

DATA REQUEST FORM – MEMBERS OF THE PUBLIC

Date of the Request: 10/22/2024

I am requesting access to data in the following way:

☒ Inspection ☐ Copies ☐ Both inspection and copies

Note: inspection is free, but reproduction costs must be prepaid before you receive the copies.

Contact Information

Name: East Side Corridor Resident Coalition

Address:

Phone number: [REDACTED] Email address: owatonnaeastsidecorridor@gmail.com

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of the data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information, we will not be able to begin processing your request until you contact us.

Data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form. If you need assistance with technical wording, terminology, or are unsure about the use or meanings of acronyms, please contact the Administration. However, please be advised that the Administration cannot give you legal advice regarding your request.

Requesting 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 between the City and county officials, staff and third parties.

The above is requested to be provided within 2 weeks time. If additional time is needed, please contact us as soon as possible at the email or phone # above. Thank you in advance for your time.



Data Request

Tue, Feb 4, 2025 at 10:24 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>

Robert,

I want to clarify that we did not go around you. My last email was addressed only to you and Renae. I'm not sure what you're referring to.

The Act requires data to be accessible. If the County is not providing the necessary software to open certain files and is not converting them to a common format, what alternative solution can be provided to ensure accessibility? I included the file types for reference to help identify any issues, but I do not know what software is needed to open them.

Redaction typically means blacking out sensitive or protected information—not altering a file in a way that makes it unreadable, which seems to be the case with the email files.

I understand the County is balancing multiple priorities, and I appreciate your time in handling these requests. We simply ask for a reasonable turnaround. Please let us know when the next batch is available.

M

On Tue, Feb 4, 2025, 4:02 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

M & M

From this point forward, please direct any requests for documents/questions regarding the East Side Corridor to only myself and Ms. 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.

The Act does not require specific time frames for data release and does not require government agencies to answer specific questions.

The Act does not require the County to provide software to view the specific data or provide it in a different form.

Many items were not necessarily reviewed by staff in any particular order. I will have IT see why the files would not open. Keep in mind some files may have been redacted due to being non-public data and that may account for some items not being viewable.

The County is still working on reviewing current data requests on top of the day-to-day normal operations. I do not have an estimated time frame at this time. I will notify you when an additional batch is ready for review and will put the files in a separate folder.

Thank you,

Rob

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Tuesday, February 4, 2025 2:33 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Data Request

Hello Robert and Renae,

I have reviewed all the public data provided, and it has now been **105 days** since the request was made. Despite this extended timeframe, we still **have not received all requested data**, nor do we have access to all the data that has been provided. I previously emailed you **weeks ago** regarding files that would not open, yet no action has been taken.

Before printing any files, I need to review the next round of data. **When can we expect this?** Waiting **105 days** to pull emails is excessive, especially given that all other documents were simply attachments to emails, requiring no additional searches.

On **January 15, 2025**, I provided a list of files that would not open (reattached for reference). **What is the status of fixing these issues?** Additionally, the following files are inaccessible (starts with):

- itemffa351f9
- itemff9351f9
- itemla4a7dc
- irem1a4a7dc
- item098633f
- itema895
- item5336e4b
- item66r95b
- item4b183
- item0b014fed
- itemf70f9

Furthermore, the **referenced Alternative Analysis Tech Memo is missing**—where is this document?

There are also **22 files requiring specific software to access** (e.g., kmz, kml, shx, dbf, shp, cpq, sbn, sbx, prj, etc.). **How are we supposed to view these files?**

Additionally, it appears that **email chains are incomplete**, with missing responses. We were provided **1,071 emails** between Paul and WSB, as requested, but the original request also included emails from multiple departments. You indicated in early January that we should expect approximately **1,100 more documents (emails and attachments)**.

However, we are aware that there are over **2,000 emails from Paul alone**. **Does this only include emails between Paul and WSB? When can we expect ALL emails?** The error file on the jump drive contains over 2,000 error records—were all relevant emails included in the first batch, or were errors excluded?

To ensure clarity and prevent duplication, **we expect all future batches of data to be stored in separate, clearly labeled folders that distinguish them from previously provided data**. Please confirm that this will be done moving forward.

To date, the following **issues remain unresolved**:

- **105 days have passed, and we still do NOT have all requested data.**
- **We were denied access to public data during reasonable business hours**—despite being told it was available.
- **Files that would not open were reported, yet nothing has been done.**
- **Additional files remain inaccessible.**
- **Access to files has been hindered due to the lack of necessary software on the provided computer.**
- **The jump drive has repeatedly failed and generated error messages.**
- **Emails appear to be missing.**

This level of delay and non-compliance is unacceptable. Please provide an immediate update on when the remaining data will be available and how these access issues will be resolved, and confirmation that future batches will be properly organized

M [REDACTED]

On Thu, Jan 16, 2025, 2:50 PM [REDACTED] wrote:

Hi Robert,

Was hoping to come by today to review files. Could you please confirm if they been fixed yet? Please let me know.

Thanks,

M [REDACTED]

On Wed, Jan 15, 2025, 1:20 PM [REDACTED] wrote:

Subject: Concerns Regarding Public Record Documents

Hi Robert,

I reviewed some of the documents this morning and have several concerns:

1. You mentioned there were around 2,000 documents, but only 350 files were in the folder. Where are the remaining 1,650 documents?

2. The documents were not organized in chronological order, contrary to what we were told.

3. Several emails did not open properly; instead, clicking on them opened a box to compose a new email. I've attached a list of the emails that didn't open correctly.

4. Some emails referenced attachments that were not included:

- 5/13/2022 email from Andrew Plowman
- 8/26/2022 email: East Side Corridor revised previously considered alternatives & fatal flaw analysis memo
- 5/10/2022 email: Steele Co East Side Corridor

5. The 6/23/2022 email appeared incomplete, showing the start of a chain that ended abruptly, suggesting missing data.

6. Many documents appeared to be duplicates.

7. Emails prompted a "save changes" message, raising questions about potential edits.

8. After reviewing one-third of the 158 emails (we were told there were thousands of emails), I did not encounter any of the same emails M [REDACTED] accessed last week. The lack of chronological order made it impossible to search specific dates or navigate efficiently.

9. I didn't find any documents from 2021 such as the proposals.

Based on these issues, I'm concerned that the conversion process may not have worked correctly and data is missing. Can you please address these concerns?

Thank you,

M [REDACTED]

On Tue, Jan 14, 2025, 5:20 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

The issue is resolved. We have a computer setup at the attorneys office to review the data anytime.

Robert J. Jarrett

Steele County Attorney

(507) 444-7786

From: [REDACTED]

Sent: Tuesday, January 14, 2025 10:41:20 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Cc: [REDACTED] Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Purscell, David <David.Purscell@SteeleCountyMN.gov>

Subject: Re: Data Request

Good morning Robert,

DATA REQUEST FORM – MEMBERS OF THE PUBLIC

Date of the Request: 1/13/2025 _____

I am requesting access to data in the following way:

☐ Inspection ☐ Copies ☐ Both inspection and copies

Note: inspection is free, but reproduction costs must be prepaid before you receive the copies.

Contact Information

Name: _____ M _____ Z _____

Address: _____ 2525 _____ Stony _____ Creek _____ Driv3 _____

Phone number: _____ Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of the data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information, we will not be able to begin processing your request until you contact us.

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

We will respond to your request as soon as reasonably possible.



Lyssa Lynn <lyssalynn13@gmail.com>

RE: Inquiry About Public Records Availability:ESC

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Fri, Jan 17, 2025 at 3:54 PM

To: [REDACTED]
Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>

Once paid, it can be by email.

Robert J. Jarrett
Steele County Attorney
Direct: 507-444-7786

From: [REDACTED]
Sent: Friday, January 17, 2025 12:03 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: Inquiry About Public Records Availability:ESC

I plan to be in next Wed and can pay then. How can I then get the electronic format?

Thanks,
M [REDACTED]

On Thu, Jan 16, 2025, 9:07 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Copies, no matter the medium (electronic or printed) are by page (25 cents for under 100 pages).

<https://cms2.revize.com/revize/steelecountynew/Administration/fee%20schedules/2025%20Fee%20Schedule.pdf>

Robert J. Jarrett
Steele County Attorney
Direct: 507-444-7786

From: [REDACTED]
Sent: Thursday, January 16, 2025 9:02 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: Inquiry About Public Records Availability:ESC

What is the cost to have it electronically?

On Thu, Jan 16, 2025, 8:15 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Re: professional engineering service proposals for the East Side Corridor

Your data request is available for pickup at the county attorney's office or electronic delivery.

The cost is \$12.50 (3 documents at 50 total pages).

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>
Sent: Monday, January 13, 2025 4:17 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Inquiry About Public Records Availability:ESC

Hi Rob,

Renae asked that I forward this to you.

Just received a request from M [REDACTED] Data request attached.

I have not responded to her.

Thank you,

Rebecca Kubicek

Steele County Executive Assistant

DATA REQUEST FORM – MEMBERS OF THE PUBLIC

Date of the Request: 3/31/2025

I am requesting access to data in the following way:

☒ Inspection

☐ Copies

☐ Both inspection and copies

Note: inspection is free, but reproduction costs must be prepaid before you receive the copies.

Contact Information

Name: M [REDACTED] Z [REDACTED]

Address: [REDACTED]

Phone number: _____ Email address: [REDACTED]

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of the data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information, we will not be able to begin processing your request until you contact us.

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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 to the Joint Transportation Committee.

We will respond to your request as soon as reasonably possible.

Meeting Minutes

Wed, Feb 5, 2025 at 12:44 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>

Robert,

Sure thing. I initially sent this to Renae, assuming she would have the answer. I received an out-of-office response directing me to contact Rebecca, so I did.

I expected the Joint Transportation Committee Meeting to have a publicly available schedule and meeting details, like other committees, but I couldn't find that information, which is why I reached out through the appropriate channels. I wasn't aware that this type of information is considered a data request, especially since schedules pertain to future events.

I look forward to hearing where I can find this information.

Thanks,

M [REDACTED]

On Tue, Feb 4, 2025, 3:55 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

M [REDACTED],

From this point forward, please direct any requests for documents/questions regarding the East Side Corridor to only myself and Ms. 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.

The Act does not require specific time frames for data release and does not require government agencies to answer specific questions.

The County is still working on reviewing current data requests on top of the day-to-day normal operations. I do not have an estimated time frame right now.

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.

Thank you,

Rob



Robert J. Jarrett

County Attorney

Steele County Attorney's Office

303 S. Cedar Avenue

Owatonna, MN 55060

Tel: 507-444-7780

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: Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>

Sent: Monday, February 3, 2025 8:21 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>

Subject: FW: Meeting Minutes

From: [REDACTED]

Sent: Friday, January 31, 2025 4:24 PM

To: Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>

Subject: Fwd: Meeting Minutes

Hi Rebecca,

I noticed that Renae is out of the office until February 10th. While this isn't urgent, I'm hoping it's a quick and easy answer that doesn't need to wait until then. Please see my original email below.

Thanks,

M [REDACTED]

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

From: [REDACTED]

Date: Fri, Jan 31, 2025, 4:18 PM

Subject: Meeting Minutes

To: Fry, Renae <Renae.Fry@steelecountymn.gov>

Hi Renae,

I'm looking for the meeting minutes from the Joint Transportation Committee meeting referenced in the board meeting minutes. I've searched Steele County's website but haven't been able to find them. Could you point me in the right direction?

Also, could you share the schedule for when they meet? I wasn't able to determine that from the board meeting minutes.

Thanks,

M 



Rose Street Roundabout

Sponholz, Paul <Paul.Sponholz@steelecountymn.gov>

Wed, Feb 5, 2025 at 7:39 AM

To: [REDACTED]

Cc: "Sean P. Murphy" <Sean.Murphy@owatonna.gov>, "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>, "Fry, Renae" <Renae.Fry@steelecountymn.gov>

Ms. Z [REDACTED],

You may submit a data request to the County Attorney. Please see his email sent to you on 2/4/2025 for more information on how we are addressing your data requests. Thank you.

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: Sean P. Murphy <Sean.Murphy@owatonna.gov>

Sent: Tuesday, February 4, 2025 7:58 PM

To: [REDACTED]

Cc: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>

Subject: RE: Rose Street Roundabout

M [REDACTED],

SRF was the consultant that prepared the construction documents for the project. I have not had time to delve into our archives on this project nor was I able to assign staff to do so due to our heavy workload and understaffing.

I will talk with Paul and see what we can pull together for you.

Again, here is that the to MnDOT's Mini Roundabout FAQs report, that I sent you earlier.

Thanks

[Mini-Roundabout FAQs](#)



Sean Murphy, PE*

Public Works Director & City Engineer

Public Works Department

Phone: 507-774-7306

www.owatonna.gov

*Licensed in the State of MN

From: [REDACTED]
Sent: Friday, January 3, 2025 3:28 PM
To: Sean P. Murphy <Sean.Murphy@owatonna.gov>
Subject: Rose Street Roundabout

Hi Sean,

Could you let me know who the consultant was for the Rose and Grove roundabout project? Additionally, do we have any documentation on whether it has reduced or increased the number of accidents at that intersection? If available, where can I find the project documentation or related studies for the roundabout?

Thanks,

M [REDACTED] Z [REDACTED]

DATA REQUEST FORM – MEMBERS OF THE PUBLIC

Date of the Request: 3/31/2025

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☐ Copies

☐ Both inspection and copies

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Contact Information

Name: M [REDACTED] Z [REDACTED]

Address: [REDACTED]

Phone number: _____ Email address [REDACTED]

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of the data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information, we will not be able to begin processing your request until you contact us.

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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 it has 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 to the Joint Transportation Committee.

We will respond to your request as soon as reasonably possible.



Data Request

Mon, Apr 14, 2025 at 8:21 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>

Dear Mr. Jarrett and Ms. Fry,

This is a formal follow-up regarding my data request originally submitted on March 31, 2025, and resubmitted in clarified format on April 2. Despite multiple efforts on my part—including a request for clarification and a follow-up on April 10—I have not received any acknowledgment, response, or update.

In your email dated April 1 at 5:15 p.m., you stated my request was not valid under Minnesota Statutes Chapter 13 and indicated the request would be closed. However, you failed to cite any specific provision of the law that justified denying or delaying the request. In my response later that day, I clarified that I was requesting access to existing government data—not answers to questions—and asked that you let me know if any changes were needed in formatting. You did not respond.

I then removed all question marks and resubmitted the same request on April 2. Again, you did not process it. In a separate message on April 10, you indicated that this request will not be addressed until other ESC-related data requests are fulfilled. That is not permissible under Minnesota law.

This refusal to process a lawful request until others have been completed is a direct violation of your obligations under the Minnesota Government Data Practices Act (MGDPA).

Violations of Statute:

1. Minn. Stat. § 13.03, subd. 2(a)

The statute requires that government entities respond to data requests in an appropriate and prompt manner. There is no provision in the statute that allows an entity to refuse a new request simply because other requests are still pending. Each request must be handled independently and without delay.

2. Minn. Stat. § 13.03, subd. 3(f)

If access to data is denied, the Responsible Authority must provide written notice to the requestor, including the specific statutory section on which the denial is based. To date, you have not provided such a citation.

3. Improper Refusal to Accept a Valid Request

Multiple Advisory Opinions issued by the Commissioner of Administration—including 95-042, 04-019, and 05-030—make clear that:

- A data request cannot be denied simply because it contains question formatting or interpretive language.
- If a request seems unclear, the entity must seek clarification, not dismiss it.
- Government entities cannot refuse to process valid requests due to workload or the existence of other pending requests.

Expectations:

I am now formally demanding the following:

1. Immediate reinstatement and full processing of my March 31 (resubmitted April 2) data request.
2. A written acknowledgment that this request is being processed in accordance with Minnesota Statutes Chapter 13.
3. A specific citation of the legal basis you relied on to close or delay my request, as required under Minn. Stat. § 13.03, subd. 3(f).
4. A copy of Steele County's Data Practices Policy, and the names and contact information for both the Responsible Authority and the Data Practices Compliance Official, as required by Minn. Stat. § 13.05, subd. 13.

If I do not receive written confirmation that this request is being processed in full compliance with the law by **April 15, 2025**, I will be filing formal complaints with the following:

- Office of the State Auditor
- Minnesota Attorney General's Office
- Department of Administration – Data Practices Office

This continued refusal to comply with the law obstructs lawful access to public data and raises serious concerns regarding Steele County's data handling practices.

Sincerely,

M [REDACTED] Z [REDACTED]

On Thu, Apr 10, 2025 at 8:16 AM [REDACTED] wrote:

It has been 8 days and I have not received confirmation on this data request.

On Wed, Apr 2, 2025, 12:55 PM [REDACTED] wrote:

Here is the requested data, reformatted into statements.

On Tue, Apr 1, 2025, 5:38 PM [REDACTED] wrote:

Dear Mr. Jarrett,

I am requesting any and all data pertaining to the topics outlined in my request. I am not expecting you to answer a question; I am requesting access to existing government data, which should be standard practice under the Minnesota Government Data Practices Act.

If my request needs to be submitted in a different format, please let me know so I can adjust accordingly. Otherwise, please proceed with processing this as a formal data request.

Sincerely,

M [REDACTED] Z [REDACTED]

On Tue, Apr 1, 2025, 5:15 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Ms. Z [REDACTED],

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.

Sincerely,

Robert Jarrett

Steele County Data Practices Responsible Authority



Robert J. Jarrett

County Attorney

Steele County Attorney's Office

303 S. Cedar Avenue

Owatonna, MN 55060

Tel: 507-444-7780

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, March 31, 2025 9:28 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>

Subject: Data Request

I am submitting the attached data request for review, ASAP. I have copied the County Administrator and County Attorney as requested.

Thanks,

M [REDACTED] Z [REDACTED]

DATA REQUEST FORM – MEMBERS OF THE PUBLIC

Date of the Request: 4/2/2025

I am requesting access to data in the following way:

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☐ Copies

☐ Both inspection and copies

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Contact Information

Name: M [REDACTED] Z [REDACTED]

Address: [REDACTED]

Phone number: _____ Email address [REDACTED]

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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.

