Side Corridor timeline page. Immediately above the project timeline, the following statement appears:

*"Steele County is planning to begin construction of the East Side Corridor **within the next five years**. There are many steps to be completed between planning and construction. The timeline below shows the anticipated process for designing and building the road."*

Directly below this statement, the timeline presents:

- Completion of the EAW and EIS need determination by early 2026,
- **Final design and right-of-way acquisition beginning January 2026**, and
- **Construction scheduled from May 2027 through November 2028**.

When read together, this narrative language and timeline communicate that construction is not merely a possibility, but an **anticipated and planned outcome**, with a defined sequence leading directly from environmental review into design, right-of-way acquisition, and construction.

Screenshot 2 – Alternate Public-Facing Schedule Presentation

Proposed Schedule

2025/early 2026

- **Finalize the State of Minnesota Environmental Assessment Worksheet (EAW) Process:**
 - November 18, 2025:** Public comment period opens and EAW published in the Environmental Quality Board (EQB) Monitor
 - November 25, 2025:** EAW republished in the EQB Monitor to reflect extended public comment period
 - December 11, 2025:** Public Open House
 - December 31, 2025:** Public comment period closes
 - January 2 – February 1, 2026:** Findings of Fact and Conclusion (FOFC)/Environmental Impact Statement (EIS) Need Determination Process
 - January 27, 2026:** County Board Resolution
 - February 17, 2026:** FOFC published in the EQB Monitor

January, 2026 - February, 2027

- Final design and plan preparation
- Right of Way (ROW) Acquisition

Construction

- May, 2027 – November, 2028

This screenshot presents the same project phases but in a different format, creating ambiguity as to whether design and ROW acquisition are conditional or assumed outcomes. While the dates overlap with the ArcGIS Hub timeline, the presentation lacks clarity regarding decision points and reinforces the perception that the project is already moving forward beyond environmental review.

Screenshot 3 – County Website: Future Projects & Studies

Select the project you are interested in to see current information.

East Side Corridor - City of Owatonna, Owatonna Township & Clinton Falls Township

Subscribe to email updates: [Click to subscribe](#)

Description: The project will construct a new north-south route on the east side of the City of Owatonna from near the US 218/18th Street SE intersection to CSAH 34 (26th Street NE). Traffic currently has no direct route for traveling between the northeast part and the southeast part of Owatonna. All existing highways and streets direct traffic towards the downtown area adding unnecessary traffic in the downtown area and increasing travel times. In 1999-2000, Steele County and the City of Owatonna recorded an Official Map of a future north-south road from 26th Street to US 14, calling it the East Side Corridor. In 2005, the County recorded an Official Map of the Owatonna Beltline, consisting in part CSAH 43 to the east. While CSAH 43 will have connections to US 14, is part of the Owatonna Beltline, and will provide a north-south connection for future growth, it does not provide benefits for current needs of traffic on the east side of the City, especially with the relocation of the high school near the intersection of CSAH 48 and 18th Street SE. This proposed route will provide those needed connections and alleviate downtown traffic.

Project Schedule (updated January 2025):
2022-2025 Environmental Study and Preliminary Design in progress (anticipated completion Fall 2025)
2025-2026 Final Design & right of way acquisition
2026-2027 Construction in stages

Public Information Meetings:

Public Information Meeting #1 was held July 21st, 2022 (reviewed previous project studies and alignments)
Public Information Meeting #2 was held May 31, 2023 (presented preferred alternative)
Public Information Meeting #3 anticipated Spring 2025 (will present environmental documents and collect public comment)

East Side Corridor - Public Comment Period & Open House

The official public comment period for the East Side Corridor Project is now open. Community members are invited to review the Environmental Assessment Worksheet (EAW) and share feedback through December 31.

Please join us for an open house to learn more about the project and submit your public comment in person:

- Date: Thursday, December 11
- Time: 4:30 – 6:30 p.m.
- Location: Council Chambers, Owatonna City Hall, 540 West Hills Circle, Owatonna, MN 55060

You can also submit your comment online until December 31.

- [View the full EAW here \(link\)](#)
- [Submit your comment online here \(link\)](#)

For questions or assistance with the comment process, please email Info@eastsidecorridor.com.

Public Comments open from November 18 to December 31, 2025

Posted November 18, 2025

The official public comment period for the East Side Corridor Study is now open!
From November 18 to December 31, you can review the [Environmental Assessment Worksheet \(EAW\) and submit your comments on the document here \(link\)](#). This is an important step in the environmental review process that helps inform project decisions. We encourage you to participate in this important process.

Additional public information meetings are planned in the future during the final design process. Watch here for updates or sign up for our email updates above.

More information:
Additional information about the project can be found at the project webpage at www.eastsidecorridor.com.

Map of Corridor Map showing the general location of preferred corridor selected in May 2023 and then reselected again in October 2024. Actual alignment or corridor location subject to change, pending results of an updated Environmental Study and preliminary design in progress.