We will respond to your request as soon as reasonably possible.



Data Request – Noise Studies for East Side Corridor Project

Fri, Apr 18, 2025 at 5:18 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>, "Fry, Renae" <Renae.Fry@steelecountymn.gov>

Dear Mr. Jarrett,

Thank you for your response.

However, I find this conclusion concerning, as it appears to contradict previously shared emails and public statements. According to public data preliminary noise studies were reportedly completed in January 2024, with full reports available by May 2024. This represents a significant discrepancy.

My data request specifically included **all iterations** of noise study documentation—such as initial assessments, updated analyses, modeling data, draft and final reports, and any supporting documentation used in or created for these studies. Given that scope, I respectfully disagree with the assertion that no such data exists.

Additionally, on February 25th, Paul stated that once the noise wall vote was completed, the EAW comment period would immediately follow in April or May. This statement implies that the EAW—along with its required noise analysis—was already completed, pending only the outcome of the vote. It's also important to note that a noise wall vote cannot be conducted without underlying noise studies justifying the wall's need.

For these reasons, I ask that this request remain open or be revisited with a thorough review of all potentially responsive documents, including internal drafts or interagency communications regarding noise modeling or analysis.

Thank you for your attention to this matter.

Sincerely,

M. Z.

On Fri, Apr 18, 2025, 4:59 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

The 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.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From:

Sent: Monday, April 14, 2025 8:27 PM

To: Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Subject: Re: Data Request – Noise Studies for East Side Corridor Project

Dear Mr. Jarrett, Ms. Fry, and Ms Kubicek,

I am writing to follow up once again regarding my data request submitted on **April 2, 2025, at 1:50 p.m.** To date, I have received **no acknowledgement or response**. I sent a follow-up on **April 10 at 8:21 a.m.**, which also received no reply.

This continued lack of response is a violation of your obligations under the **Minnesota Government Data Practices Act (MGDPA)**.

Under **Minn. Stat. § 13.03, subd. 2(a)**, government entities are required to establish procedures to ensure that **data requests are received and responded to in an appropriate and prompt manner**. Failing to acknowledge a request or follow up after an initial inquiry is neither appropriate nor prompt.

Furthermore, under **Minn. Stat. § 13.03, subd. 3(f)**, if access to data is denied, the Responsible Authority must inform the requestor in writing and **cite the specific statutory section** on which the denial is based. No such citation or response has been provided.

Additionally, **Minnesota Department of Administration Advisory Opinions**—including 95-042, 04-019, and 05-030—make it explicitly clear that:

- A valid data request must be acknowledged and processed, regardless of the entity's workload.
- Silence or delay constitutes a violation of Chapter 13.
- The burden is on the government entity to clarify or request revisions—not to ignore the request entirely.

At this time, I am demanding the following:

1. Immediate written confirmation that the April 2, 2025, data request is being processed.
2. A firm timeline for when the requested data will be made available.
3. The legal justification for the failure to acknowledge or respond to my previous emails, if one exists.

I expect confirmation of compliance by **April 16, 2025**.

I trust Steele County will comply with its legal obligations and fulfill this request without further delay.

Sincerely,

M [REDACTED] Z [REDACTED]

On Thu, Apr 10, 2025 at 8:21 AM [REDACTED] wrote:

I also have not recieved confirmation of this data request. It has been 8 days.

On Wed, Apr 2, 2025, 1:50 PM [REDACTED] wrote:

Please find attached the data request form for noise studies.

Thanks,

M [REDACTED] Z [REDACTED]

Constitutional 1st Amendment

Mn SS 13 PUBLIC DATA REQUEST

Notice to AGENT is as Notice to Principal
Notice to Principal is as Notice to Agent

DATE: 4/9/2025

Steele County Administration Center
Administrator
630 Florence Ave
Owatonna, MN 55060

Via e mail: Robert.Jarrett@steelecountymn.gov, Renaefry@steelecountymn.gov,
Rebecca.Kubicek@steelecountymn.gov

**PLEASE PAY CLOSE ATTENTION TO EVERY DETAIL AND STATUTE AS WE ARE FULLY
EDUCATED, PREPARED, WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS
TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAMEGES FOR NON-
COMPLIANCE!**

Public Data Request re: **Public data related to the transfer of federal funds from the ESC project.**

Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data. I request that a complete response to the documents requested be completed **on or before April 23, 2025.**

Nevertheless, any cooperation does not waive the statutory rights to seek judicial relief for delays, denials of access to data, or other non-compliance allegations as they arise or are committed. Minn. Stat. §§ 13.08 ad 13.09. Please make following readily available for inspection, free, electronic, public data from your respective offices under 13.03 Subd. 3(e) and Gen. Rules Prac. Rule 14:

1. FULL disclosure of: **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.**

DATE 4/9/25 TO : Steele County Administration RE: ESC Federal Funds DUE: 4/23/25

_I am requesting to

☒ View the data

☐ Have copies printed or me

☐ Have free electronic copies sent to me in PDF Format

☐ A combination of the above which will be determined once a cost is explained to me

Governing Statutes and instructions. Under Minnesota Statutes § 13.03, all government data collected, created, received, maintained, or disseminated by a government entity shall be public unless classified by statute, or temporary classification under § 13.06 or federal law, as nonpublic or protected public data or with respect to data on individuals, as private or confidential.

Therefore, for each document you withhold, you are to identify the document as to date and type and give a specific reason for withholding the document and provide the governing statute supporting the withholding of that data. For example, your response for a withheld document should reflect the following at a minimum: private or confidential (see Minnesota Statutes § 13.14, subdivision 3); document type; the subject matter; the document's date; the specific statute and subdivision conferring confidentiality.

General statements, conclusions, or references are unacceptable and challengeable as non-responsive and as avoiding possible judicial review to determine proper labeling as nonpublic data. If summary data has been collected as contemplated under Minnesota Statutes § 13.05, subdivision 7, you are to include the summary data with any specific or general request for documents regardless of if the request is made.

Finally, **if Steele County Personnel** disseminated to other agencies, public or private, any data specifically approved by a department official as “necessary to public health, safety, or welfare” as contemplated under Minnesota Statutes §13.05, subdivision 4(a). You are to disclose the agency (or other entity) if such an event or events occurred, the date of the disclosure, and the reason for the disclosure. If there has been no disclosure, you are to admit “no disclosure” accordingly.

General understandings for the document requests. If, for any reason, you do not understand a document request, you are to immediately contact me for clarification in writing. If you are giving any word in the request a meaning other than its ordinary customary dictionary meaning, identify the word and provide your own definition.

If you provide your own definition, however, this does not eviscerate your obligation to complete the request and to provide the document(s). Intentional avoidance of responding or disclosure of data relevant or relating to the request by failing to clarify the demand voluntarily, or to give words meanings contrary to customary usage will be deemed as non-responsive and subject to judicial proceedings.

All documents provided are to be compiled in the categories of the requests made whenever possible. If one document fulfills more than one request, then only one copy of the complete document need be provided. Unnecessary duplication is wasteful. But if you are not sure of its previous disclosure, then include it again to ensure the request is fulfilled.

DATE 4/9/25

TO : Steele County Administration

RE: ESC Federal Funds

DUE: 4/23/25

Furthermore, if a document has or references attachments, the attachments must be included. Attachments are considered part of the whole regardless of if referenced in the body of the primary document responsive to the request. Finally, if you have no document responsive to a request made, you are to specifically state “no documents found” and identify that request.

Abbreviations. “You” or “your” refers to any person associated with **STEELE COUNTY** in any way, directly or indirectly.

“Official” refers to any administrator or board or council member acting on behalf of or for **STEELE COUNTY**

“Employee” refers to any employee, consultant, or other individual engaged by **STEELE COUNTY**

Definitions:

“Documents.” References in the requests for “documents” or “document” is meant to be all-inclusive. I can list in two pages of double-spaced type what “document” refers to but this should not be necessary in a data practices act request. Therefore, **objections made or non-disclosure of documents because the request did not specifically say “report,” “letter,” or “e-mail communication” is not acceptable** and will be subject to judicial proceedings if an objection is made or a relevant document is not disclosed.

Penalties and CIVIL Damages

13.08 CIVIL REMEDIES. Subdivision 1. Action for damages.

Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be **liable to exemplary damages of not less than \$1,000, nor more than \$15,000 for each violation.** The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Subd. 2. Injunction.

A responsible authority or government entity which violates or proposes to violate this chapter may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.

Subd. 3. Venue. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. Action to compel compliance. (a) Actions to compel compliance may be brought either under this subdivision or section 13.085. For actions under this subdivision, in addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel

DATE 4/9/25 TO : Steele County Administration RE: ESC Federal Funds DUE: 4/23/25

compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. *If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1.*

The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration. (b) In determining whether to assess a civil penalty under this subdivision, the court or other tribunal shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 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 section 13.025, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.025, subdivision 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
- (5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or Official Publication of the State of Minnesota Revisor of Statutes 1 MINNESOTA STATUTES 2021 13.08
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court

shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Subd. 5. Immunity from liability. A government entity or person that releases not public data pursuant to an order under section 13.03, subdivision 6, is immune from civil and criminal liability.

Subd. 6. Immunity from liability; personnel settlement. No cause of action may arise as a result of the release of data contained in a termination or personnel settlement agreement if the data were not public data as defined in section 13.02, at the time the agreement was executed but become public data under a law enacted after execution.

15.17 OFFICIAL RECORDS.

Subdivision 1. **Must be kept.**

All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," ***shall*** make and preserve ***all records*** necessary to a full and accurate knowledge of their official activities. Government records may be produced in the form of computerized records. All government records shall be made on a physical medium of a quality to insure permanent records. ***Every public officer is empowered to reproduce*** records if the records are not deemed to be of permanent or archival value by the commissioner of administration and the records disposition panel under section [138.17](#). ***The public officer is empowered to reproduce these records*** by any photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction method that clearly and accurately reproduces the records. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical images, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, *in accordance with the disposition requirements of section [138.17](#)*. Photographs, photostats, microphotographs, microfilms, optical images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and are admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.

Subd. 2. **Responsibility for records.**

The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each agency, and of its chief administrative officer, to carefully protect and preserve government records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

Subd. 3. **Delivery to successor.**

Every legal custodian of government records, at the expiration of that official's term of office or authority, or on the official's death a legal representative, shall deliver to a successor in office all government records in custody; and the successor shall receipt therefor to the predecessor or legal

DATE 4/9/25

TO : Steele County Administration

RE: ESC Federal Funds

DUE: 4/23/25

representative and shall file in the office a signed acknowledgment of the delivery. Every public officer shall demand from a predecessor in office, or the predecessor's legal representative, the delivery of all government records belonging to the office.

Subd. 4. **Accessible to public.**

Access to records containing government data is governed by sections [13.03](#) and [138.17](#).

If you determine that you will redact or withhold any otherwise responsive data, please inform us in writing of the specific statutory basis for your denial.

Should you have any questions or need clarification, please send any and all communication to me at the e mail address of [REDACTED]

Should written communication be required, I may be reached at the above e mail address.



Public Data Request - ESC Federal Funds Transfer

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Thu, Apr 10, 2025 at 7:41 AM

To: [REDACTED] "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>

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.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Wednesday, April 9, 2025 8:21 PM

To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>

Subject: Public Data Request - ESC Federal Funds Transfer

Please find attached a public data request.

Thank you,

M [REDACTED] Z [REDACTED]

Public Data Request - ESC Federal Funds Transfer

Mon, Apr 14, 2025 at 8:05 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>

Dear Mr. Jarrett,

I am writing to follow up on my data request submitted on April 9, 2025. As you acknowledged in your initial response on April 10, 2025 at 7:41 a.m., the request was received and would be processed following the general ESC requests. However, at 8:24 a.m., you abruptly reversed that position, declaring the request vague and closing it, without citing any specific statutory authority as required.

Let me be clear:

- My request is not vague, does not ask questions, and does not seek the creation or reorganization of data.
- It is a valid request under the **Minnesota Government Data Practices Act (MGDPA), Chapter 13**.
- As such, your office is required to process it **promptly and independently** of any other pending requests.

Relevant Statutory Authority

Under **Minn. Stat. § 13.03, subd. 2(a)**:

"The responsible authority shall establish procedures to assure that requests for government data are received and complied with in an appropriate and prompt manner."

There is **no provision** in Chapter 13 that permits your office to delay or deny a valid request due to the existence of other pending requests. Each request must be handled **individually**, without arbitrary deferral.

Advisory Opinions Supporting This Obligation

The Minnesota Department of Administration has repeatedly affirmed this interpretation in formal advisory opinions. For example:

- **Advisory Opinion 95-042** and **Advisory Opinion 04-019** both confirm that **government entities must respond to each request promptly**, and that **existing workload or other pending requests do not justify delay**.

Your April 10 response at 8:24 a.m., closing my request without citing a specific provision of Chapter 13, is a direct violation of this obligation.

Action Required

I am now requesting the following:

1. **Immediate reinstatement and processing** of my April 9 data request - "ESC Federal Funds Transfer"
2. A written explanation identifying the **exact provision of Chapter 13** your office relied upon to declare the request invalid and close it.
3. A copy of Steele County's **Data Practices Policy** and the name of the County's **Responsible Authority** as defined under Minn. Stat. § 13.02, subd. 16.

Please confirm in writing that the data request has been reopened and will be processed in compliance with the law no later than **April 16, 2025**.

Sincerely,

M [REDACTED] Z [REDACTED]

On Thu, Apr 10, 2025 at 8:53 AM [REDACTED] wrote:

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.

M [REDACTED]

On Thu, Apr 10, 2025, 8:24 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Ms. Z [REDACTED],

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

This request will be closed.

Sincerely,

Robert Jarrett

Steele County Data Practices Responsible Authority

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Wednesday, April 9, 2025 8:21 PM

To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>

Subject: Public Data Request - ESC Federal Funds Transfer

Please find attached a public data request.

Thank you,

M [REDACTED] Z [REDACTED]



STEELE COUNTY BOARD AGENDA

Administration Center - 630 Florence Avenue – Owatonna, MN 55060

Steele County's Mission:

Driven to deliver quality services in a respectful and fiscally responsible way.

TUESDAY, APRIL 8, 2025 at 5:00 PM

County Boardroom, Steele County Administration Center

Persons with background material for agenda items are asked to provide them to the Administrator's Office 5 days prior to the meeting date so that the material can be linked to the online agenda. If handouts at the Board meeting are necessary, please bring enough copies for the Board, county staff, the press and the public. Generally, 15 copies should be sufficient.

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda
4. Public Health Services Video

Public Comment

Those wishing to speak must state their name and address for the record after they are acknowledged by the Board Chair. Each person will be limited to two (2) minutes to make his/her remarks.

Speakers will address all comments to the Board as a whole and not one individual commissioner. The Board may not take action on an item presented during the Public Comment period, unless the item is already on the agenda for action. When appropriate, the Board may refer inquiries and items brought up during the Public Comment period to the County Administrator for follow up.

Correspondence

5. Environmental review for wastewater treatment and/or collection system project letter (pg. 4)

Consent Agenda - *Items listed on the Consent Agenda are considered routine and non-controversial by the County Board. There will be no separate discussion of these items unless requested by a member of the County Board.*

6. Approve March 25, 2025 Board Minutes (pg. 7)
7. Approve March 25, 2025 Board Work Session Minutes (pg. 12)

8. Approve Bills (pg. 14)
9. Approve Personnel Report (pg. 49)
10. Adopt a **Resolution** accepting a cash donation for the Steele County Sheriff's Office from Dean and Kathryn Mennen in an amount of \$500.00. (pg. 50)
11. Approve SE MN Emergency Communications expense increase from \$1,000 to \$4,334 (pg. 52)
12. Approve MN DNR Boat and Water Grant in an amount of \$3,124.00 and authorize the Chair and the Sheriff to sign. (pg. 54)

General Agenda

13. April Anniversary Report (pg. 64)
14. East Side Corridor Federal Funding Transfer Request (Informational) (pg. 65)

County Board Work Session – Tuesday, April 8, 2025

15. Action Items

Internal Central Services Committee – April 1, 2025

16. Approve Delegation of Authority to Hire and Appoint Budgeted Positions. (pg. 67)
17. Approve position reclassification from a Highway Tech to Highway Accountant and from a part time .8 to a full-time position. (pg. 69)

Public Works Committee - March 3, 2025

18. Adopt a **Resolution** banning parking on the west side of CSAH 46 (pg. 74)
19. Approve the Dodge County Wind, LCC Road Use and Repair Agreement (pg. 76)

Information Items

20. Internal Central Services Committee Minutes – April 1, 2025 (pg. 109)
21. Property & Maintenance Committee Minutes – April 3, 2025 (pg. 111)

Presentations:

Commissioner Reports:

Next Meeting Notices:

Public Works Committee – **Tuesday, April 8 at 8 a.m., Public Works Facility**

Land Use & Records – **Thursday, April 10 at 8 a.m. in the Boardroom**



Steele County Agenda Item

Informational

Subject: East Side Corridor Federal Funding Transfer Request

Department: Highway

Committee: Public Works

Committee Meeting Date: NA

Work Session Date: NA

Board Meeting Date: April 8, 2025

Purpose:

To provide information regarding a request to transfer federal funding from the East Side Corridor (ESC) Project to the CSAH 48 Main Street project

Background:

The County was awarded \$3,960,000 in federal funding for the ESC Project. Conditions of using that funding requires a federal environmental document completed by December 1, 2025 and construction started in 2026. The County has been working on that document since January 2022.

Even though the environmental document is nearly complete, the project team no longer is confident that the remaining environmental and final design work will be completed to meet the federal timelines. Past delays were due especially because the Federal Highway Administration (FHWA) changed which level of environmental document to prepare, which added more than a year to the project timeline. Recently, a significant change on the consultant staff disrupted progress. Then with the changes in the federal administration, federal policy is changing which will likely require significant changes to the makeup of the federal environmental document adding more delays.

In addition to delays, some significant risks could affect the project timeline. Staff still needs to complete an agreement with the railroad for a new crossing. Staff has already started working with the railroad to complete the agreement and anticipate it completed with the final plans, but the last similar agreement has taken over five years of effort. Also, the county has received information that a neighborhood group may bring litigation against the project which could potentially delay construction.

With those delays and those significant risks, staff is asking the Southeast Minnesota Area Transportation Partnership (ATP) (the entity that reviews and approves this federal funding) to transfer that federal money to another eligible project so the county doesn't lose that funding. Staff is asking that the money be transferred to the CSAH 48 Main Street project, a project that already has federal funding awarded to it and can meet the required timelines. The ATP meets March 11 to consider this request.

If approved, the Main Street project which has final design budgeted in 2025 would move construction from 2028 to 2026.

The project team is working with MnDOT and FHWA to determine what this means for the ESC project, but has no further information from them at this time. The team intends to continue moving the ESC project along as quick as possible, aiming for construction starting late 2026 and finishing about 2028.

Financial Impacts:

If the transfer of funds is approved, staff will make proposals to shift other funds currently allocated to Main Street to the ESC to replace the federal funding. There is no change to the overall budget or funding amounts. If the transfer is not approved, the ATP could reallocate the funding to another county and we would lose that funding.

Attachments:

NA



STEELE COUNTY HIGHWAY DEPARTMENT

PO Box 890 • 3000 Hoffman Dr NW • Owatonna, MN 55060-0890
(507) 444-7670 • Hwy@SteeleCountyMN.gov

March 27, 2025

Greg Paulson, ATP 6 Chair
Southeast Minnesota Area Transportation Partnership
2900 48th Street NW
Rochester, MN 55901-5848

RE: STBGP Funding Transfer Request

Dear Mr. Paulson:

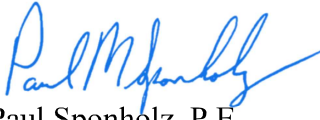
Steele County was awarded \$3,960,000 in STBGP funding for the East Side Corridor Project (SAP 074-070-009) for fiscal year 2026. Our project team has run into significant challenges to be able to deliver the project with these funds.

Work to complete the environmental documents was started in 2021 and the Federal Highway Administration initially directed us to complete a Programmatic Categorical Exclusion document. In 2023, the FHWA redirected us to instead complete a Non-Programmatic Categorical Exclusion document which required us to do some significant rework. Now as we are nearing completion of that document currently estimated by late 2025, there are still significant remaining risks to be able to deliver the project in time to use these funds. Even if we complete the environmental document by the December 2025 deadline, we will not have enough time to complete final plans and significant right of way acquisition for construction in 2026. While negotiations have begun with the Canadian Pacific Kansas City Railroad (CPKC) for a necessary new crossing, they are slow to respond. Previous changes to a CPKC crossing on another project has taken over five years of negotiations and still is not resolved. Also, there is a neighborhood group adamantly opposed to this project and threatening litigation against the county which could pose significant risk to the project timeline.

We would like to transfer these funds to another eligible project, the CSAH 48 Main Street (SAP 074-648-008) project for fiscal year 2026. This project is already federalized with a HSIP award of \$450,000. The project will reconstruct CSAH 48 Main Street from Oak Avenue to Grove Avenue. A feasibility report was completed in 2023 and our team is about to start final design with construction easily feasible in 2026.

Please consider this request for funding transfer. We request the ATP approve the request for a STIP amendment. Please contact me if you require additional information or have any questions. I may be reached at (507) 475-2253 or at paul.sponholz@steelecountmn.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Sponholz", with a stylized, flowing script.

Paul Sponholz, P.E.
County Engineer

Encl: CSAH 48 Main Street Feasibility Report

Cc: Fausto Cabral, MnDOT District 6 State Aid Engineer
Sean Murphy, City Engineer, City of Owatonna
Andrew Plowman, WSB

PROCEEDINGS OF THE STEELE COUNTY BOARD OF COMMISSIONERS

REGULAR SESSION

April 8, 2025

STATE OF MINNESOTA }
 } ss
COUNTY OF STEELE }

The Steele County Board of Commissioners met in Regular Session at 5:00 p.m. on April 8, 2025 with Commissioner's Glynn, Prokopec, Abbe, Krueger and Brady present. Also present were Human Resources Director Gina McGuire, Finance Director Candi Lemarr, IT Director Dave Purscell, County Engineer Paul Sponholz, County Assessor Brian Anderson, County Attorney Robert Jarrett, Public Health Director Amber Aaseth, County Administrator Renae Fry and Executive Assistant Rebecca Kubicek.

Call to order and Pledge of Allegiance.

Motion by Commissioner Abbe, seconded by Commissioner Glynn to approve the agenda with removal of item # 19 - Wind Farm. Ayes all.

Presentation: Public Health Video

Public Comment: One person spoke regarding the Main Street project. Six spoke regarding the Eastside Corridor funding transfer. One spoke regarding the Havana feasibility study.

Correspondence: Environmental review for wastewater treatment and/or collection system project letter.

Consent Agenda:

Motion by Commissioner Glynn, seconded by Commissioner Abbe to approve Consent Agenda. Ayes all.

- A. Approve the minutes of March 25, 2025 Board Meeting
- B. Approve the minutes of March 25, 2025 Board Work Session
- C. Approve Bills
- D. Approve Personnel Report

New Hires/Promotions/Demotions/Transfers (Positions previously approved by Board):

<i>Name</i>	<i>Position/Dept.</i>	<i>Rating/Step</i>	<i>Date</i>
Carrie Holmen	Accounting Specialist/Finance	B25 / 4	4/07/2025
Christian Overland	Correctional Officer (Programs)/ Det Cent	B24 /1	4/21/2025

Resignations/Retirements/Terminations:

<i>Name</i>	<i>Position</i>	<i>Department</i>	<i>End Date</i>
Stephen Tschopp	Engineer Tech III	Highway	4/11/2025
Melissa Kofstad	Emerg Preparedness Coord	Public Health	4/17/2025
Ryan Rasmusson	Appraiser III	Assessor	4/18/2025
David Brown	Int. Hwy Working Foreperson	Highway	4/25/2025

Open Positions-Pending Board Approval:

<i>Position</i>	<i>Department</i>	<i>Notes</i>
Engineering Technician I/II/III	Highway	Backfill Tschopp
Emg Preparedness Coord / RN	Public Health	Backfill Kofstad
Correctional Officer	Detention Center	Backfill Overland (Transfer)
Financial Spec to Accountant	Highway	Backfill Holmen (Transfer)
Appraiser I/II/III	Assessor	Backfill Rasmusson
Hwy Wking Foreperson/Maint Tech	Highway	Backfill Brown (Retirement)

- E. Adopt a **Resolution** accepting a cash donation for the Steele County Sherriif's Office from Dean and Kathryn Mennen in an amount of \$500.00.

**ACCEPTANCE OF CASH DONATION
FOR STEELE COUNTY SHERIFF'S OFFICE
2025-19**

WHEREAS, Minnesota Statute §465.03 allows counties to accept grants and donations of real or personal property for the benefit of its citizens;

WHEREAS, said donations must be accepted via resolution of the County Board of Commissioners by a two-thirds majority of its members; and

WHEREAS, the Board of Commissioners finds that it is appropriate to accept the donations offered;

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners in and for the County of Steele, Minnesota, that it accepts, with sincere appreciation, the donation of:

\$ 500.00 from Dean & Kathryn Mennen

- F. Approve SE MN Emergency Communications expense increase from \$1,000 to \$4,334
- G. Approve MN DNR Boat and Water Grant in an amount of \$3,124.00 and authorize the Chair and the Sheriff to sign.

General Agenda:

Human Resource Director, Gina McGuire read the April Anniversary report

Name:	Position:	Department:	Annv. Date	YS:
Dave Purscell	IT Director	Information Tech.	March	7
Sean Grivette	Correctional Officer	Detention Center	April 1st	9
Matthew Gwin	Correctional Officer	Detention Center	April 3rd	19
Anthony Cassen	Highway Maint. Tec	Highway	April 8th	6
Travis Ernste	Adult Prob. Officer III	Community Correction	April 10th	8
Chad Forystek	Sergeant	Sheriff	April 13th	27

Joyce Prusha	Correctional Srgt	Detention Center	April 15th	23
Leah Kent	LPN	Public Health	April 15th	17
Jocelyn Brooks	Custodian	Facilities and Fleet	April 15th	3
Samantha Ahrens	Adult Prob. Officer II	Community Correction	April 16th	18
Melissa Bos	Acct. Support Spec.	Highway	April 16th	7
Nancy Gjerald	Accounting Tech.	Detention Center	April 19th	21
Thomas Grems	Landfill Operator	Landfill	April 22nd	1
Paul Sponholz	County Engineer	Highway	April 23rd	7
Robert Benson	Home Care Supervisor	Public Health	April 25th	3
June Piepho	Family Support Spec.	Public Health	April 26th	19
Michael Kath	Maintenance Worker	Facilities and Fleet	April 26th	4
Jane Christenson	Technical Clerk II	Sheriff	April 30th	11

The County Engineer reported on the Eastside Corridor Federal Funding. Steele County was awarded \$3.96M dollars in Federal Funding for the Eastside Corridor project. The Engineer reviewed the stringent deadlines mandated by the federal government in order to use the funds. As a result of many delays and setbacks, the project team is not confident they can complete the required tasks on time, so the dollars are at risk of being lost. The Engineer provided examples of the setbacks, including but not limited to additional reporting and more detailed reports required by the Federal Government. The Engineer is requesting the Southeast Minnesota Area Transportation Partnership (ATP) shift the Federal funding to the Main Street project that is likely to meet the deadlines. If the change is approved, funds earmarked for the Main Street project could be used for the Eastside corridor project. If this shift is not approved by ATP, the county will need to look to other funding sources for future projects.

Motion by Commissioner Krueger, seconded by Commissioner Glynn to approve Delegation of Authority to hire and appoint budgeted positions to the Administrator. Four voted in favor thereof, Abbe voting against. Motion passes.

Motion by Commissioner Glynn, seconded by Commissioner Abbe to approve position reclassification from a Highway Tech to Highway Accountant and from a part time .8 to a full-time position. Ayes all.

Motion by Commissioner Krueger, seconded by Commissioner Brady to table the Resolution for Parking Restrictions on CSAH 46 till the April 22 meeting. Four voted in favor thereof, Glynn voting against. Motion passes.

Commissioner Reports:

Commissioner Glynn reported his attendance at ICS Committee and the Extension Committee meeting.

Commissioner Prokopec reported his attendance at Public Works Committee.

Commissioner Abbe reported his attendance at Land Use / Records committee, MNP Personnel meeting, MNP JPB meeting, Counties Providing Technology Zoom meeting, Annual County / Township meeting, SCHA Compliance Training, Rice / Steele 911 JPB meeting, and Property & Maintenance committee.

Commissioner Krueger reported his attendance at SCHA Finance Committee, SCHA JP meeting and Compliance training, met with Representative Sexton regarding Medford projects, and Public Works Committee.

Commissioner Brady reported his attendance at Extension Committee, ICS Committee meeting, Rice / Steele 911 JPB meeting, Property and Maintenance committee, Planning Commission meeting.

County Attorney had nothing to report.

County Administrator reported her attendance at the Rice / Steele 911 facility tour. She presented the Citizen Code of Conduct to the Extension Committee. She still needs to present the Code of Conduct to the Board of Adjustments and Planning Commission.

LISTING OF BILLS

April 8, 2025

Advanced Correctional Healthcare Inc	19,676.59
American Lung Association	3,005.74
Block Plumbing & Heating Inc	2,499.60
Braun Intertec Eng Inc	2,222.50
Cardinal Health 110 LLC	3,936.78
Central Farm Services	19,354.40
CTI	28,671.41
ESRI Inc	40,900.00
From the Ground Up LLC	7,995.00
Goodpointe Technology Inc	6,575.00
High Point Networks	3,382.39
Hillyard- Hutchinson	3,050.20
I & S Group Inc	2,760.00
ICON Constructors LLC	184,322.33
Jones Haugh & Smith Inc	3,222.50
Life Fitness LLC	44,985.12
Office of MN IT Services	15,624.25
Owatonna Public Utilities	204,393.12
Pro- West & Associates Inc	4,603.50
SE MN Emergency Medical Services	5,000.00
Short Elliott Hendrickson Inc	32,890.48
Stenzel/David Allen	3,431.63
Streamline Communications LLC	8,480.26
Summit Food Services LLC	10,421.94
Thompson Sanitation	75,722.74

Univ Of Mn Regents	70,237.50
Ziegler, Inc	7,765.83
72 Payments less than 2000	<u>34,389.29</u>
Final Total:	849,520.10

Motion by Commissioner Abbe, seconded by Commissioner Prokopec to adjourn to the Call of the Chair at 6:28 p.m. Ayes all.


CHAIRMAN

ATTEST: 
ADMINISTRATOR



Demand Transparency for Steele County Families



Co-organized

M S and M Z are organizing this fundraiser.

Steele County and the City of Owatonna are planning a \$30M+ highway project called the East Side Corridor (ESC) that will run dangerously close to our homes—some within just 17 feet of the right-of-way. Many families with young children live in these neighborhoods, yet many city and county leaders refuse to engage with the community in good faith.

Despite our legal right to access public records under Minnesota's Chapter 13 Data Practices Act, release of all data by the county and city is being delayed, blocked, and denied. It has been months since we requested this data (October 2024 for county and January 2025 for city).

County and city meetings have been held behind closed doors, with no public documentation.

Citizens have been denied access to public data, and even when available, they are not allowed to photograph it—despite state and local precedent.

What are they hiding?

Our message to local officials:

"Government should work for the people, not against them. We have followed the law. We have asked for transparency. Instead, we have faced roadblocks, secrecy, and silence. We will not stop until the truth is revealed."

To demand accountability, we need to file a legal request for the State of Minnesota to investigate these violations. Each request costs \$1,000 per government entity, meaning we need to raise at least \$2,000 to move forward. If violations are confirmed, fines may be imposed, records will be required to be released, and individuals could even be removed from office.

Every dollar counts! Any unused funds will be donated to local organizations that strengthen our community.

This isn't just about a road—it's about accountability.

How You Can Help

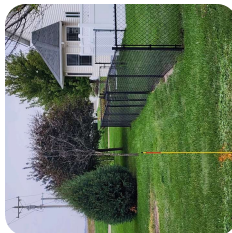
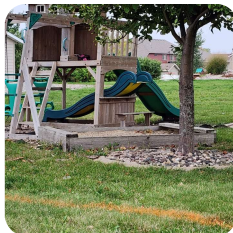
- ✔ Donate – Even a small contribution makes a difference.
- ✔ Share – Spread the word to friends, family, and neighbors.

Together, we can demand transparency, accountability, and a voice in the future of our community!

For more information about our cause, please visit our [website](#) and [Facebook](#) page.

 Show your support for this GoFundMe

 This fundraiser is located near you



Updates (1)

March 28th, 2025

by Matt S, Organizer

In just 2 days of our fundraiser going public, we all did it! Our fundraiser goal has been met. Thank you all so much for your help. We will be filing the paperwork in the coming days to have the city and county investigated! We will keep you updated as things progress. Thanks again!

Donations (23)

☆ See top

See all

Co-organizers (1)



M S
Organizer
Owatonna, MN

Contact



M█████Z
Co-organizer

Created March 24th, 2025 · [Community](#) · Donation protected

Report fundraiser

\$2,100 raised

Share

The organizer has currently disabled new donations to this fundraiser.



Anonymous
\$20 · 6 mos



Anonymous
\$100 · 6 mos



██████████
\$250 (Offline) · 6 mos



Anonymous
\$50 · 6 mos



Anonymous
\$50 · 6 mos

See all

See top

Your easy, powerful, and trusted home for help



Easy
Donate quickly and easily



Powerful
Send help right to the people and causes you care about



Trusted
Your donation is protected by the [GoFundMe Giving Guarantee](#)

FW: ATP 6 2029 application template - CSAH 48/Main St Reconstruct

SP

Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
To Fausto Cabral (fausto.cabral@state.mn.us)
Cc sean.murphy@owatonna.gov

↩ Reply

↩ Reply All

➡ Forward

⋮

Tue 3/25/2025 8:30 AM

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.

Fausto,

Sean has been discussing our joint project CSAH 48/Main Street with you for federal funding to help pay the city’s share of the project. We already have federal HSIP funding (\$450,000) for this project, so the project is already federalized.

What if we were to remove the federal funding from the East Side Corridor project and put it on this project, \$3,960,000? That would solve some significant issues with the ESC, defederalize that project, and remove the need for us to do a CATEX on that project, while getting us the 30% needed on the Main St. project, a project that is already federalized. The biggest benefit, we’d align federal dollars better to maximize road improvements on Main Street and not have to spend a very significant portion of that nearly \$4 million on noise walls, arguably not a good use for these funds.

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

East Side Corridor Request for Transparency

Mn SS 13 PUBLIC DATA REQUEST

Notice to AGENT is as Notice to Principal
Notice to Principal is as Notice to Agent

DATE: 5/6/2025

Steele County Administration Center
Administrator
630 Florence Ave
Owatonna, MN 55060

Via e mail: Robert.Jarrett@steelecountymn.gov, Rena.Fry@steelecountymn.gov,
Rebecca.Kubicek@steelecountymn.gov

PLEASE PAY CLOSE ATTENTION TO EVERY DETAIL AND STATUTE AS WE ARE FULLY EDUCATED, PREPARED, WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAMEGES FOR NON-COMPLIANCE!

Public Data Request re: [County Ethics, Conduct, and COI Policies](#)

Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data. I request that a complete response to the documents requested be completed **on or before May 13, 2025.**

Nevertheless, any cooperation does not waive the statutory rights to seek judicial relief for delays, denials of access to data, or other non-compliance allegations as they arise or are committed. Minn. Stat. §§ 13.08 ad 13.09. Please make following readily available for inspection, free, electronic, public data from your respective offices under 13.03 Subd. 3(e) and Gen. Rules Prac. Rule 14:

FULL disclosure 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.