Official Map Official Map approved by the County Board and recorded in 2000 designating an alignment for the corridor. Actual alignment or corridor subject to change, pending results of an updated Environmental Study and preliminary design in progress.

This version of the schedule appears in a County context and frames the East Side Corridor as still subject to environmental review and future decisions. This presentation contrasts with the WSB-hosted timeline by implying that final design and construction are not yet committed actions.

Why This Matters

The public-facing materials for the East Side Corridor present **inconsistent and conflicting signals** regarding whether final design, right-of-way acquisition, and construction are contingent on the outcome of environmental review. On the WSB-hosted ArcGIS Hub page, forward-committing narrative language (“planning to begin construction within the next five years”) appears immediately above a detailed timeline that sequences environmental review directly into final design, right-of-way

acquisition, and construction. Read together, these elements convey that construction is an anticipated outcome rather than a contingent decision dependent on the results of environmental review.

At the same time, other public-facing materials present the same project phases in formats that obscure decision points or imply continued evaluation, while County website materials frame the East Side Corridor as still subject to environmental review and future decisions. When viewed collectively, these differing presentations communicate **different levels of certainty and commitment** for the same project. I don't know if construction is beginning tomorrow, in a year, or sometime in the future.

Based on the public-facing materials reviewed, I cannot determine whether construction is anticipated to begin imminently, within a year, or at some later point in the future, or whether construction is fully contingent on the outcome of environmental review.

Under MEPA, the public is entitled to a **clear, consistent, and accurate project description**. When project materials simultaneously hedge and commit—depending on the source—meaningful public participation is undermined, and the viability of alternatives, including avoidance, becomes unclear. This lack of clarity raises concerns about predetermination and reinforces the need for transparency regarding whether final design, right-of-way acquisition, and construction are truly contingent on the outcome of environmental review.

Accordingly, clarification is required regarding the status of final design, right-of-way acquisition, and construction, and whether these actions are contingent on the outcome of environmental review.

Request for Clarification

I request that the Responsible Governmental Unit clarify, on the record:

1. Which project schedule is authoritative;
2. Whether final design and right-of-way acquisition are contingent on the outcome of the environmental review;
3. The role of the consultant in preparing and publishing public-facing timelines; and
4. Whether any steps toward final design or right-of-way acquisition are anticipated prior to completion of environmental review.

These inconsistencies further reinforce the need for a **full, independent Environmental Impact Statement** to ensure transparency, consistency, and public confidence in the decision-making process.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN

Directly impacted resident

Public Comment – Coupling of the 18th Street Railroad Roundabout and the ESC

EAW Comment #26

Date: December 28, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: Public Comment – Coupling of the 18th Street Railroad Roundabout and the East Side Corridor

I am submitting this comment to document the direct functional coupling between the 18th Street railroad roundabout and the East Side Corridor (ESC), and to explain why treating these projects as separate actions constitutes improper segmentation.

Internal County correspondence confirms that the County explicitly discussed “**decoupling** the **East Side Corridor from the roundabout project**”, demonstrating that these projects were understood internally to be connected (see attachment). Despite this, the roundabout was advanced, constructed, and funded as a standalone project and excluded from cumulative analysis in the ESC Environmental Assessment Worksheet.

The 18th Street railroad roundabout functions as the **primary southern access point** of the ESC. Its location, geometry, and traffic operations directly affect ESC safety, traffic flow, and feasibility. The roundabout was constructed without securing required railroad permits and at a distance closer to the railroad than required, creating a known non-compliance that will necessitate future reconstruction.

At the same time, the County has argued that the ESC is needed to address traffic generated by the new Owatonna High School located along 18th Street, while asserting for environmental purposes that the 18th Street improvements and the ESC are unrelated. These positions are mutually exclusive.

Under MEPA and NEPA, projects that are functionally dependent, rely on one another for utility, or are used to justify each other are **connected actions** and must be evaluated together. Segmenting the roundabout from the ESC artificially limits the scope of environmental impacts, masks safety and cost consequences, and undermines informed public participation.

This coupling further reinforces the need for a **full, independent Environmental Impact Statement** evaluating the entire east-side transportation and development system as a single action.

M [REDACTED] Z [REDACTED]
[REDACTED]

Owatonna, MN
Directly impacted resident

Public Comment – Coupling of the 18th Street Railroad Roundabout and the ESC

EAW Comment #26

From: Ilkka, Gregory <Gregory.Ilkka@SteeleCountyMN.gov>
Sent: Thursday, June 29, 2023 8:46 AM
To: Emily Atkinson <Emily_Atkinson@cpr.ca>
Subject: RE: Steele County, MN Agreements

Good morning Emily –

We're working with MnDOT to see if we can decouple our East Side Corridor project from this roundabout project and review the diagnostic.

In the meantime, have you had any luck finding another public agency agreement with the same indemnification language?

Thanks for your time!

Greg

RE: Steele County, MN Agreements

EA Emily Atkinson <Emily_Atkinson@cpr.ca>
To: Gregory.Ilkka@SteeleCountyMN.gov
Cc: John.J.Lambert@FauszServices.com

Subject: RE: Steele County, MN Agreements

Good afternoon, Greg

I have now had an opportunity to review and compare the two agreements you forwarded to me yesterday, and plan to review my own notes relating to the drafting of the agreements relating to the Southeast 18th Street crossing, including and to review the details of that project with Brian Oldsone, our Manager of Public Works here in CPMC. What follows is my summary of the relevant's position.

As an initial note, I do agree with you that the liability and indemnification language between the two separate agreements are quite quite different. The disparity in language is due to the distinct nature of the work contemplated in each agreement. The Medicaid Standard agreement contemplated a simple installation of a crossing surface; no, safety and indemnity obligations were governed by the Standard Provision for Highway-Related Agreements, which was reflected in Table 1 to that agreement. Liability and indemnification for violations of crossing materials including warning devices, by contrast, are governed by the set of General Provisions attached as Exhibit A to this agreement.

The reason for the heightened liability and indemnification requirements is agreement relating to installation of new or updated warning devices states that the assumption of risk liability to which defendant are exposed when new warning devices are installed at any particular crossing. In the unfortunate event of an accident at one such crossing, claimants frequently assert allegations of negligence in the selection of the new warning device against the defendant, resulting in increased damages.

To compound this increased risk, and to encourage railroads to install more effective and technologically advanced warning systems in general, the federal government developed the "Section 130 program" as authorized by 23 U.S.C. § 1300. This program, which is administered by the individual states, provides a process by which individual crossings are evaluated and updated to eliminate safety hazards. Participation by the railroad and the municipality in which such crossing is located is typically, particularly where it is the municipality that is requesting the warning system upgrade. The result, if you will, is the railroad for participating in the Section 130 program is protected from liability to human negligence, notwithstanding the selection of the new warning device.

Turning to the Southeast 18th Street agreement, it is important to recall that the "Assumption of the Existing Warning Device" was included in the first draft by the plan for development of the East Side Corridor. Below follows the first draft for review that the decision to continue the project without updating the Section 130 findings was acknowledged, and as such the County's assumption of liability was indeed a central part of the agreement, which which has now been set forth in the final agreement. I understand that both Mr. Oldsone and MnDOT representatives explained to local governmental representatives that the County would now incur 100% liability in all matters relating to the crossing prior to the start of the Section 130 process.

I would note as well that, generally speaking, indemnification language such as that included in the General Provision have in recent and statute enforceable, particularly where one party is performing work under the authority of another.

The current indemnification provision mitigate the County to protect and indemnify the railroad "to the fullest extent permitted by law." I do recognize the potential vagueness in this language, and would certainly be willing to review to include language of "gross negligence or willful misconduct" by the railroad.

2021 AADT draft

SP Sponholz, Paul
To: Andrew Plowman

2021 Local Draft Review Report.xlsx
471 KB

Andrew,

Information for both the roundabout project and ESC project.

Interestingly, MnDOT did a traffic count on 18th Street recently. The Draft AADT is 86.

We are questioning their new count on CR 180, not sure how to justify the 27 percent drop. See attached.

The draft values are now showing on MnDOT's traffic count web application.

Paul Sponholz, P.E. | Assistant County Engineer
Steele County | PO Box 890, 3000 Hoffman Dr NW, Owatonna, MN 55060-0890
O: (507) 444-7672 | M: (507) 475-2253 | paul.sponholz@co.steele.mn.us

Public Comment – Coupling of the 18th Street Railroad Roundabout and the ESC

EAW Comment #26



Memo

Date: 3/22/2023

To: Paul Sponholz
Assistant County Engineer

From: Julie Whitcher
State Rail Safety Engineer

RE: Railroad Crossing Review

Pursuant to Minnesota Rule 8830.1000 ACTIVE WARNING DEVICES; STANDARDS, USE, ALTERATION, REMOVAL, the Office of Freight and Commercial Vehicle Operation's Railroad Safety and Coordination Unit has reviewed plan sheets for new roundabout construction adjacent to the grade crossing at the location mentioned below.

Location: Bixby Rd/18th St intersection.

SP: 153-115-005

USDOT Number: 380288F

Due to restricted approaching sight visibility, and in anticipation of future development of the East Side Corridor, it is the determination of the Rail Office that the proper level of warning requires the installation of active warning devices at the reconfigured grade crossing. The warning devices shall consist of flashing lights and gates, with constant warning time circuitry and a cantilever in the NE quadrant. The railroad is responsible for designing and installing the warning devices in compliance with the MMUTCD. Advance warning signage shall be installed by the County as part of the project. Signage shall consist of W10-1 with RxR pavement markings on the westbound approach of 18th St, W10-2L on the southbound approach of Bixby Rd, and W10-2R on the northbound approach of Bixby Rd.