If these documents are already available online, a link to them would be appreciated. Otherwise, please provide electronic copies. As these should be readily available but I can't find them on the website, there should not be a charge. If there are any concerns regarding the scope of the request, feel free to contact me for clarification.

DATE 5/6/25

TO : Steele County Administration

RE: County Bonds

DUE: 5/13/25

_I am requesting to

☒ View the data

☐ Have copies printed or me

☐ Have free electronic copies sent to me in PDF Format

☐ A combination of the above which will be determined once a cost is explained to me

Governing Statutes and instructions. Under Minnesota Statutes § 13.03, all government data collected, created, received, maintained, or disseminated by a government entity shall be public unless classified by statute, or temporary classification under § 13.06 or federal law, as nonpublic or protected public data or with respect to data on individuals, as private or confidential.

Therefore, for each document you withhold, you are to identify the document as to date and type and give a specific reason for withholding the document and provide the governing statute supporting the withholding of that data. For example, your response for a withheld document should reflect the following at a minimum: private or confidential (see Minnesota Statutes § 13.14, subdivision 3); document type; the subject matter; the document's date; the specific statute and subdivision conferring confidentiality.

General statements, conclusions, or references are unacceptable and challengeable as non-responsive and as avoiding possible judicial review to determine proper labeling as nonpublic data. If summary data has been collected as contemplated under Minnesota Statutes § 13.05, subdivision 7, you are to include the summary data with any specific or general request for documents regardless of if the request is made.

Finally, **if Steele County Personnel** disseminated to other agencies, public or private, any data specifically approved by a department official as “necessary to public health, safety, or welfare” as contemplated under Minnesota Statutes §13.05, subdivision 4(a). You are to disclose the agency (or other entity) if such an event or events occurred, the date of the disclosure, and the reason for the disclosure. If there has been no disclosure, you are to admit “no disclosure” accordingly.

General understandings for the document requests. If, for any reason, you do not understand a document request, you are to immediately contact me for clarification in writing. If you are giving any word in the request a meaning other than its ordinary customary dictionary meaning, identify the word and provide your own definition.

If you provide your own definition, however, this does not eviscerate your obligation to complete the request and to provide the document(s). Intentional avoidance of responding or disclosure of data relevant or relating to the request by failing to clarify the demand voluntarily, or to give words meanings contrary to customary usage will be deemed as non-responsive and subject to judicial proceedings.

All documents provided are to be compiled in the categories of the requests made whenever possible. If one document fulfills more than one request, then only one copy of the complete document need be provided. Unnecessary duplication is wasteful. But if you are not sure of its previous disclosure, then include it again to ensure the request is fulfilled.

Furthermore, if a document has or references attachments, the attachments must be included. Attachments are considered part of the whole regardless of if referenced in the body of the

DATE 5/6/25

TO : Steele County Administration

RE: County Bonds

DUE: 5/13/25

primary document responsive to the request. Finally, if you have no document responsive to a request made, you are to specifically state “no documents found” and identify that request.

Abbreviations. “You” or “your” refers to any person associated with **STEELE COUNTY** in any way, directly or indirectly.

“Official” refers to any administrator or board or council member acting on behalf of or for **STEELE COUNTY**

“Employee” refers to any employee, consultant, or other individual engaged by **STEELE COUNTY**

Definitions:

“Documents.” References in the requests for “documents” or “document” is meant to be all-inclusive. I can list in two pages of double-spaced type what “document” refers to but this should not be necessary in a data practices act request. Therefore, **objections made or non-disclosure of documents because the request did not specifically say “report,” “letter,” or “e-mail communication” is not acceptable** and will be subject to judicial proceedings if an objection is made or a relevant document is not disclosed.

Penalties and CIVIL Damages

13.08 CIVIL REMEDIES. Subdivision 1. Action for damages.

Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be **liable to exemplary damages of not less than \$1,000, nor more than \$15,000 for each violation.** The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Subd. 2. Injunction.

A responsible authority or government entity which violates or proposes to violate this chapter may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.

Subd. 3. Venue. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. Action to compel compliance. (a) Actions to compel compliance may be brought either under this subdivision or section 13.085. For actions under this subdivision, in addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. **If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1.**

The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute but shall

DATE 5/6/25

TO : Steele County Administration

RE: County Bonds

DUE: 5/13/25

conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration. (b) In determining whether to assess a civil penalty under this subdivision, the court or other tribunal shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 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 section 13.025, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.025, subdivision 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
- (5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or Official Publication of the State of Minnesota Revisor of Statutes 1 MINNESOTA STATUTES 2021 13.08
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court

shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Subd. 5. Immunity from liability. A government entity or person that releases not public data pursuant to an order under section 13.03, subdivision 6, is immune from civil and criminal liability.

Subd. 6. Immunity from liability; personnel settlement. No cause of action may arise as a result of the release of data contained in a termination or personnel settlement agreement if the data were not public data as defined in section 13.02, at the time the agreement was executed but become public data under a law enacted after execution.

15.17 OFFICIAL RECORDS.

Subdivision 1. **Must be kept.**

All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," **shall** make and preserve **all records** necessary to a full and accurate knowledge of their official activities. Government records may be produced in the form of computerized records. All government records shall be made on a physical medium of a quality to insure permanent records. **Every public officer is empowered to reproduce** records if the records are not deemed to be of permanent or archival value by the commissioner of administration and the records disposition panel under section [138.17](#). **The public officer is empowered to reproduce these records** by any photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction method that clearly and accurately reproduces the records. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical images, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, *in accordance with the disposition requirements of section [138.17](#).*

DATE 5/6/25

TO : Steele County Administration

RE: County Bonds

DUE: 5/13/25

Photographs, photostats, microphotographs, microfilms, optical images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and are admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.

Subd. 2. Responsibility for records.

The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each agency, and of its chief administrative officer, to carefully protect and preserve government records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

Subd. 3. Delivery to successor.

Every legal custodian of government records, at the expiration of that official's term of office or authority, or on the official's death a legal representative, shall deliver to a successor in office all government records in custody; and the successor shall receipt therefor to the predecessor or legal representative and shall file in the office a signed acknowledgment of the delivery. Every public officer shall demand from a predecessor in office, or the predecessor's legal representative, the delivery of all government records belonging to the office.

Subd. 4. Accessible to public.

Access to records containing government data is governed by sections [13.03](#) and [138.17](#).

If you determine that you will redact or withhold any otherwise responsive data, please inform us in writing of the specific statutory basis for your denial.

Should you have any questions or need clarification, please send any and all communication to me at the e mail address of [REDACTED]

Should written communication be required, I may be reached at the above e mail address.



Policy Data Request

Thu, May 8, 2025 at 4:17 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

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

Dear Mr. Jarrett,

Thank you for your response. I'd like to clarify that the policies I requested — specifically those regarding conflicts of interest, code of conduct, and code of ethics — should be existing, public-facing documents. These should be made available without unreasonable delay per Minn. Stat. § 13.03, subd. 2(a). Given this, I'm requesting a more immediate timeline for delivery.

Please advise whether these policies are currently in place, and if so, why their release is delayed until fall/winter. If they are not in place, please confirm that as well.

Sincerely,
M [REDACTED]

On Thu, May 8, 2025, 12:40 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Received. This will be added to the current list of requests made by your group. Estimated this fall/winter.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Tuesday, May 6, 2025 6:07 PM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>

Subject: Policy Data Request

Please find attached a data requests for County policies. While these should be publicly available I was not able to find them online so I am placing a request for them.

Thank you,
M [REDACTED] Z [REDACTED]

5/6/2025 Policy Data Request

1 message

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Tue, Sep 30, 2025 at 3:19 PM

To: [REDACTED]
"owatonnaeastsidecorridor@gmail.com" <owatonnaeastsidecorridor@gmail.com>
Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>

East Side Corridor Group,

I've attached the known data from the 5/6/2025 data request (also attached). In summary, the following data was requested:

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.

The data I've attached is being sent at no charge.

This is all the data the county has in regard to this request.

This request will now be closed.

Robert Jarrett

Steele County Data Practices Responsible Authority



Steele County Attorney's Office

303 S. Cedar Avenue

Owatonna, MN 55060

Tel: 507-444-7780

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5 attachments

 **Board Mtg Guide Brochure Final 20250307.pub**
8304K

 **Citizen Handbook 20250212.pdf**
300K

 **Commissioner Handbook 2025.doc.pdf**
458K

 **Rules of Order 20250101.pdf**
129K

 **20250506PolicyDataRequest.docx**
34K

East Side Corridor Request for Transparency

Mn SS 13 PUBLIC DATA REQUEST

Notice to AGENT is as Notice to Principal
Notice to Principal is as Notice to Agent

DATE: 5/6/2025

Steele County Administration Center
Administrator
630 Florence Ave
Owatonna, MN 55060

Via e mail: Robert.Jarrett@steelecountymn.gov, Renae.Fry@steelecountymn.gov,
Rebecca.Kubicek@steelecountymn.gov

PLEASE PAY CLOSE ATTENTION TO EVERY DETAIL AND STATUTE AS WE ARE FULLY EDUCATED, PREPARED, WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAMEGES FOR NON-COMPLIANCE!

Public Data Request re: **ESC Project & Annexation Communications with Townships (2021–Present)**

Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data. I request that a complete response to the documents requested be completed **on or before May 20, 2025.**

Nevertheless, any cooperation does not waive the statutory rights to seek judicial relief for delays, denials of access to data, or other non-compliance allegations as they arise or are committed. Minn. Stat. §§ 13.08 ad 13.09. Please make following readily available for inspection, free, electronic, public data from your respective offices under 13.03 Subd. 3(e) and Gen. Rules Prac. Rule 14:

FULL disclosure of:

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.

DATE 5/6/25 TO : Steele County Administration RE: County Bonds DUE: 5/20/25

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.

I am requesting to

☐ View the data

☐ Have copies printed or me

☐ Have free electronic copies sent to me in PDF Format

☒ A combination of the above which will be determined once a cost is explained to me

Governing Statutes and instructions. Under Minnesota Statutes § 13.03, all government data collected, created, received, maintained, or disseminated by a government entity shall be public unless classified by statute, or temporary classification under § 13.06 or federal law, as nonpublic or protected public data or with respect to data on individuals, as private or confidential.

Therefore, for each document you withhold, you are to identify the document as to date and type and give a specific reason for withholding the document and provide the governing statute supporting the withholding of that data. For example, your response for a withheld document should reflect the following at a minimum: private or confidential (see Minnesota Statutes § 13.14, subdivision 3); document type; the subject matter; the document's date; the specific statute and subdivision conferring confidentiality.

General statements, conclusions, or references are unacceptable and challengeable as non-responsive and as avoiding possible judicial review to determine proper labeling as nonpublic data. If summary data has been collected as contemplated under Minnesota Statutes § 13.05, subdivision 7, you are to include the summary data with any specific or general request for documents regardless of if the request is made.

Finally, if **Steele County Personnel** disseminated to other agencies, public or private, any data specifically approved by a department official as “necessary to public health, safety, or welfare” as contemplated under Minnesota Statutes §13.05, subdivision 4(a). You are to disclose the agency (or other entity) if such an event or events occurred, the date of the disclosure, and the reason for the disclosure. If there has been no disclosure, you are to admit “no disclosure” accordingly.

General understandings for the document requests. If, for any reason, you do not understand a document request, you are to immediately contact me for clarification in writing. If you are giving any word in the request a meaning other than its ordinary customary dictionary meaning, identify the word and provide your own definition.

If you provide your own definition, however, this does not eviscerate your obligation to complete the request and to provide the document(s). Intentional avoidance of responding or disclosure of data relevant or relating to the request by failing to clarify the demand voluntarily, or to give words meanings contrary to customary usage will be deemed as non-responsive and subject to judicial proceedings.

All documents provided are to be compiled in the categories of the requests made whenever possible. If one document fulfills more than one request, then only one copy of the complete document need be provided. Unnecessary duplication is wasteful. But if you are not sure of its previous disclosure, then include it again to ensure the request is fulfilled.

Furthermore, if a document has or references attachments, the attachments must be included. Attachments are considered part of the whole regardless of if referenced in the body of the

DATE 5/6/25

TO : Steele County Administration

RE: County Bonds

DUE: 5/20/25

primary document responsive to the request. Finally, if you have no document responsive to a request made, you are to specifically state “no documents found” and identify that request.

Abbreviations. “You” or “your” refers to any person associated with **STEELE COUNTY** in any way, directly or indirectly.

“Official” refers to any administrator or board or council member acting on behalf of or for **STEELE COUNTY**

“Employee” refers to any employee, consultant, or other individual engaged by **STEELE COUNTY**

Definitions:

“Documents.” References in the requests for “documents” or “document” is meant to be all-inclusive. I can list in two pages of double-spaced type what “document” refers to but this should not be necessary in a data practices act request. Therefore, **objections made or non-disclosure of documents because the request did not specifically say “report,” “letter,” or “e-mail communication” is not acceptable** and will be subject to judicial proceedings if an objection is made or a relevant document is not disclosed.

Penalties and CIVIL Damages

13.08 CIVIL REMEDIES. Subdivision 1. Action for damages.

Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be **liable to exemplary damages of not less than \$1,000, nor more than \$15,000 for each violation.** The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Subd. 2. Injunction.

A responsible authority or government entity which violates or proposes to violate this chapter may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.

Subd. 3. Venue. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. Action to compel compliance. (a) Actions to compel compliance may be brought either under this subdivision or section 13.085. For actions under this subdivision, in addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. **If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1.**

The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute but shall

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conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration. (b) In determining whether to assess a civil penalty under this subdivision, the court or other tribunal shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 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 section 13.025, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.025, subdivision 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
- (5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or Official Publication of the State of Minnesota Revisor of Statutes 1 MINNESOTA STATUTES 2021 13.08
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court

shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Subd. 5. Immunity from liability. A government entity or person that releases not public data pursuant to an order under section 13.03, subdivision 6, is immune from civil and criminal liability.

Subd. 6. Immunity from liability; personnel settlement. No cause of action may arise as a result of the release of data contained in a termination or personnel settlement agreement if the data were not public data as defined in section 13.02, at the time the agreement was executed but become public data under a law enacted after execution.

15.17 OFFICIAL RECORDS.

Subdivision 1. **Must be kept.**

All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," **shall** make and preserve **all records** necessary to a full and accurate knowledge of their official activities. Government records may be produced in the form of computerized records. All government records shall be made on a physical medium of a quality to insure permanent records. **Every public officer is empowered to reproduce** records if the records are not deemed to be of permanent or archival value by the commissioner of administration and the records disposition panel under section [138.17](#). **The public officer is empowered to reproduce these records** by any photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction method that clearly and accurately reproduces the records. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical images, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, *in accordance with the disposition requirements of section [138.17](#).*

DATE 5/6/25

TO : Steele County Administration

RE: County Bonds

DUE: 5/20/25

Photographs, photostats, microphotographs, microfilms, optical images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and are admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.

Subd. 2. Responsibility for records.

The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each agency, and of its chief administrative officer, to carefully protect and preserve government records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

Subd. 3. Delivery to successor.

Every legal custodian of government records, at the expiration of that official's term of office or authority, or on the official's death a legal representative, shall deliver to a successor in office all government records in custody; and the successor shall receipt therefor to the predecessor or legal representative and shall file in the office a signed acknowledgment of the delivery. Every public officer shall demand from a predecessor in office, or the predecessor's legal representative, the delivery of all government records belonging to the office.

Subd. 4. Accessible to public.

Access to records containing government data is governed by sections [13.03](#) and [138.17](#).

If you determine that you will redact or withhold any otherwise responsive data, please inform us in writing of the specific statutory basis for your denial.

Should you have any questions or need clarification, please send any and all communication to me at the e mail address of [REDACTED]

Should written communication be required, I may be reached at the above e mail address.



Data Request - Township & Annexation

Thu, May 8, 2025 at 4:21 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>, [REDACTED]
[REDACTED], Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Dear Mr. Jarrett,

Thank you for your response. I am requesting existing township correspondence related to the East Side Corridor project or annexation. If such input exists, it is presumed public under Minn. Stat. § 13.03, subd. 1, and should be provided without unreasonable delay, per Minn. Stat. § 13.03, subd. 2(a).

If no such data exists, please confirm that in writing. Otherwise, I request prompt access to any relevant documentation.

Sincerely,

M [REDACTED]

On Thu, May 8, 2025, 12:40 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Received. This will be added to the current list of requests made by your group. Estimated this fall/winter.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Tuesday, May 6, 2025 6:09 PM

To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>;
Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>; [REDACTED]
[REDACTED]

Subject: Data Request - Township & Annexation

Please find attached a data request for information regarding the township and annexation.

Thanks,

M [REDACTED] Z [REDACTED]



STEELE COUNTY BOARD AGENDA

Administration Center - 630 Florence Avenue – Owatonna, MN 55060

Steele County's Mission:

Driven to deliver quality services in a respectful and fiscally responsible way.

TUESDAY, MAY 27, 2025 at 5:00 PM

County Boardroom, Steele County Administration Center

Persons with background material for agenda items are asked to provide them to the Administrator's Office 5 days prior to the meeting date so that the material can be linked to the online agenda. If handouts at the Board meeting are necessary, please bring enough copies for the Board, county staff, the press and the public. Generally, 15 copies should be sufficient.

Agenda

1. Call to Order
2. Pledge of Allegiance
3. Approve Agenda

Correspondence

Public Comment

Those wishing to speak must state their name and address for the record after they are acknowledged by the Board Chair. Each person will be limited to two (2) minutes to make his/her remarks.

Speakers will address all comments to the Board as a whole and not one individual commissioner. The Board may not take action on an item presented during the Public Comment period, unless the item is already on the agenda for action. When appropriate, the Board may refer inquiries and items brought up during the Public Comment period to the County Administrator for follow-up.