In the event the railroad is not able to have the warning devices installed prior to the roadway being open to the public, the Rail Office recommends maintaining the current stop configuration in both directions until the railroad signals are active. As information, the standard installation window provided by MnDOT in our signal agreements with the railroads is 18-months, materials shortages in the industry have required that timeline be extended for some projects.

The proposed trail will require warning signage at the grade crossing. This signage shall consist of stop signs and cross bucks in both directions (R1-1, 18x18x18, R15-1 24.5x4.5). The plans received by this office do not specify the distance from the back of the proposed curb to the edge of bituminous of the new trail. It appears that the trail may be in conflict with the warning device locations and should be pushed back far enough so the gate arm counterweights do not impact trail users. While there is no MMUTCD specification for this setback industry standards are generally 4'-6" from the CL of the mast to the edge of pavement.

Public Comment – Coupling of the 18th Street Railroad Roundabout and the ESC

EAW Comment #26

I've attached Appendix A-7 of the State of Minnesota STIP for fiscal years 2023-2026 to provide examples of projects funded through the Section 130 Program. As you will see from these examples, the Section 130 Program is largely remedial rather than intended to provide funding to mitigate risk identified in the design or construction process.

3. Crossing Protection

~~Sponholz question: "[S]ince the signals/gates that the diagnostic requires is only required by our request in anticipation of the construction of the East Side Corridor in the next five years (something that is not a certainty yet), could we remove the requirement for signals/gates and leave the crossing protected by a stop sign as is current since it is a gravel township road and the ADT is only 80 vpd?"~~

Pursuant to Minnesota Rule 8830.1000, "[T]he commissioner [of the Department of Transportation] shall determine which devices are appropriate for the grade crossing. In determining which devices are appropriate for the grade crossing, the commissioner shall consider the type of roadway, volume of trains and vehicles per day, and visibility standards."

Attached, please find the correspondence set related to the active warning device determination made for this crossing. This correspondence set contains a Railroad Crossing Review dated 3/22/23 (original signed by MnDOT Rail Safety Engineer Julie Whitcher on the same date). Please note that, although anticipated construction of the East Side Corridor was a consideration, the determined need for an active warning device did not rest solely on the anticipated construction and was, in fact, based on several factors. Consistent with Minn. Rule 8830.1000, consideration was also given to "previous staff site visits, existing knowledge of the crossing and intersection, the plan sheet submitted to my office on February 27, 2023 (attached here as reference), the expected traffic volume as relayed to my office via email on February 7, 2023 (attached here as reference), the type of roadway, volume of trains per day, vehicles per day, [and] visibility standards[.]" (Whitcher Email to Sponholz, March 22, 2023 2:57 pm).

Although the above-referenced February 27, 2023 email and anticipated construction project were not the sole determinative factors in OFCVO's decision to require an active warning device system, the email did provide valuable context about the East Side Corridor construction effort (construction funding source, programmed construction date, projected traffic counts, and the County's safety device proposal):

Any determination should also consider future construction we are planning besides this project. While the existing SE 18th Street is a gravel road with only 80 vehicles/day, we have secured federal funding for our East Side Corridor project which will use SE 18th Street. That project, scheduled for construction in 2025, will reconstruct and pave SE 18th Street, and will have a projected future traffic volume of 5000 vehicles/day. As previously discussed, the county proposes to have crossing gates and flashing lights at this crossing. The existing control is only crossbucks with stop sign.

(Sponholz Email to Whitcher, February 7, 2023 4:17:34 PM). This information was appreciated as OFCVO reviewed the overall safety of the crossing environment and provided its safety device determination.

In light of all crossing circumstances (specifically including the factors listed above), MnDOT's determination that this crossing requires an active warning device system is unchanged. Not only does safety require this level of warning at this crossing but the County was aware of this likely determination by MnDOT and proposed the same level of protection at the crossing until recently.

I will note that the Railroad Crossing Review provided a temporary safety solution in the event the crossing could not be equipped with lights and gates prior to the roadway being opened:

Public Comment – Coupling of the 18th Street Railroad Roundabout and the ESC

EAW Comment #26

From: Sponholz, Paul
To: Whitcher, Julie (DOT)
Cc:
Subject: Brian Osborne; Rice, Christopher (DOT); Cabral, Neto, Fausto (DOT)
Date: RE: City of Owatonna MN SE18th ST Round- Onsite Diagnostics
Attachments: Tuesday, February 7, 2023 4:17:34 PM
17953-000; am updated 20230103.vcf

This message may be from an external email source.

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Julie,

Brian Osborne from CP asked I reach out to you to determine the level of warning for the SE 18th Street crossing near Bixby Rd (CSAH 48). He is working on the preliminary engineering and plans for the crossing. Attached is the latest layout for the project.

Any determination should also consider future construction we are planning besides this project. While the existing SE 18th Street is a gravel road with only 80 vehicles/day, we have secured federal funding for our East Side Corridor project which will use SE 18th Street. That project, scheduled for construction in 2025, will reconstruct and pave SE 18th Street, and will have a projected future traffic volume of 5000 vehicles/day. As previously discussed, the county proposes to have crossing gates and flashing lights at this crossing. The existing control is only crossbucks with stop sign.