Consent Agenda - *Items listed on the Consent Agenda are considered routine and non-controversial by the County Board. There will be no separate discussion of these items unless requested by a member of the County Board.*

4. Approve May 13, 2025 Board Minutes (pg. 4)
5. Approve May 13, 2025 Board Work Session Minutes (pg. 12)
6. Approve Bills (pg. 14)
7. Approve Personnel Report (pg. 41)

8. Approve the amendment to the 2024-2025 Remote Electronic Alcohol Monitoring (REAM) Grant Contract Agreement extending the agreement through 2027 for a total of \$18K (\$9K per year for the next two years) and authorize the CC Director to sign. (pg. 42).
9. Approve an Interagency Agreement between Owatonna Police Department & Steele County Community Corrections and authorize the CC Director to sign. (pg. 47)
10. Approve an Interagency Agreement between Steele County Sheriff's Department & Steele County Community Corrections and authorize the CC Director to sign. (pg. 51)
11. Approve MNIT Management Control Agreement and authorize the CC Director to sign. (pg. 55)
12. Adopt **Resolution 2025-028** approving the 2024 Steele County Hazard Mitigation Plan (pg. 57)
13. Adopt **Resolution 2025-029** requesting the transfer excess State Aid Municipal to the State Aid regular funds and authorize the chair to sign. (pg. 62)
14. Approve an annual renewal of Tobacco Licenses for Anhorn's Gas & Tire, Casey's-Medford, Casey's-Ellendale, Medford Municipal Liquor Store and Lerberg's Foods. (pg. 64)

General Agenda

15. Award a contract for the CSAH 28 (MN 30 to CSAH 21) Reclamation project to Ulland Brothers Inc. in the amount of \$586,477.08. (pg. 65)
16. Award a contract for 2025 pavement marking, CP 074-025-001, to KAMCO, Inc. in the amount of \$266,874.05. (pg. 66)
17. Approve Amendment to agreement with WHKS for professional services for the CSAH 28 (South Beaver Lake Road to North Beaver Lake Road) and Beaver Lake Park Improvement project in the amount of \$490,000. (pg. 67)
18. Adopt **Resolution 25-030** for Safe Streets for All Funding to Develop a Comprehensive Safety Action Plan. (pg. 73)

County Board Work Session – Tuesday, May 27, 2025

19. Action Items

Public Works Committee- Tuesday, May 13, 2025

20. Accept the CR 180 Bridge 4686 Preliminary Design Analysis (pg. 76)

Public Safety & Health Committee – Tuesday, May 20, 2025

21. Approve On-Sale Liquor License for Spurgy's Trailside Tavern. (pg. 124)

21a. Approve agreement with Alan Goodman to serve as Interim Engineer during County Engineer vacancy (See Appendix)

Information Items

22. Town Board of Owatonna Township Resolution regarding the East Side Corridor (pg. 125)

23. 2024 Highway Department Annual Report (pg. 127)

24. Public Safety & Health Committee Minutes – Tuesday, May 20, 2025 (pg. 208)

25. Public Works Committee Minutes – Tuesday, May 13, 2025 (pg. 210)

Commissioner Reports:

Next Meeting Notices:

Internal Central Services – **Tuesday, June 3rd at 8 a.m. in the Boardroom**

Property & Maintenance Committee – **Thursday, June 5th at 8 a.m. in the Boardroom**

AMC Region 9 meeting - **Monday, June 2nd at 8:00 a.m. in Lake City - City Hall**

Public Works Committee – **Tuesday, June 10th at 8 a.m., Public Works Facility**

County Board Work Session – **Tuesday, June 10th at 4 p.m. in the Boardroom** County

Board Meeting – **Tuesday, June 10th at 5 p.m. in the Boardroom**

Closed Session for attorney/client privilege for threatened or pending litigation, pursuant to Minn. Stat. § 13D.05, Subd. 3(b)”

Motion to go into closed Session

Discussion

Motion to end closed Session

Action Item if necessary

Adjourn

Disclaimer: This agenda has been prepared to provide information regarding an upcoming meeting of the Steele County Board of Commissioners. This document does not claim to be complete and is subject to change.



Steele County Agenda Item

Informational

Subject: Town Board of Owatonna Township Resolution regarding the East Side Corridor

Department: Highway

Committee: Public Works

Committee Meeting Date: NA

Work Session Date: NA

Board Meeting Date: May 27, 2025

Purpose:

To provide feedback from the Town Board of Owatonna Township regarding the East Side Corridor project.

Background:

As the County is completing the environmental documents required for the East Side Corridor project, the Town Board of Owatonna Township has reviewed the Purpose and Need, Evaluation Criteria, and Evaluation of Alternatives Memorandums that have been completed in preparation of the environmental documents. The Evaluation of Alternatives Memorandum has identified Alternative 3 as the Preferred Alternative that will be further analyzed in the environmental documents. The East Side Corridor project will be mostly located in Owatonna Township. The Town Board adopted a resolution to provide feedback on the project especially related to the impacts that the project will have on the township and its constituents.

Financial Impacts:

NA

Attachments:

Town Board of Owatonna Township Resolution Adopted May 13, 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: Jenny Kokong
Chairman

ATTEST:

By: [Signature]

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.

[Signature]
Township Clerk



Government Data Request – Preservation and Access to Data Associated with County Engineer Paul Sponholz

4 messages

Thu, May 15, 2025 at 3:26 AM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>, "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Abbe, Jim" <Jim.Abbe@steelecountymn.gov>

To: Steele County c/o County Attorney Jarrett

Date: 5/15/2025

Dear Mr. Jarrett,

Pursuant to the **Minnesota Government Data Practices Act (MGDPA)**, Minn. Stat. Chapter 13, I am formally requesting that Steele County ensure the **preservation** and **continued accessibility** of all government data that meets the following criteria:

Scope of Request – Preservation Order

Please ensure that all government data—regardless of format (e.g., emails, texts, voicemails, physical notes, reports, internal memos, Microsoft Teams chats, drafts, etc.)—that meets any of the criteria below is **preserved in full**:

1. **Created, sent, received, or otherwise accessed** by Paul Sponholz, County Engineer, between **January 1, 2021** and **the day after his final day of employment** with Steele County;
2. Any data **stored in accounts, devices, drives, or applications** associated with his county role (including personal devices used for county business);
3. Any data **shared with or received from** Paul Sponholz, whether internally (e.g., staff, commissioners, consultants) or externally (e.g., WSB, MnDOT, SE Minnesota ATP, FHWA, etc.);
4. Any government data **Paul Sponholz possessed, created, or maintained** that may be held by third-party consultants or contractors acting on behalf of Steele County.

This request includes but is not limited to:

- Email accounts (Outlook, archived emails)
- County cell phone/text logs and content
- Microsoft Teams or other messaging platforms
- File directories (OneDrive, shared drives, etc.)
- Notes, meeting recordings, and handwritten materials
- Contracts, correspondence, and memos
- All metadata associated with the above

Retention Request

Please treat this as a **formal notice to preserve** relevant data under applicable retention schedules, especially in light of ongoing public interest and potential investigations. The data must not be deleted, altered, purged, or made inaccessible due to role separation.

Clarification

I am not requesting copies of this data at this time (though I may follow up with a specific data request). This request is to **ensure Steele County maintains and preserves** all such data in accordance with your legal obligations.

Please confirm receipt of this request and that appropriate preservation measures have been initiated.

Sincerely,

M. Z.

Owatonna, MN 55060

Request submitted as a member of the public under the MGDPA

Mon, Jun 2, 2025 at 10:21 AM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>, "Fry, Renae" <Renae.Fry@steelecountymn.gov>, [REDACTED]

[REDACTED] "Abbe, Jim" <Jim.Abbe@steelecountymn.gov>

Bcc: "Abbe, Jim" <Jim.Abbe@steelecountymn.gov>, Josh Prokopec <jprok27@gmail.com>, "Krueger, Greg" <Greg.Krueger@steelecountymn.gov>, "Brady, James" <James.Brady@steelecountymn.gov>, "Glynn, John" <john.glynn@steelecountymn.gov>

Dear Mr. Jarrett,

I am following up on the preservation request I submitted on **May 15, 2025**, regarding all government data created, shared, or accessed by County Engineer Paul Sponholz during his tenure with Steele County.

To date, I have **not received a confirmation of receipt** or any indication that Steele County has taken steps to preserve the specified data. Given Mr. Sponholz's **final day of employment is imminent**, I am reiterating the importance of this request under the **Minnesota Government Data Practices Act (MGDPA)** and **applicable records retention laws**.

As outlined previously, this request:

- Applies to **all formats** of data, including electronic communications, shared drives, meeting notes, and contractor records;
- Extends to **third-party consultants and contractors** acting on the County's behalf;
- Does **not** request copies at this time, but rather confirmation that the data will be preserved in full.

Please confirm by June 2, 2025 that appropriate data preservation measures have been put in place and that Steele County is in compliance with this request. If no response is received, I will have no choice but to escalate this matter to the Minnesota **Department of Administration** and other oversight bodies as part of an official complaint.

Thank you for your attention to this matter. I look forward to your timely response.

Sincerely,

[REDACTED]

Owatonna, MN 55060

Submitted as a member of the public under the MGDPA

On Thu, May 15, 2025, 3:26 AM [REDACTED] wrote:

To: Steele County c/o County Attorney Jarrett

Date: 5/15/2025

Dear Mr. Jarrett,

Pursuant to the **Minnesota Government Data Practices Act (MGDPA)**, Minn. Stat. Chapter 13, I am formally requesting that Steele County ensure the **preservation** and **continued accessibility** of all government data that meets the following criteria:

Scope of Request – Preservation Order

Please ensure that all government data—regardless of format (e.g., emails, texts, voicemails, physical notes, reports, internal memos, Microsoft Teams chats, drafts, etc.)—that meets any of the criteria below is **preserved in full**:

1. **Created, sent, received, or otherwise accessed** by Paul Sponholz, County Engineer, between **January 1, 2021** and **the day after his final day of employment** with Steele County;
2. Any data **stored in accounts, devices, drives, or applications** associated with his county role (including personal devices used for county business);
3. Any data **shared with or received from** Paul Sponholz, whether internally (e.g., staff, commissioners, consultants) or externally (e.g., WSB, MnDOT, SE Minnesota ATP, FHWA, etc.);
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This request includes but is not limited to:

- Email accounts (Outlook, archived emails)
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- File directories (OneDrive, shared drives, etc.)
- Notes, meeting recordings, and handwritten materials
- Contracts, correspondence, and memos
- All metadata associated with the above

Retention Request

Please treat this as a **formal notice to preserve** relevant data under applicable retention schedules, especially in light of ongoing public interest and potential investigations. The data must not be deleted, altered, purged, or made inaccessible due to role separation.

Clarification

I am not requesting copies of this data at this time (though I may follow up with a specific data request). This request is to **ensure Steele County maintains and preserves** all such data in accordance with your legal obligations.

Please confirm receipt of this request and that appropriate preservation measures have been initiated.

Sincerely,

[REDACTED]

Owatonna, MN 55060

Request submitted as a member of the public under the MGDPA

Mon, Jun 2, 2025 at 10:21 AM

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

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

From:

Date: Thu, May 15, 2025, 3:26 AM

Subject: Government Data Request – Preservation and Access to Data Associated with County Engineer Paul Sponholz

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

[REDACTED] Abbe, Jim <Jim.Abbe@steelecountymn.gov>

To: Steele County c/o County Attorney Jarrett
Date: 5/15/2025

Dear Mr. Jarrett,

Pursuant to the **Minnesota Government Data Practices Act (MGDPA)**, Minn. Stat. Chapter 13, I am formally requesting that Steele County ensure the **preservation** and **continued accessibility** of all government data that meets the following criteria:

Scope of Request – Preservation Order

Please ensure that all government data—regardless of format (e.g., emails, texts, voicemails, physical notes, reports, internal memos, Microsoft Teams chats, drafts, etc.)—that meets any of the criteria below is **preserved in full**:

1. **Created, sent, received, or otherwise accessed** by Paul Sponholz, County Engineer, between **January 1, 2021** and **the day after his final day of employment** with Steele County;
2. Any data **stored in accounts, devices, drives, or applications** associated with his county role (including personal devices used for county business);
3. Any data **shared with or received from** Paul Sponholz, whether internally (e.g., staff, commissioners, consultants) or externally (e.g., WSB, MnDOT, SE Minnesota ATP, FHWA, etc.);
4. Any government data **Paul Sponholz possessed, created, or maintained** that may be held by third-party consultants or contractors acting on behalf of Steele County.

This request includes but is not limited to:

- Email accounts (Outlook, archived emails)
- County cell phone/text logs and content
- Microsoft Teams or other messaging platforms
- File directories (OneDrive, shared drives, etc.)
- Notes, meeting recordings, and handwritten materials
- Contracts, correspondence, and memos
- All metadata associated with the above

Retention Request

Please treat this as a **formal notice to preserve** relevant data under applicable retention schedules, especially in light of ongoing public interest and potential investigations. The data must not be deleted, altered, purged, or made inaccessible due to role separation.

Clarification

I am not requesting copies of this data at this time (though I may follow up with a specific data request). This request is to **ensure Steele County maintains and preserves** all such data in accordance with your legal obligations.

Please confirm receipt of this request and that appropriate preservation measures have been initiated.

Sincerely,



Owatonna, MN 55060

Request submitted as a member of the public under the MGDPA

To: [REDACTED] "Fry, Renae" <Renae.Fry@steelecountymn.gov>; [REDACTED]
[REDACTED], "Abbe, Jim" <Jim.Abbe@steelecountymn.gov>

I can confirm receipt.

I will be replying about more data being available from the initial request.

We also received your data complaint.

We will continue to respond to the data requests in the order in which they were received.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Monday, June 2, 2025 10:21 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; [REDACTED]
[REDACTED] Abbe, Jim <Jim.Abbe@SteeleCountyMN.gov>

Subject: Re: Government Data Request – Preservation and Access to Data Associated with County Engineer Paul Sponholz

Dear Mr. Jarrett,

I am following up on the preservation request I submitted on **May 15, 2025**, regarding all government data created, shared, or accessed by County Engineer Paul Sponholz during his tenure with Steele County.

To date, I have **not received a confirmation of receipt** or any indication that Steele County has taken steps to preserve the specified data. Given Mr. Sponholz's **final day of employment is imminent**, I am reiterating the importance of this request under the **Minnesota Government Data Practices Act (MGDPA) and applicable records retention laws**.

As outlined previously, this request:

- Applies to **all formats** of data, including electronic communications, shared drives, meeting notes, and contractor records;
- Extends to **third-party consultants and contractors** acting on the County's behalf;
- Does **not** request copies at this time, but rather confirmation that the data will be preserved in full.

Please confirm by June 2, 2025 that appropriate data preservation measures have been put in place and that Steele County is in compliance with this request. If no response is received, I will have no choice but to escalate this matter to the Minnesota **Department of Administration** and other oversight bodies as part of an official complaint.

Thank you for your attention to this matter. I look forward to your timely response.

Sincerely,



Owatonna, MN 55060

Submitted as a member of the public under the MGDPA

On Thu, May 15, 2025, 3:26 AM [REDACTED] wrote:

To: Steele County c/o County Attorney Jarrett
Date: 5/15/2025

Dear Mr. Jarrett,

Pursuant to the **Minnesota Government Data Practices Act (MGDPA)**, Minn. Stat. Chapter 13, I am formally requesting that Steele County ensure the **preservation** and **continued accessibility** of all government data that meets the following criteria:

Scope of Request – Preservation Order

Please ensure that all government data—regardless of format (e.g., emails, texts, voicemails, physical notes, reports, internal memos, Microsoft Teams chats, drafts, etc.)—that meets any of the criteria below is **preserved in full**:

1. **Created, sent, received, or otherwise accessed** by Paul Sponholz, County Engineer, between **January 1, 2021 and the day after his final day of employment** with Steele County;
2. Any data **stored in accounts, devices, drives, or applications** associated with his county role (including personal devices used for county business);
3. Any data **shared with or received from** Paul Sponholz, whether internally (e.g., staff, commissioners, consultants) or externally (e.g., WSB, MnDOT, SE Minnesota ATP, FHWA, etc.);
4. Any government data **Paul Sponholz possessed, created, or maintained** that may be held by third-party consultants or contractors acting on behalf of Steele County.

This request includes but is not limited to:

- Email accounts (Outlook, archived emails)
- County cell phone/text logs and content
- Microsoft Teams or other messaging platforms
- File directories (OneDrive, shared drives, etc.)
- Notes, meeting recordings, and handwritten materials
- Contracts, correspondence, and memos
- All metadata associated with the above

Retention Request

Please treat this as a **formal notice to preserve** relevant data under applicable retention schedules, especially in light of ongoing public interest and potential investigations. The data must not be deleted, altered, purged, or made inaccessible due to role separation.

Clarification

I am not requesting copies of this data at this time (though I may follow up with a specific data request). This request is to **ensure Steele County maintains and preserves** all such data in accordance with your legal obligations.

Please confirm receipt of this request and that appropriate preservation measures have been initiated.

Sincerely,

A black rectangular redaction box covering the signature.

Owatonna, MN 55060

Request submitted as a member of the public under the MGDPA

East Side Corridor Request for Transparency

owatonnaeastSideCorridor@gmail.com

Mn SS 13 PUBLIC DATA REQUEST

**Notice to AGENT is as Notice to Principal
Notice to Principal is as Notice to Agent**

DATE: 5/29/2025

Steele County Administration Center
Administrator
630 Florence Ave
Owatonna, MN 55060

Via e mail: Robert.Jarrett@steelecountymn.gov, Renae.Fry@steelecountymn.gov,
Rebecca.Kubicek@steelecountymn.gov

PLEASE PAY CLOSE ATTENTION TO EVERY DETAIL AND STATUTE AS WE ARE FULLY EDUCATED, PREPARED, WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAMEGES FOR NON-COMPLIANCE!

Public Data Request – **Traffic and Truck Volume on Shady Ave and Crestview Ln NE**

Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data. I request that a complete response to the documents requested be completed **on or before June 12, 2025.**

Nevertheless, any cooperation does not waive the statutory rights to seek judicial relief for delays, denials of access to data, or other non-compliance allegations as they arise or are committed. Minn. Stat. §§ 13.08 and 13.09. Please make following readily available for inspection, free, electronic, public data from your respective offices under 13.03 Subd. 3(e) and Gen. Rules Prac. Rule 14:

We are requesting the following public data:

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 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 modeling 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.**

If there are any costs associated with providing this information, please notify us before proceeding.

DATE 5/29/25 TO : Steele County Administration RE: Traffic Studies DUE: 6/12/25

I am requesting to:

☐ View the data

☐ Have copies printed or me

☐ Have free electronic copies sent to me in PDF Format

☒ A combination of the above which will be determined once a cost is explained to me

Governing Statutes and instructions. Under Minnesota Statutes § 13.03, all government data collected, created, received, maintained, or disseminated by a government entity shall be public unless classified by statute, or temporary classification under § 13.06 or federal law, as nonpublic or protected public data or with respect to data on individuals, as private or confidential.

Therefore, for each document you withhold, you are to identify the document as to date and type and give a specific reason for withholding the document and provide the governing statute supporting the withholding of that data. For example, your response for a withheld document should reflect the following at a minimum: private or confidential (see Minnesota Statutes § 13.14, subdivision 3); document type; the subject matter; the document's date; the specific statute and subdivision conferring confidentiality.

General statements, conclusions, or references are unacceptable and challengeable as non-responsive and as avoiding possible judicial review to determine proper labeling as nonpublic data. If summary data has been collected as contemplated under Minnesota Statutes § 13.05, subdivision 7, you are to include the summary data with any specific or general request for documents regardless of if the request is made.

Finally, if **Steele County Personnel** disseminated to other agencies, public or private, any data specifically approved by a department official as “necessary to public health, safety, or welfare” as contemplated under Minnesota Statutes §13.05, subdivision 4(a). You are to disclose the agency (or other entity) if such an event or events occurred, the date of the disclosure, and the reason for the disclosure. If there has been no disclosure, you are to admit “no disclosure” accordingly.

General understandings for the document requests. If, for any reason, you do not understand a document request, you are to immediately contact me for clarification in writing. If you are giving any word in the request a meaning other than its ordinary customary dictionary meaning, identify the word and provide your own definition.

If you provide your own definition, however, this does not eviscerate your obligation to complete the request and to provide the document(s). Intentional avoidance of responding or disclosure of data relevant or relating to the request by failing to clarify the demand voluntarily, or to give words meanings contrary to customary usage will be deemed as non-responsive and subject to judicial proceedings.

All documents provided are to be compiled in the categories of the requests made whenever possible. If one document fulfills more than one request, then only one copy of the complete document need be provided. Unnecessary duplication is wasteful. But if you are not sure of its previous disclosure, then include it again to ensure the request is fulfilled.

Furthermore, if a document has or references attachments, the attachments must be included. Attachments are considered part of the whole regardless of if referenced in the body of the primary document responsive to the request. Finally, if you have no document responsive to a request made, you are to specifically state “no documents found” and identify that request.

Abbreviations. “You” or “your” refers to any person associated with **STEELE COUNTY** in any way, directly or indirectly.

DATE 5/29/25

TO : Steele County Administration

RE: Traffic Studies

DUE: 6/12/25

“Official” refers to any administrator or board or council member acting on behalf of or for **STEELE COUNTY**

“Employee” refers to any employee, consultant, or other individual engaged by **STEELE COUNTY**

Definitions:

“Documents.” References in the requests for “documents” or “document” is meant to be all-inclusive. I can list in two pages of double-spaced type what “document” refers to but this should not be necessary in data practices act request. Therefore, **objections made or non-disclosure of documents because the request did not specifically say “report,” “letter,” or “e-mail communication” is not acceptable** and will be subject to judicial proceedings if an objection is made or a relevant document is not disclosed.

Penalties and CIVIL Damages

13.08 CIVIL REMEDIES. Subdivision 1. Action for damages.

Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be **liable to exemplary damages of not less than \$1,000, nor more than \$15,000 for each violation.** The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Subd. 2. Injunction.

A responsible authority or government entity which violates or proposes to violate this chapter may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.

Subd. 3. Venue. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. Action to compel compliance. (a) Actions to compel compliance may be brought either under this subdivision or section 13.085. For actions under this subdivision, in addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. **If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1.**

The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration. (b) In determining whether to assess a civil penalty under this subdivision, the court or other tribunal shall consider whether the government entity has substantially

complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 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 section 13.025, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.025, subdivision 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
- (5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or Official Publication of the State of Minnesota Revisor of Statutes 1 MINNESOTA STATUTES 2021 13.08
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court

shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Subd. 5. Immunity from liability. A government entity or person that releases not public data pursuant to an order under section 13.03, subdivision 6, is immune from civil and criminal liability.

Subd. 6. Immunity from liability; personnel settlement. No cause of action may arise as a result of the release of data contained in a termination or personnel settlement agreement if the data were not public data as defined in section 13.02, at the time the agreement was executed but become public data under a law enacted after execution.

15.17 OFFICIAL RECORDS.

Subdivision 1. **Must be kept.**

All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," **shall** make and preserve **all records** necessary to a full and accurate knowledge of their official activities. Government records may be produced in the form of computerized records. All government records shall be made on a physical medium of a quality to insure permanent records. **Every public officer is empowered to reproduce** records if the records are not deemed to be of permanent or archival value by the commissioner of administration and the records disposition panel under section [138.17](#). **The public officer is empowered to reproduce these records** by any photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction method that clearly and accurately reproduces the records. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical images, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, *in accordance with the disposition requirements of section [138.17](#)*. Photographs, photostats, microphotographs, microfilms, optical images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and are admissible as evidence in all courts and proceedings of every

DATE 5/29/25

TO : Steele County Administration

RE: Traffic Studies

DUE: 6/12/25

kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.

Subd. 2. Responsibility for records.

The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each agency, and of its chief administrative officer, to carefully protect and preserve government records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

Subd. 3. Delivery to successor.

Every legal custodian of government records, at the expiration of that official's term of office or authority, or on the official's death a legal representative, shall deliver to a successor in office all government records in custody; and the successor shall receipt therefor to the predecessor or legal representative and shall file in the office a signed acknowledgment of the delivery. Every public officer shall demand from a predecessor in office, or the predecessor's legal representative, the delivery of all government records belonging to the office.

Subd. 4. Accessible to public.

Access to records containing government data is governed by sections [13.03](#) and [138.17](#).

If you determine that you will redact or withhold any otherwise responsive data, please inform us in writing of the specific statutory basis for your denial.

Should you have any questions or need clarification, please send any and all communication to me at the e mail address of OwatonnaEastSideCorridor@gmail.com

Should written communication be required, I may be reached at the above e mail address.

Data Request – Traffic and Truck Volume on Shady Ave and Crestview Ln NE

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Tue, Jun 10, 2025 at 11:30 AM

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

Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>

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

A response from Paul:

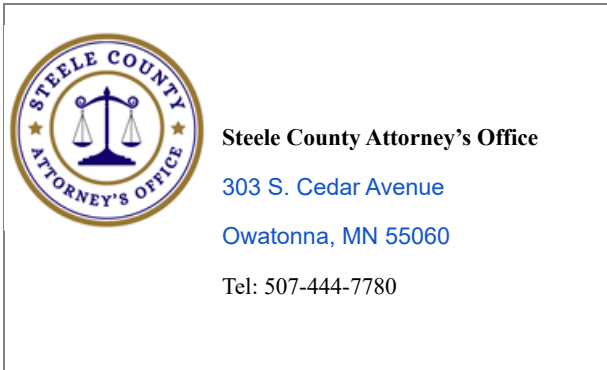
All we have is staff recollection of numerous phone calls of complaints over the years, and comments received from the public during the East Side Corridor public meetings.

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



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

Sent: Thursday, May 29, 2025 11:10 PM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>

Subject: Re: Data Request – Traffic and Truck Volume on Shady Ave and Crestview Ln NE

You don't often get email from owatonnaeastsidecorridor@gmail.com. [Learn why this is important](#)

We received the following automated response:

"This inbox is not monitored. Please email SCAO@steelecountymn.gov."

It's unclear how our message was directed to an unmonitored inbox, especially given that we used direct email addresses. To ensure our concerns are properly received and addressed, we are resending the message below. We respectfully request an appropriate and prompt response in accordance with statutory requirements.

Thank you for your attention to this matter.

On Thu, May 29, 2025, 10:54 PM Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com> wrote:

Dear Mr Jarrett,

Thank you for your response regarding our data request.

To clarify—none of us are Mr. Haskell. If this was intended for someone else, please let us know; however, the content appears relevant to our request.

We are also following up on specific references made in both a recent news article and this week's Board of Commissioners meeting. County engineers publicly referenced truck traffic, and Commissioner Abbe cited traffic counts on Shady Lane. If these studies exist and were referenced in public discussions or decision-making, they should already be compiled and readily available under the Minnesota Government Data Practices Act (MGDPA).

Per Minn. Stat. § 13.03, Subd. 2(a), public data must be provided in an "appropriate and prompt manner." We understand that there may be many requests currently in process, but pulling noise studies and traffic counts for two short road segments should not take several months if the data already exists, nor is several months appropriate or prompt. If the data does not exist, the public has a right to know that as well.

Please confirm whether these referenced data sets exist. If they do, we expect access in accordance with the statute. If not, please state that clearly.

Sincerely,

East Side Corridor Residents

On Thu, May 29, 2025, 3:54 PM Attorney <Attorney@steelecountymn.gov> wrote:

Mr. Haskell & ESC group,

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.



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

Sent: Thursday, May 29, 2025 3:00 PM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>

Subject: Data Request – Traffic and Truck Volume on Shady Ave and Crestview Ln NE

Some people who received this message don't often get email from owatonnaeastsidecorridor@gmail.com. [Learn why this is important](#)

Please find attached a data request regarding traffic and truck volume on Shady Ave and Crestview Ln NE. As this is a relatively limited request, we believe a two-week timeframe should be sufficient to compile the data. Kindly let us know when the information is ready for review.

Thank you.



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Official Bonds for Steele County Personnel (2021–Present)

Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>
To: Recorder <Record@steelecountymn.gov>

Fri, May 9, 2025 at 6:29 PM

Dear Steele County Recorder's Office,

Pursuant to the **Minnesota Government Data Practices Act (Minn. Stat. Chapter 13)**, we respectfully request access to and copies of all **public official bond documents** currently maintained by your office for any bonded officials or employees of Steele County. This request includes, but is not limited to, all **individual or blanket surety and fidelity bonds** issued for county personnel between **January 1, 2021, and the present**.

If there are any costs associated with locating, copying, or transmitting these records, please notify us with an estimate before processing. We would prefer to receive the documents in electronic format, if available, but are open to other formats if necessary.

Thank you for your time and assistance. Please contact us if clarification is needed to fulfill this request.

Sincerely,
East Side Corridor Residents



MINNESOTA COUNTIES INTERGOVERNMENTAL TRUST
 COVERAGE DECLARATIONS
 EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF
 DUTY - ARTICLE FOUR

DOCUMENT NO.: PC116020-1
 MEMBER: Steele County
 MAILING ADDRESS: 630 Florence Ave
 Owatonna, MN 55060-0890

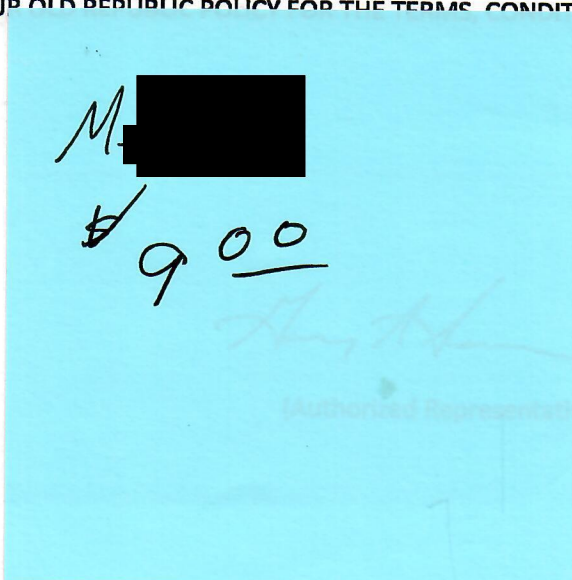
A000427317
 OFFICE OF THE COUNTY RECORDER
 STEELE COUNTY, MINNESOTA
 CERTIFIED, FILED, AND/OR RECORDED ON
 01/10/2020 03:03 PM
 PAGES: 1 FEES: 0.00
 RICK G. KVIEN
 STEELE COUNTY RECORDER
 BY: KRISTI B

COVERAGE PERIOD: FROM 1/1/2020 TO 1/1/2021 AT 12:01 A.M. CENTRAL STANDARD TIME

EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE

MCIT LIMIT OF COVERAGE: \$50,000 Per Occurrence
 DEDUCTIBLE: \$0

IF YOU HAVE PURCHASED EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE IN EXCESS OF THAT PROVIDED BY THIS COVERAGE DOCUMENT; FORGERY OR ALTERATION COVERAGE; OR CREDIT, DEBIT OR CHARGE CARD FORGERY COVERAGE THROUGH MCIT, YOU HAVE BEEN ISSUED AN OLD REPUBLIC SURETY COMPANY CRIME POLICY. PLEASE REFER TO YOUR OLD REPUBLIC POLICY FOR THE TERMS, CONDITIONS AND LIMITS OF SUCH COVERAGE.



COUNTERSIGNED 12/12/2019
 (Date)

BY





MINNESOTA COUNTIES INTERGOVERNMENTAL TRUST
COVERAGE DECLARATIONS
EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF
DUTY - ARTICLE FOUR

DOCUMENT NO.: PC116021-1
MEMBER: Steele County
MAILING ADDRESS: 630 Florence Ave
Owatonna, MN 55060-0890

A000433399
OFFICE OF THE COUNTY RECORDER
STEELE COUNTY, MINNESOTA
CERTIFIED, FILED, AND/OR RECORDED ON
12/28/2020 10:01 AM
PAGES: 1 FEES: 0.00
RICK G. KVIEEN
STEELE COUNTY RECORDER
BY: RICK K

COVERAGE PERIOD: FROM 1/1/2021 TO 1/1/2022 AT 12:01 A.M. CENTRAL STANDARD TIME

EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE

MCIT LIMIT OF COVERAGE: \$50,000 Per Occurrence
DEDUCTIBLE: \$0.00

IF YOU HAVE PURCHASED EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE IN EXCESS OF THAT PROVIDED BY THIS COVERAGE DOCUMENT; FORGERY OR ALTERATION COVERAGE; OR CREDIT, DEBIT OR CHARGE CARD FORGERY COVERAGE THROUGH MCIT, YOU HAVE BEEN ISSUED AN OLD REPUBLIC SURETY COMPANY CRIME POLICY. PLEASE REFER TO YOUR OLD REPUBLIC POLICY FOR THE TERMS, CONDITIONS AND LIMITS OF SUCH COVERAGE.

COUNTERSIGNED 12/8/2020
(Date)

BY

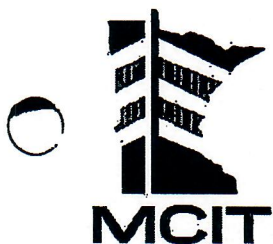
(Authorized Representative)

MCIT 2021



8 0 5 4 0 3 0

Tx:4050169



MINNESOTA COUNTIES INTERGOVERNMENTAL TRUST
COVERAGE DECLARATIONS
EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF
DUTY - ARTICLE FOUR

DOCUMENT NO.: PC116022-1

MEMBER: Steele County

MAILING ADDRESS: 630 Florence Ave
Owatonna, MN 55060-0890

COVERAGE PERIOD: FROM 1/1/2022 TO 1/1/2023 AT 12:01 A.M. CENTRAL STANDARD TIME

EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE

MCIT LIMIT OF COVERAGE: \$50,000 Per Occurrence

DEDUCTIBLE: \$0.00

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COUNTERSIGNED 12/9/2021
(Date)

BY

(Authorized Representative)

A000440711

OFFICE OF THE COUNTY RECORDER
STEELE COUNTY, MINNESOTA
CERTIFIED, FILED, AND/OR RECORDED ON
01/04/2022 10:50 AM
PAGES: 1 FEES: 0.00
RICK G. KVIEN
STEELE COUNTY RECORDER
BY: MELISSA T



A000446182

**OFFICE OF THE COUNTY RECORDER
STEELE COUNTY, MINNESOTA
CERTIFIED, FILED, AND/OR RECORDED ON
01/24/2023 11:34 AM
PAGES: 2 FEES: 0.00
RICK G. KVIEN
STEELE COUNTY RECORDER
BY: RICK K**

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MINNESOTA COUNTIES INTERGOVERNMENTAL TRUST
COVERAGE DECLARATIONS
EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF
DUTY - ARTICLE FOUR

DOCUMENT NO.: PC116023-1

MEMBER: Steele County

MAILING ADDRESS: 630 Florence Ave
Owatonna, MN 55060-0890

COVERAGE PERIOD: FROM 1/1/2023 TO 1/1/2024 AT 12:01 A.M. CENTRAL STANDARD TIME

EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE


MCIT LIMIT OF COVERAGE: \$50,000 Per Occurrence

DEDUCTIBLE: \$0.00

IF YOU HAVE PURCHASED EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE IN EXCESS OF THAT PROVIDED BY THIS COVERAGE DOCUMENT; FORGERY OR ALTERATION COVERAGE; OR CREDIT, DEBIT OR CHARGE CARD FORGERY COVERAGE THROUGH MCIT, YOU HAVE BEEN ISSUED AN OLD REPUBLIC SURETY COMPANY CRIME POLICY. PLEASE REFER TO YOUR OLD REPUBLIC POLICY FOR THE TERMS, CONDITIONS AND LIMITS OF SUCH COVERAGE.