Paul Sponholz, P.E. | Assistant County Engineer
Steele County | PO Box 890, 3000 Hoffman Dr NW, Owatonna, MN 55060-0890
O: (507) 444-7672 | M: (507) 475-2253 | Paul.Sponholz@SteeleCountyMN.gov

From: Brian Osborne <Brian_Osborne@cpr.ca>
Sent: Monday, February 6, 2023 4:17 PM
To: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Subject: City of Owatonna MN SE18th ST Round- Onsite Diagnostics

Paul,

Can you please reach out to MNDOT with the latest plan-set and a request that they determine the level of warning for the proposed crossing. Please contact Julie Whitcher.

Thank You

Brian Osborne
Manager Public Works
O- 612-330-4555
C- 612-760-2945
Brian.Osborne@cpr.ca
Canadian Pacific Plaza

Failure to Maintain Independent Environmental Review and Consultant Role Separation

EAW Comment #27

Date: December 28, 2025

Submitted to:

Ronald Gaines – Steele County Responsible Governmental Unit (RGU)

Re: Failure to Maintain Independent Environmental Review and Consultant Role Separation

Lack of Independent Environmental Review Due to Concentration of Consultant Roles

I submit this comment to document concerns regarding the lack of independence in the environmental review of the East Side Corridor (ESC), arising from the concentration of planning, technical analysis, engineering, implementation, and public-facing communications within a single consulting firm.

This comment does not allege misconduct. Rather, it addresses a structural failure in the environmental review process that undermines the independence, objectivity, and credibility required under the Minnesota Environmental Policy Act (MEPA).

Concentration of Consultant Roles

Based on publicly available information and project documentation, WSB has played a central role in:

- Preparing or contributing to the technical studies used to justify the ESC;
- Developing related transportation infrastructure projects that are cited as background conditions or supporting need;
- Designing or providing engineering services for multiple interrelated roadway, trail, railroad, and utility projects in the same geographic area;
- Hosting and maintaining the primary public-facing project website and timeline materials for the ESC;
- Providing construction observation and engineering oversight services through a Master Services Agreement (MSA);
- Supporting utility planning and GIS implementation for Owatonna Public Utilities in corridors overlapping or adjacent to the ESC footprint.

These roles extend beyond discrete technical tasks and collectively position a single consultant to define the transportation problem, analyze the need, shape the alternatives, design related infrastructure, and present the project to the public.

Failure to Maintain Independent Environmental Review and Consultant Role Separation

EAW Comment #27

The table below summarizes major transportation, utility, development, and planning projects in the ESC area and identifies the consultants associated with each.

Project	Consultant
Master Trails Study	WSB
Master Downtown Study	WSB
Imagine Owatonna	Stantec
East Side Corridor	WSB
The newly introduced 26th St. roundabout	WSB
Adjacent housing and commercial development identified in Imagine Owatonna	Unknown
Trail construction tied to the ESC footprint	WSB
The 18th St. railroad roundabout	WSB
Utility expansion and substation upgrades planned through already-segmented corridors	WSB/OPU
The Owatonna High School relocation and construction	WSB
CR 180 railroad crossing	WHKS
18th Street expansion	SEH
18th St. Trails	WSB
Main St. Project	SEH
26th St Roundabouts	JHS
26th St Roundabouts	WSB
26th St Expansion	Bolton & Menk
The Fire Station and Police Station	IES
The Havana Project	WHKS
Hwy 14 Expansion	WSB
OPU ArcGIS Enterprise Implementation	WSB
Engineering Oversight - MSA	WSB

Impact on Environmental Review Integrity

When the same consultant is responsible for identifying the problem, developing the solution, designing related projects, and communicating the project schedule and status to the public, the environmental review process risks becoming confirmatory rather than evaluative.

In this context, the Environmental Assessment Worksheet (EAW) cannot function as an independent review of environmental impacts and reasonable alternatives. Instead, it becomes constrained by prior planning assumptions, interrelated design decisions, and forward commitments embedded across multiple projects.

Failure to Maintain Independent Environmental Review and Consultant Role Separation

EAW Comment #27

This concern is heightened where:

- Related projects are treated as background conditions rather than connected actions;
- Avoidance alternatives interfere with previously planned development or utility expansions;
- Environmental review is conducted after substantial planning, design, and coordination have already occurred.

Under MEPA, environmental review must occur early enough to meaningfully influence decisions. The concentration of consultant roles across planning, design, implementation, and public messaging undermines that requirement.

Public Confidence and Appearance of Predetermination

Even absent any improper conduct, the appearance of non-independence matters. The public must be able to trust that environmental review is not being guided—directly or indirectly—by entities that have already designed or are positioned to benefit from advancement of the project.

Here, the extensive overlap between ESC planning and other transportation, utility, trail, railroad, and development-related work performed by the same consultant reasonably raises questions about whether alternatives, including avoidance, are being evaluated on equal footing.

Request

For these reasons, I respectfully request that the Responsible Governmental Unit:

1. Acknowledge the concentration of consultant roles in the ESC and related projects;
2. Clarify how independence was maintained in the preparation of the EAW;
3. Confirm whether any consultant involved in prior planning, design, or implementation decisions will influence the EIS need determination; and
4. Require a **full, independent Environmental Impact Statement**, prepared with clear separation between project advocacy, design, and environmental analysis.

Only a fully **independent EIS** can restore confidence that environmental impacts, alternatives, and cumulative effects are being evaluated objectively and in compliance with MEPA.

M [REDACTED] Z [REDACTED]

[REDACTED]

Owatonna, MN
Directly impacted resident



STEELE COUNTY
PUBLIC WORKS POLICY COMMITTEE MINUTES
Public Works Building – 3000 Hoffman Drive - Owatonna, MN 55060

Steele County's Mission:
Driven to deliver quality services in a respectful and fiscally responsible way.

Tuesday, July 8, 2025 at 8:00 a.m. – Public Works Conference Room

Attendees: Commissioner Krueger, Commissioner Prokopec, Finance Director Candi Lemarr, Administrator Renae Fry, Highway Maintenance Supervisor Paul Kirtz, Interim Highway Director Alan Goodman, and Executive Assistant Rebecca Kubicek.

Information:

Interim Public Works Director spoke regarding the use of WSB Engineers through a Master Services Agreement for construction observation assistance for the two 2025 projects and assistance with plan design for the 2026 projects.

The Interim Public Works Director discussed using the sample agreement from Dodge County whereby the wind power contractors would be responsible for all repair work to the roads. Paul Kirtz will work with the townships regarding the Township Road agreements that are also found in this agreement. Alan Goodman will work with the wind power consultant to finalize the contracts and get them to Steele County Attorney for review.

Highway:

ES Corridor – Discussion regarding having an Open House on this project by the end of the year.

18th St Roundabout – The contractor has been working with Steele County and offered some flexibility to get the last leg of the project complete. The goal is to be done this year. If there is construction in the school season, Steele County will do its best to keep the road open during early morning and late afternoon movement of school traffic.

Beaver Lake - Archeological review is taking place. Work to obtain easements will continue while archaeological review is underway.

Main Street Open House: July 17th at OPU from 4 to 6 pm. Visual renderings will be available. Discussions continue regarding trails and crosswalks as the county is looking for the safest options for the public.

2025 Construction:

County lighting project is underway.

There will be 2 bituminous projects in August and one in September. County Rd. 3 will be later.

Waiting on the pavement markings contract to come back with signatures. In house technician will need to track the project completion.

There are two bridges that are closed. We were waiting for bonding which we now have and are now able to move forward. These are planned to be built next year.