COUNTERSIGNED 12/14/2022
(Date)

BY

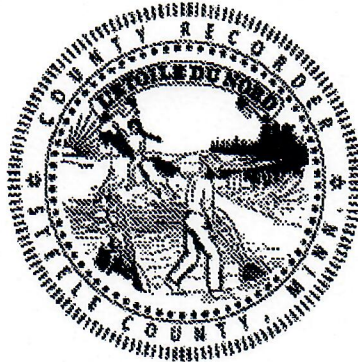

(Authorized Representative)



DocId: 8094261
Tx: A000450923

A000450923
OFFICE OF THE COUNTY RECORDER
STEELE COUNTY, MINNESOTA
CERTIFIED, FILED, AND/OR RECORDED ON
01/02/2024 03:40 PM
PAGES: 2 FEES: 0.00
RICK G. KVIEN
STEELE COUNTY RECORDER
BY: RICK K

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Document Type: OATH/BONDS/CERT OF ELECT

Rick Kvien, Steele County Recorder and Registrar of Titles

Steele County Recorder
630 Florence Avenue
PO Box 890
Owatonna, MN 55060



MINNESOTA COUNTIES INTERGOVERNMENTAL TRUST
COVERAGE DECLARATIONS
EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF
DUTY - ARTICLE FOUR

DOCUMENT NO.: PC116024-1

MEMBER: Steele County

MAILING ADDRESS: 630 Florence Ave
Owatonna, MN 55060-0890

COVERAGE PERIOD: FROM **1/1/2024** TO **1/1/2025** AT 12:01 A.M. CENTRAL STANDARD TIME

EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE

MCIT LIMIT OF COVERAGE: \$50,000 Per Occurrence

DEDUCTIBLE: \$0.00

IF YOU HAVE PURCHASED EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE IN EXCESS OF THAT PROVIDED BY THIS COVERAGE DOCUMENT; FORGERY OR ALTERATION COVERAGE; OR CREDIT, DEBIT OR CHARGE CARD FORGERY COVERAGE THROUGH MCIT, YOU HAVE BEEN ISSUED AN OLD REPUBLIC SURETY COMPANY CRIME POLICY. PLEASE REFER TO YOUR OLD REPUBLIC POLICY FOR THE TERMS, CONDITIONS AND LIMITS OF SUCH COVERAGE.

COUNTERSIGNED 12/12/2023
(Date)

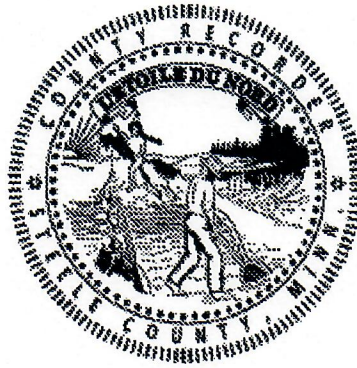
BY

(Authorized Representative)

DocId: 8104681
Tx: A000455115

A000455115
OFFICE OF THE COUNTY RECORDER
STEELE COUNTY, MINNESOTA
CERTIFIED, FILED, AND/OR RECORDED ON
01/06/2025 09:43 AM
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RICK G. KVIENT
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Rick Kvien, Steele County Recorder and Registrar of Titles

Steele County Recorder
630 Florence Avenue
PO Box 890
Owatonna, MN 55060



MINNESOTA COUNTIES INTERGOVERNMENTAL TRUST
COVERAGE DECLARATIONS
EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF
DUTY - ARTICLE FOUR

DOCUMENT NO.: PC116025-1

MEMBER: Steele County

MAILING ADDRESS: 630 Florence Ave
Owatonna, MN 55060-0890

COVERAGE PERIOD: FROM 1/1/2025 TO 1/1/2026 AT 12:01 A.M. CENTRAL STANDARD TIME

EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE

MCIT LIMIT OF COVERAGE: \$50,000 Per Occurrence

DEDUCTIBLE: \$0.00

IF YOU HAVE PURCHASED EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY COVERAGE IN EXCESS OF THAT PROVIDED BY THIS COVERAGE DOCUMENT; FORGERY OR ALTERATION COVERAGE; OR CREDIT, DEBIT OR CHARGE CARD FORGERY COVERAGE THROUGH MCIT, YOU HAVE BEEN ISSUED AN OLD REPUBLIC SURETY COMPANY CRIME POLICY. PLEASE REFER TO YOUR OLD REPUBLIC POLICY FOR THE TERMS, CONDITIONS AND LIMITS OF SUCH COVERAGE.

COUNTERSIGNED 12/5/2024
(Date)

BY

(Authorized Representative)

East Side Corridor Request for Transparency

owatonnaeastSideCorridor@gmail.com

Mn SS 13 PUBLIC DATA REQUEST

Notice to AGENT is as Notice to Principal
Notice to Principal is as Notice to Agent

DATE: 7/01/2025

Steele County Administration Center
Administrator
630 Florence Ave
Owatonna, MN 55060

Via e mail: Robert.Jarrett@steelecountymn.gov, Renae.Fry@steelecountymn.gov,
Rebecca.Kubicek@steelecountymn.gov

PLEASE PAY CLOSE ATTENTION TO EVERY DETAIL AND STATUTE AS WE ARE FULLY EDUCATED, PREPARED, WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAMAGES FOR NON-COMPLIANCE!

Public Data Request – [Steele County: County Roadway Safety Plan, August 2012](#)

Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data. I request that a complete response to the documents requested be completed [on or before July 14, 2025](#).

Nevertheless, any cooperation does not waive the statutory rights to seek judicial relief for delays, denials of access to data, or other non-compliance allegations as they arise or are committed. Minn. Stat. §§ 13.08 and 13.09. Please make following readily available for inspection, free, electronic, public data from your respective offices under 13.03 Subd. 3(e) and Gen. Rules Prac. Rule 14:

[Document Requested: Steele County: County Roadway Safety Plan](#)

[Date: August 2012](#)

[We are requesting a full copy of this plan, including any appendices, maps, tables, or technical supplements that were part of the original document or later revisions.](#)

[We are happy to receive:](#)

- [A digital copy via email \(preferred\),](#)
- [Or directions for in-person inspection,](#)
- [Or a cost estimate for physical copies, if applicable.](#)

[If this document is no longer available or has been destroyed, please provide the applicable records retention schedule and the reason it cannot be provided.](#)

[Thank you for your assistance. Please confirm receipt of this request, and feel free to reach out if clarification is needed.](#)

DATE: 7/1/25

TO: Steele County Administration

DUE: 7/14/25

RE: Steele County: County Roadway Safety Plan, August 2012

I am requesting to:

☐ View the data

☐ Have copies printed or me

☐ Have free electronic copies sent to me in PDF Format

☒ A combination of the above which will be determined once a cost is explained to me

Governing Statutes and instructions. Under Minnesota Statutes § 13.03, all government data collected, created, received, maintained, or disseminated by a government entity shall be public unless classified by statute, or temporary classification under § 13.06 or federal law, as nonpublic or protected public data or with respect to data on individuals, as private or confidential.

Therefore, for each document you withhold, you are to identify the document as to date and type and give a specific reason for withholding the document and provide the governing statute supporting the withholding of that data. For example, your response for a withheld document should reflect the following at a minimum: private or confidential (see Minnesota Statutes § 13.14, subdivision 3); document type; the subject matter; the document's date; the specific statute and subdivision conferring confidentiality.

General statements, conclusions, or references are unacceptable and challengeable as non-responsive and as avoiding possible judicial review to determine proper labeling as nonpublic data. If summary data has been collected as contemplated under Minnesota Statutes § 13.05, subdivision 7, you are to include the summary data with any specific or general request for documents regardless of if the request is made.

Finally, if **Steele County Personnel** disseminated to other agencies, public or private, any data specifically approved by a department official as “necessary to public health, safety, or welfare” as contemplated under Minnesota Statutes §13.05, subdivision 4(a). You are to disclose the agency (or other entity) if such an event or events occurred, the date of the disclosure, and the reason for the disclosure. If there has been no disclosure, you are to admit “no disclosure” accordingly.

General understandings for the document requests. If, for any reason, you do not understand a document request, you are to immediately contact me for clarification in writing. If you are giving any word in the request a meaning other than its ordinary customary dictionary meaning, identify the word and provide your own definition.

If you provide your own definition, however, this does not eviscerate your obligation to complete the request and to provide the document(s). Intentional avoidance of responding or disclosure of data relevant or relating to the request by failing to clarify the demand voluntarily, or to give words meanings contrary to customary usage will be deemed as non-responsive and subject to judicial proceedings.

All documents provided are to be compiled in the categories of the requests made whenever possible. If one document fulfills more than one request, then only one copy of the complete document need be provided. Unnecessary duplication is wasteful. But if you are not sure of its previous disclosure, then include it again to ensure the request is fulfilled.

Furthermore, if a document has or references attachments, the attachments must be included. Attachments are considered part of the whole regardless of if referenced in the body of the primary document responsive to the request. Finally, if you have no document responsive to a request made, you are to specifically state “no documents found” and identify that request.

Abbreviations. “You” or “your” refers to any person associated with **STEELE COUNTY** in any way, directly or indirectly.

DATE: 7/1/25

TO: Steele County Administration

DUE: 7/14/25

RE: Steele County: County Roadway Safety Plan, August 2012

“Official” refers to any administrator or board or council member acting on behalf of or for **STEELE COUNTY**

“Employee” refers to any employee, consultant, or other individual engaged by **STEELE COUNTY**

Definitions:

“Documents.” References in the requests for “documents” or “document” is meant to be all-inclusive. I can list in two pages of double-spaced type what “document” refers to but this should not be necessary in data practices act request. Therefore, **objections made or non-disclosure of documents because the request did not specifically say “report,” “letter,” or “e-mail communication” is not acceptable** and will be subject to judicial proceedings if an objection is made or a relevant document is not disclosed.

Penalties and CIVIL Damages

13.08 CIVIL REMEDIES. Subdivision 1. Action for damages.

Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be **liable to exemplary damages of not less than \$1,000, nor more than \$15,000 for each violation.** The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Subd. 2. Injunction.

A responsible authority or government entity which violates or proposes to violate this chapter may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.

Subd. 3. Venue. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. Action to compel compliance. (a) Actions to compel compliance may be brought either under this subdivision or section 13.085. For actions under this subdivision, in addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. **If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1.**

The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute but shall conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration. (b) In determining whether to assess a civil penalty under this subdivision, the court or other tribunal shall consider whether the government entity has substantially

DATE: 7/1/25

TO: Steele County Administration

DUE: 7/14/25

RE: Steele County: County Roadway Safety Plan, August 2012

complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 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 section 13.025, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.025, subdivision 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
- (5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or Official Publication of the State of Minnesota Revisor of Statutes 1 MINNESOTA STATUTES 2021 13.08
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court

shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Subd. 5. Immunity from liability. A government entity or person that releases not public data pursuant to an order under section 13.03, subdivision 6, is immune from civil and criminal liability.

Subd. 6. Immunity from liability; personnel settlement. No cause of action may arise as a result of the release of data contained in a termination or personnel settlement agreement if the data were not public data as defined in section 13.02, at the time the agreement was executed but become public data under a law enacted after execution.

15.17 OFFICIAL RECORDS.

Subdivision 1. **Must be kept.**

All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," **shall** make and preserve **all records** necessary to a full and accurate knowledge of their official activities. Government records may be produced in the form of computerized records. All government records shall be made on a physical medium of a quality to insure permanent records. **Every public officer is empowered to reproduce** records if the records are not deemed to be of permanent or archival value by the commissioner of administration and the records disposition panel under section [138.17](#). **The public officer is empowered to reproduce these records** by any photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction method that clearly and accurately reproduces the records. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical images, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, *in accordance with the disposition requirements of section [138.17](#)*. Photographs, photostats, microphotographs, microfilms, optical images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and are admissible as evidence in all courts and proceedings of every

DATE: 7/1/25

TO: Steele County Administration

DUE: 7/14/25

RE: Steele County: County Roadway Safety Plan, August 2012

kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.

Subd. 2. Responsibility for records.

The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each agency, and of its chief administrative officer, to carefully protect and preserve government records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

Subd. 3. Delivery to successor.

Every legal custodian of government records, at the expiration of that official's term of office or authority, or on the official's death a legal representative, shall deliver to a successor in office all government records in custody; and the successor shall receipt therefor to the predecessor or legal representative and shall file in the office a signed acknowledgment of the delivery. Every public officer shall demand from a predecessor in office, or the predecessor's legal representative, the delivery of all government records belonging to the office.

Subd. 4. Accessible to public.

Access to records containing government data is governed by sections [13.03](#) and [138.17](#).

If you determine that you will redact or withhold any otherwise responsive data, please inform us in writing of the specific statutory basis for your denial.

Should you have any questions or need clarification, please send any and all communication to me at the e mail address of OwatonnaEastSideCorridor@gmail.com

Should written communication be required, I may be reached at the above e mail address.

DATE: 7/1/25
DUE: 7/14/25

TO: Steele County Administration
RE: Steele County: County Roadway Safety Plan, August 2012

East Side Corridor Request for Transparency

owatonnaeastSideCorridor@gmail.com

Mn SS 13 PUBLIC DATA REQUEST

Notice to AGENT is as Notice to Principal
Notice to Principal is as Notice to Agent

DATE: 7/1/2025

Steele County Administration Center
Administrator
630 Florence Ave
Owatonna, MN 55060

Via e mail: Robert.Jarrett@steelecountymn.gov, Renae.Fry@steelecountymn.gov,
Rebecca.Kubicek@steelecountymn.gov

PLEASE PAY CLOSE ATTENTION TO EVERY DETAIL AND STATUTE AS WE ARE FULLY EDUCATED, PREPARED, WILLING, EXPERIENCED, AND VICTORIOUS IN COURT ACTIONS TO FORCE COMPLIANCE AND RECOUP CIVIL MONITARY DAMAGES FOR NON-COMPLIANCE!

Public Data Request – [Owatonna High School Traffic Impact Study](#)

Minnesota Government Data Practices Act, Minn. Stat. Ch. 13 (MGDPA), and Minn. Rules Parts 1205.0100-1205.2000 in responding to requests for public data. I request that a complete response to the documents requested be completed [on or before July 14, 2025](#).

Nevertheless, any cooperation does not waive the statutory rights to seek judicial relief for delays, denials of access to data, or other non-compliance allegations as they arise or are committed. Minn. Stat. §§ 13.08 and 13.09. Please make following readily available for inspection, free, electronic, public data from your respective offices under 13.03 Subd. 3(e) and Gen. Rules Prac. Rule 14: z

Document Title: [Owatonna High School Traffic Impact Study](#)

Scope: [Complete report including all appendices, traffic counts, maps, figures, tables, technical analyses, and supporting documents](#)

[Preferred Format & Delivery](#)

- [Preferred: Digital copy via email](#)
- [Alternative: In-person inspection or printed copies](#)
- [Please provide: Any cost estimate if physical copies are required](#)

[If the document is not available, please provide applicable records retention/destruction authority or schedule.](#)

DATE: 7/1/25

TO: Steele County Administration

DUE: 7/14/25

RE: Steele County: County Roadway Safety Plan, August 2012

Please acknowledge receipt of this request, and let me know if any clarification is needed.

Thank you for your assistance and timely response.

I am requesting to:

_____ View the data

_____ Have copies printed or me

_____ Have free electronic copies sent to me in PDF Format

X A combination of the above which will be determined once a cost is explained to me

Governing Statutes and instructions. Under Minnesota Statutes § 13.03, all government data collected, created, received, maintained, or disseminated by a government entity shall be public unless classified by statute, or temporary classification under § 13.06 or federal law, as nonpublic or protected public data or with respect to data on individuals, as private or confidential.

Therefore, for each document you withhold, you are to identify the document as to date and type and give a specific reason for withholding the document and provide the governing statute supporting the withholding of that data. For example, your response for a withheld document should reflect the following at a minimum: private or confidential (see Minnesota Statutes § 13.14, subdivision 3); document type; the subject matter; the document's date; the specific statute and subdivision conferring confidentiality.

General statements, conclusions, or references are unacceptable and challengeable as non-responsive and as avoiding possible judicial review to determine proper labeling as nonpublic data. If summary data has been collected as contemplated under Minnesota Statutes § 13.05, subdivision 7, you are to include the summary data with any specific or general request for documents regardless of if the request is made.

Finally, if **Steele County Personnel** disseminated to other agencies, public or private, any data specifically approved by a department official as “necessary to public health, safety, or welfare” as contemplated under Minnesota Statutes §13.05, subdivision 4(a). You are to disclose the agency (or other entity) if such an event or events occurred, the date of the disclosure, and the reason for the disclosure. If there has been no disclosure, you are to admit “no disclosure” accordingly.

General understandings for the document requests. If, for any reason, you do not understand a document request, you are to immediately contact me for clarification in writing. If you are giving any word in the request a meaning other than its ordinary customary dictionary meaning, identify the word and provide your own definition.

If you provide your own definition, however, this does not eviscerate your obligation to complete the request and to provide the document(s). Intentional avoidance of responding or disclosure of data relevant or relating to the request by failing to clarify the demand voluntarily, or to give words meanings contrary to customary usage will be deemed as non-responsive and subject to judicial proceedings.

All documents provided are to be compiled in the categories of the requests made whenever possible. If one document fulfills more than one request, then only one copy of the complete document need be provided. Unnecessary duplication is wasteful. But if you are not sure of its previous disclosure, then include it again to ensure the request is fulfilled.

Furthermore, if a document has or references attachments, the attachments must be included. Attachments are considered part of the whole regardless of if referenced in the body of the

DATE: 7/1/25

TO: Steele County Administration

DUE: 7/14/25

RE: Steele County: County Roadway Safety Plan, August 2012

primary document responsive to the request. Finally, if you have no document responsive to a request made, you are to specifically state “no documents found” and identify that request.

Abbreviations. “You” or “your” refers to any person associated with **STEELE COUNTY** in any way, directly or indirectly.