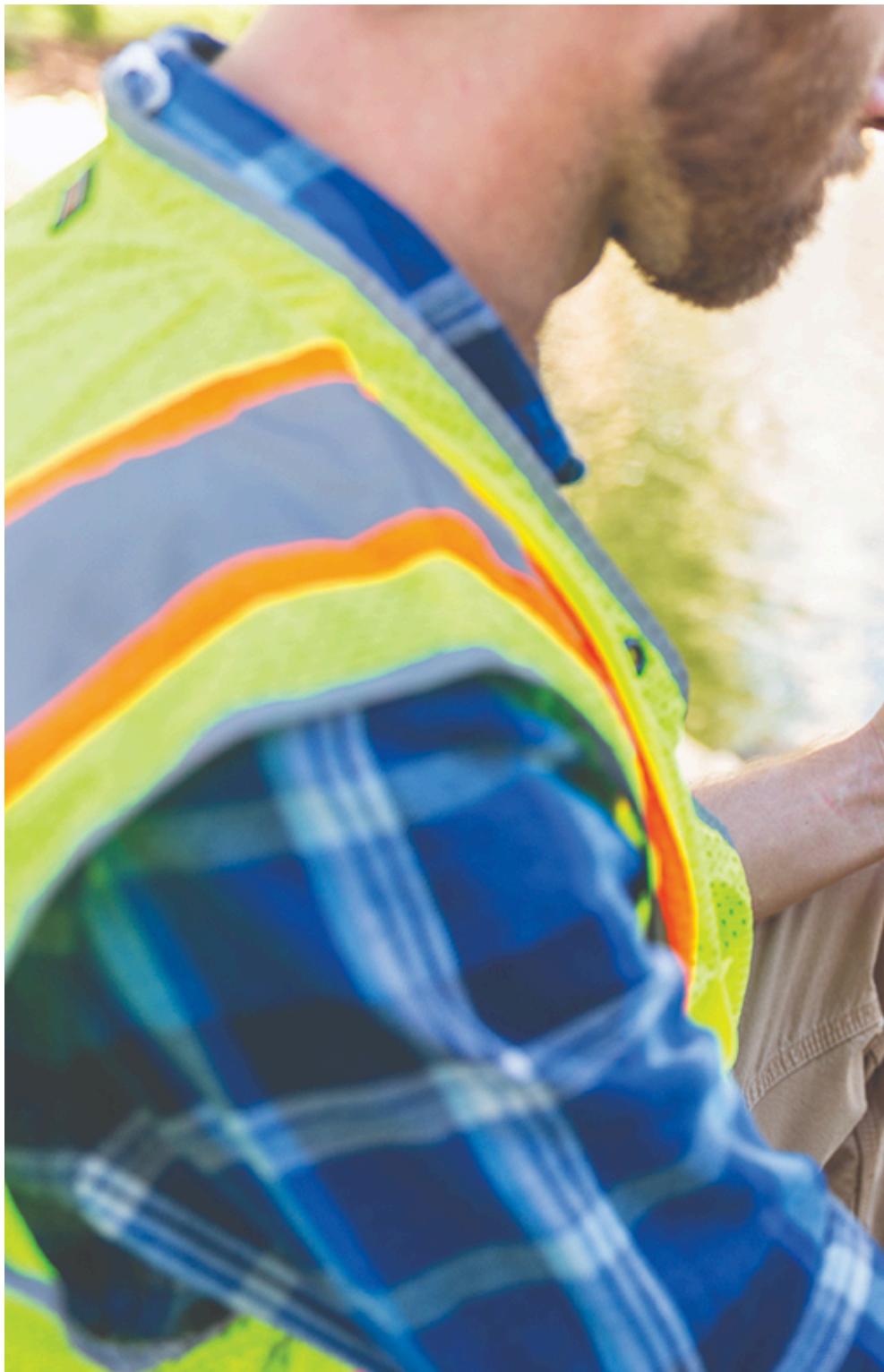
Department Head Reports

Finance: Welcome Kris, new highway accountant.



PROJECTS

Owatonna ArcGIS Enterprise Implementation

**📍 Location:**

Owatonna, MN

⚙️ Expertise:

Technology

━ Services:

GIS Services

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Owatonna Public Utilities (OPU) has a long history of utilizing GIS for its system of record to support its customers and operations. OPU's GIS staff recognized the need to expand their GIS use beyond just a system of record to a system of engagement. OPU worked with WSB through WSB's Managed GIS Services program to perform an initial GIS assessment and then develop a Managed GIS Services plan to modernize its approach to GIS.

As part of the process to modernize their GIS, OPU wanted to migrate their existing platform into the latest and most advanced GIS technology called Esri's ArcGIS Enterprise. ArcGIS Enterprise gives OPU the resources needed to further advance their GIS goals, including a system wide GIS content management platform, resources to expand field operations, and the ability to effectively manage utility outage information. OPU also needed a robust IT infrastructure to build these programs and WSB recommended using Amazon Web Services (AWS). AWS is Amazon's secure cloud services platform that offers an advanced server environment which ensures reliability, security, and flexibility

for future development of network resources.

WSB tailored a plan for OPU which included the migration of their current GIS infrastructure to ArcGIS Enterprise deployed within AWS. WSB worked closely with OPU staff members throughout the project to ensure all stakeholders were involved and overall project success. By working with WSB, OPU has been able to successfully implement its ArcGIS Enterprise platform within a cloud environment, further expand its organizational use of GIS, and leverage new GIS tools and capabilities.

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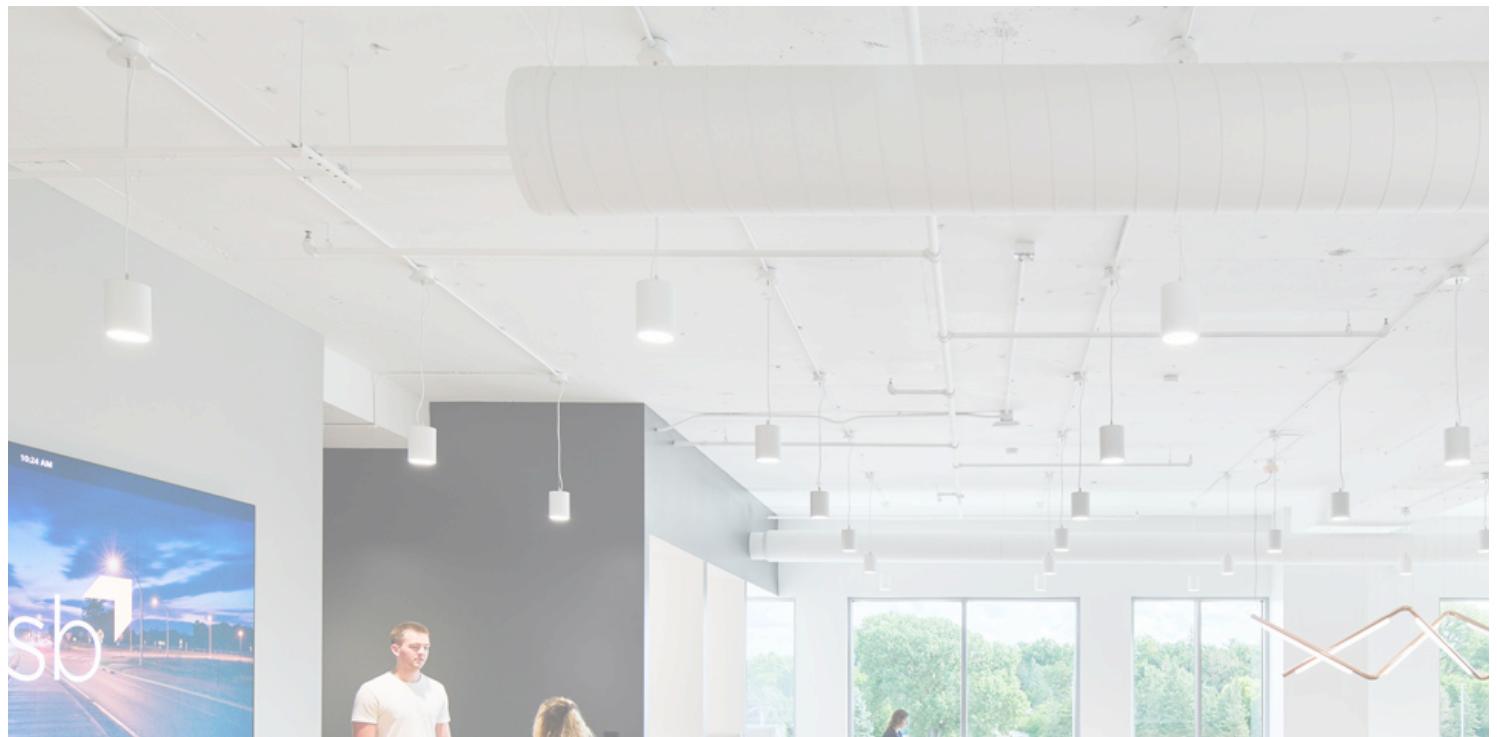


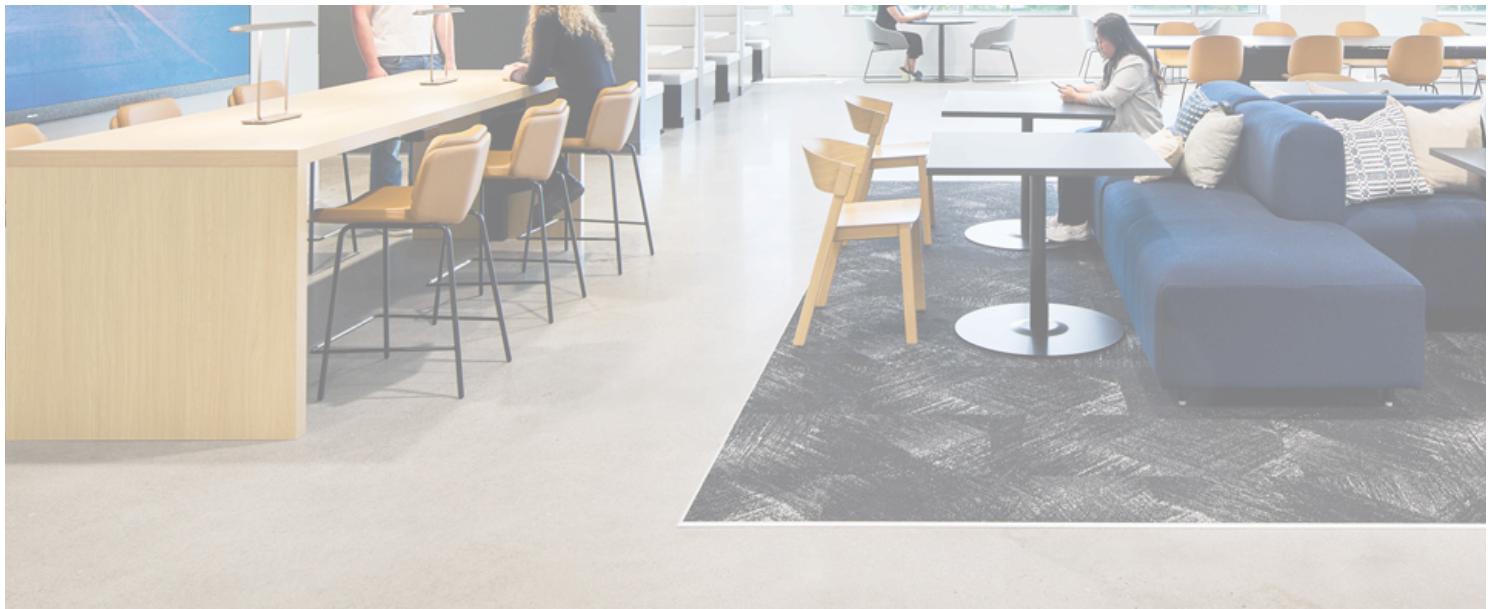
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