“Official” refers to any administrator or board or council member acting on behalf of or for **STEELE COUNTY**

“Employee” refers to any employee, consultant, or other individual engaged by **STEELE COUNTY**

Definitions:

“Documents.” References in the requests for “documents” or “document” is meant to be all-inclusive. I can list in two pages of double-spaced type what “document” refers to but this should not be necessary in data practices act request. Therefore, **objections made or non-disclosure of documents because the request did not specifically say “report,” “letter,” or “e-mail communication” is not acceptable** and will be subject to judicial proceedings if an objection is made or a relevant document is not disclosed.

Penalties and CIVIL Damages

13.08 CIVIL REMEDIES. Subdivision 1. Action for damages.

Notwithstanding section 466.03, a responsible authority or government entity which violates any provision of this chapter is liable to a person or representative of a decedent who suffers any damage as a result of the violation, and the person damaged or a representative in the case of private data on decedents or confidential data on decedents may bring an action against the responsible authority or government entity to cover any damages sustained, plus costs and reasonable attorney fees. In the case of a willful violation, the government entity shall, in addition, be **liable to exemplary damages of not less than \$1,000, nor more than \$15,000 for each violation.** The state is deemed to have waived any immunity to a cause of action brought under this chapter.

Subd. 2. Injunction.

A responsible authority or government entity which violates or proposes to violate this chapter may be enjoined by the district court. The court may make any order or judgment as may be necessary to prevent the use or employment by any person of any practices which violate this chapter.

Subd. 3. Venue. An action filed pursuant to this section may be commenced in the county in which the individual alleging damage or seeking relief resides, or in the county wherein the political subdivision exists, or, in the case of the state, any county.

Subd. 4. Action to compel compliance. (a) Actions to compel compliance may be brought either under this subdivision or section 13.085. For actions under this subdivision, in addition to the remedies provided in subdivisions 1 to 3 or any other law, any aggrieved person seeking to enforce the person's rights under this chapter or obtain access to data may bring an action in district court to compel compliance with this chapter and may recover costs and disbursements, including reasonable attorney's fees, as determined by the court. If the court determines that an action brought under this subdivision is frivolous and without merit and a basis in fact, it may award reasonable costs and attorney fees to the responsible authority. **If the court issues an order to compel compliance under this subdivision, the court may impose a civil penalty of up to \$1,000 against the government entity. This penalty is payable to the state general fund and is in addition to damages under subdivision 1.**

The matter shall be heard as soon as possible. In an action involving a request for government data under section 13.03 or 13.04, the court may inspect in camera the government data in dispute but shall

DATE: 7/1/25

TO: Steele County Administration

DUE: 7/14/25

RE: Steele County: County Roadway Safety Plan, August 2012

conduct its hearing in public and in a manner that protects the security of data classified as not public. If the court issues an order to compel compliance under this subdivision, the court shall forward a copy of the order to the commissioner of administration. (b) In determining whether to assess a civil penalty under this subdivision, the court or other tribunal shall consider whether the government entity has substantially complied with general data practices under this chapter, including but not limited to, whether the government entity has:

- (1) designated a responsible authority under section 13.02, subdivision 16;
- (2) designated a data practices compliance official under section 13.05, subdivision 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 section 13.025, subdivision 1;
- (4) developed public access procedures under section 13.03, subdivision 2; procedures to guarantee the rights of data subjects under section 13.025, subdivision 3; and procedures to ensure that data on individuals are accurate and complete and to safeguard the data's security under section 13.05, subdivision 5;
- (5) acted in conformity with an opinion issued under section 13.072 that was sought by a government entity or another person; or Official Publication of the State of Minnesota Revisor of Statutes 1 MINNESOTA STATUTES 2021 13.08
- (6) provided ongoing training to government entity personnel who respond to requests under this chapter.

(c) The court

shall award reasonable attorney fees to a prevailing plaintiff who has brought an action under this subdivision if the government entity that is the defendant in the action was also the subject of a written opinion issued under section 13.072 and the court finds that the opinion is directly related to the cause of action being litigated and that the government entity did not act in conformity with the opinion.

Subd. 5. Immunity from liability. A government entity or person that releases not public data pursuant to an order under section 13.03, subdivision 6, is immune from civil and criminal liability.

Subd. 6. Immunity from liability; personnel settlement. No cause of action may arise as a result of the release of data contained in a termination or personnel settlement agreement if the data were not public data as defined in section 13.02, at the time the agreement was executed but become public data under a law enacted after execution.

15.17 OFFICIAL RECORDS.

Subdivision 1. **Must be kept.**

All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," **shall** make and preserve **all records** necessary to a full and accurate knowledge of their official activities. Government records may be produced in the form of computerized records. All government records shall be made on a physical medium of a quality to insure permanent records. **Every public officer is empowered to reproduce** records if the records are not deemed to be of permanent or archival value by the commissioner of administration and the records disposition panel under section [138.17](#). **The public officer is empowered to reproduce these records** by any photographic, photostatic, microphotographic, optical disk imaging system, microfilming, or other reproduction method that clearly and accurately reproduces the records. Each public officer may order that those photographs, photostats, microphotographs, microfilms, optical images, or other reproductions, be substituted for the originals of them. The public officer may direct the destruction or sale for salvage or other disposition of the originals from which they were made, *in accordance with the disposition requirements of section [138.17](#).*

DATE: 7/1/25

TO: Steele County Administration

DUE: 7/14/25

RE: Steele County: County Roadway Safety Plan, August 2012

Photographs, photostats, microphotographs, microfilms, optical images, or other reproductions are for all purposes deemed the original recording of the papers, books, documents, and records reproduced when so ordered by any public officer and are admissible as evidence in all courts and proceedings of every kind. A facsimile or exemplified or certified copy of a photograph, photostat, microphotograph, microfilm, optical image, or other reproduction, or an enlargement or reduction of it, has the same effect and weight as evidence as would a certified or exemplified copy of the original.

Subd. 2. Responsibility for records.

The chief administrative officer of each public agency shall be responsible for the preservation and care of the agency's government records, which shall include written or printed books, papers, letters, contracts, documents, maps, plans, computer-based data, and other records made or received pursuant to law or in connection with the transaction of public business. It shall be the duty of each agency, and of its chief administrative officer, to carefully protect and preserve government records from deterioration, mutilation, loss, or destruction. Records or record books may be repaired, renovated, or rebound when necessary to preserve them properly.

Subd. 3. Delivery to successor.

Every legal custodian of government records, at the expiration of that official's term of office or authority, or on the official's death a legal representative, shall deliver to a successor in office all government records in custody; and the successor shall receipt therefor to the predecessor or legal representative and shall file in the office a signed acknowledgment of the delivery. Every public officer shall demand from a predecessor in office, or the predecessor's legal representative, the delivery of all government records belonging to the office.

Subd. 4. Accessible to public.

Access to records containing government data is governed by sections [13.03](#) and [138.17](#).

If you determine that you will redact or withhold any otherwise responsive data, please inform us in writing of the specific statutory basis for your denial.

Should you have any questions or need clarification, please send any and all communication to me at the e mail address of OwatonnaEastSideCorridor@gmail.com

Should written communication be required, I may be reached at the above e mail address.

DATE: 7/1/25
DUE: 7/14/25

TO: Steele County Administration
RE: Steele County: County Roadway Safety Plan, August 2012



Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Data Requests - Safety Plan and High School Traffic Impact

2 messages

Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>

Tue, Jul 1, 2025 at 1:44 AM

To: Robert.Jarrett@steelecountymn.gov, "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>

Dear Steele County Data Practices Compliance Official,

Please find attached two public data requests for studies that are referenced in other available Steele County documentation.

Thank you for your attention to this matter.

Sincerely

East Side Corridor Residents

OwatonnaEastSideCorridor@gmail.com

2 attachments

 **20250701HSTrafficImpactStudy.pdf**
223K

 **20250701SafetyPlan2012.pdf**
225K

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Sat, Jul 5, 2025 at 1:46 PM

To: Owatonna East Side Corridor <owatonnaeastsidecorridor@gmail.com>, "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>

Request received.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

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

Sent: Tuesday, July 1, 2025 1:45 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>

Subject: Data Requests - Safety Plan and High School Traffic Impact

Some people who received this message don't often get email from owatonnaeastsidecorridor@gmail.com. [Learn why this is important](#)

Dear Steele County Data Practices Compliance Official,

Please find attached two public data requests for studies that are referenced in other available Steele County documentation.

Thank you for your attention to this matter.

Sincerely

East Side Corridor Residents

OwatonnaEastSideCorridor@gmail.com

DATA REQUEST FORM – MEMBERS OF THE PUBLIC

Date of the Request: 1/2/24

I am requesting access to data in the following way:

☒ Inspection

☐ Copies

☐ Both inspection and copies

Note: inspection is free, but reproduction costs must be prepaid before you receive the copies.

Contact Information

Name: M [REDACTED] Z [REDACTED]

Address: [REDACTED]

Phone number: [REDACTED] Email address: [REDACTED]

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of the data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information, we will not be able to begin processing your request until you contact us.

Data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form. If you need assistance with technical wording, terminology, or are unsure about the use or meanings of acronyms, please contact the Administration. However, please be advised that the Administration cannot give you legal advice regarding your request.

I am looking for information pertaining to the Eastside Corridor, Eastside Beltline, 29th Avenue, 34th Avenue, 44th Avenue, Corridor, Beltline, Right-of-Ways, East of City Limits, etc. From January 2004 through December of 2006, the timeframe of most interest is between July 2004 and April of 2005. But January 2004 to June 2004 is also of significant interest and potentially out to 2006 - this would be a secondary search. It looks like Steel County board meetings/sessions, (commissioners, work sessions, transportation, and other meetings) minutes, agendas, and packets are public information and should be available. Any other public records that may have addressed these topics during the timeframe.

We will respond to your request as soon as reasonably possible.



Data Request

Sat, Jan 6, 2024 at 12:17 PM

To: "Kubicek, Rebecca" <Rebecca.Kubicek@steelecountymn.gov>

I can come Monday and Tuesday from 8:15-9:45. Which office do I need to go to?

Thanks,
Melissa

On Wed, Jan 3, 2024, 1:17 PM Kubicek, Rebecca <Rebecca.Kubicek@steelecountymn.gov> wrote:

Hello M [REDACTED]

I have received your request.

Please let me know a date and time when you would like to review the minutes on file.

We are open Monday through Friday, 8:00 a.m. to 5:00 p.m. excluding holidays. If you are looking at coming in this month, Steele County offices will be closed on Monday, January 15th.

Look forward to hearing from you.

Thank you,

Rebecca Kubicek

Steele County Executive Assistant

From: [REDACTED]
Sent: Wednesday, January 3, 2024 2:13 AM
To: Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>
Cc: Golberg, Scott <Scott.Golberg@SteeleCountyMN.gov>; [REDACTED]
Subject: Re: Data Request

Hi, here is the data request form. I don't need everything all at once. If we could start with the time frame between July 2004 and April 2005 that would be great. I tried to make note of that in the request.

I'm also not sure if there are other public documents that would also apply to this request. I'm currently only aware of the regular meetings and the agendas, packets, and such documentation, but if there are other public documents of

interest, I'm interested. I can submit another form if I need to for additional documents, as I didn't know about them.

Thanks,

M [REDACTED] Z [REDACTED]

On Fri, Dec 8, 2023, 4:37 PM Kubicek, Rebecca <Rebecca.Kubicek@steelecountymn.gov> wrote:

Hello M [REDACTED]

Great questions.

Where are the minutes kept and how can you view them?

- All Board minutes are recorded in the Commissioners Official book which is located at 630 Florence Ave.
- These official books must stay at the county since they are the official record.

If you can be specific in what you are looking for, we can pull the specific data for you.

If you would like to review the data yourself, you can certainly do so. Upon receiving a request for data, we can set up a time during office hours for you to come in and review.

After reviewing the pages if you would like copies, just let us know which pages and we can make copies for you.

Cost per photo copied page is located below

If you would like all the minutes from that time period 2004-2005 scanned and emailed to you, the cost to scan and email is also noted below.

If you have additional questions, please feel free to call or stop in.

Thank you,

Rebecca Kubicek

Steele County Executive Assistant

From: [REDACTED]
Sent: Friday, December 8, 2023 3:23 PM
To: Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>
Cc: Golberg, Scott <Scott.Golberg@SteeleCountyMN.gov>; [REDACTED]
Subject: Re: Data Request

Hi Rebecca,

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

How do I go about viewing data? Do I have to go somewhere to do that or would they be emailed to me or available electronically.

I am looking for the Steele County Commissioners meeting minutes from 2004 -2005. I likely do not need all of these, but couldn't tell you which ones I do need until I read them, if that makes sense. I do believe meeting minutes are public information.

Does it also cost something to just have records emailed to me rather than on paper form?

I'll gladly fill out the form, I just needed a little more clarification to make sure I'm filling it out correctly to save us both time and effort.

Thanks for your help.

Thank you,

M [REDACTED] Z [REDACTED]

On Fri, Dec 8, 2023, 11:45 AM Kubicek, Rebecca <Rebecca.Kubicek@steelecountymn.gov> wrote:

Hello M [REDACTED]

Scott asked that I follow up with you regarding your request for public data.

When requesting public data, we ask that the attached form be completed and returned to us. This ensures we have an understanding of what you are asking for.

There are three ways to receive data:

You can look at data, or request copies of data that this government entity keeps as long as it is public information, or both. This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). You must pay for the copies before we will give them to you. For 100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

When a charge is not set by statute or rule, the cost is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

I look forward to receiving the data request from you soon.

Thank you

Rebecca Kubicek

Steele County Executive Assistant

Steele County • 630 Florence Avenue • Owatonna, MN 55060

Phone: 507-444-7432 • Fax: 507-444-7470

Rebecca.Kubicek@co.steele.mn.us

Driven to deliver quality services in a respectful and fiscally responsible way.

The content of this e-mail (including any attachments) is strictly confidential. If you are not, or believe you may not be, the intended recipient, please advise the sender immediately by return e-mail, delete this e-mail and destroy any copies.

Rebecca- Please send a public data request form to Melissa. Thank you.

Scott

Get [Outlook for iOS](#)

From: [REDACTED]
Sent: Friday, December 8, 2023 2:48 AM
To: Golberg, Scott
Cc: [REDACTED]
Subject: County Commissioners Meeting Minutes

Hi Scott,

I was wondering if you could help me find the county Commissioners meeting minutes from 2004-2005? I looked online but those only seem to go back 2 years. Are previous minutes archived somewhere I can look them up?

Thanks,

M [REDACTED] Z [REDACTED]



Data Request

Fri, Jan 10, 2025 at 7:49 PM

To: [REDACTED]

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

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

Date: Fri, Jan 10, 2025, 10:33 AM

Subject: RE: Data Request

To: [REDACTED]

Cc: Fry, Renae <Renae.Fry@steelecountymn.gov>

Mr. S [REDACTED]

You can certainly receive copies of any documents you desire, however, any copies must follow the county's policy/schedule and be paid for. **A copy includes a photograph.** Here is the 2025 county fee schedule: <https://cms2.revize.com/revize/steelecountynew/Administration/fee%20schedules/2025%20Fee%20Schedule.pdf>

Under Minnesota law, a member of the public has the right to inspect public government data at reasonable times without being charged a fee. *Scheffler v. City of Anoka*, 890 N.W.2d 437 (2017). The term inspection includes **visual** inspection of paper and similar types of government data. Minn. Stat. § 13.02. The responsible authority (here the county) can charge for copies or electronic transmittal of data. See *Demers v. City of Minneapolis*, 468 N.W.2d 71 (1991).

The Department of Administration Advisory Opinions you referenced do not support your position.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Thursday, January 9, 2025 10:56 PM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Subject: Re: Data Request

Robert,

I plan to keep my appoint to visually inspect the aforementioned documentation, however I find your outright refusal of me to take photographs of public data curiously adversarial. This might be a misread on my part, and if so, I apologize.

That said , I see no basis for me being strictly limited to inspection without copying any data I see fit to share with our organization by using my own cell phone camera. My request for access to and inspection of records seems pretty clear in that I am not requesting you or county staff to make or send copies of data records. I can take this on myself and at my own expense by coming in person.

I am sure it's just a misunderstanding and you didn't mean to offend or be punitive towards our group's desire to learn more about the road project through public records. I think we have been very transparent, patient and cooperative in the process of requesting access to these records.

Please consider this communication as a formal request to take a photo of any public information I take an interest in on behalf of our organization that wishes to learn more about the public road project. For your convenience I will include 2 advisory opinions I believe help justify my request:

AO [02-036](#), AO [04-059](#).

Thank you in advance for your consideration in this matter.

M [REDACTED] S [REDACTED]

On Tue, Jan 7, 2025, 8:51 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

They will be imported to an electronic pdf file to view on a computer that is not connected to our network or internet.

You are unable to make copies yourself or photograph the documents as you requested inspection/view only.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Monday, January 6, 2025 6:39 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Data Request

Are these emails on paper or electronically? If electronically, does the computer have internet access?

Thanks,

M [REDACTED]

On Mon, Jan 6, 2025, 12:31 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

From: Moxley-Goldsmith, Taya (ADM) <taya.moxley-goldsmith@state.mn.us>
Sent: Friday, January 17, 2025 9:07 AM
To: [REDACTED]
Subject: RE: costs to inspect and take photos

Good morning,
I think we are back to our initial discussion about remedies and enforcement.

There is the [Office of Administrative Hearings complaint process](#) or a district court case to compel compliance (or damages if you can argue the violation has damaged you).

The Commissioner here has authority to issue non-binding [advisory opinions](#). As you have seen, they are non-binding, so entities do not have to follow them. Her authority to accept opinions is permissive, meaning she doesn't accept all of them. If you are interested in requesting an opinion, please review the link above and let me know if you have any questions. An opinion can take up to 50 days to be issued.

Please let me know if you have questions.
Taya

From: [REDACTED]
Sent: Wednesday, January 15, 2025 10:25 AM
To: Moxley-Goldsmith, Taya (ADM) <taya.moxley-goldsmith@state.mn.us>
Subject: Re: costs to inspect and take photos

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.

Thank you Taya,

The attorney is making it exceedingly difficult for us to review public records. He also said he does not agree with your advisory opinions and continues to refuse to let us take photographs of the documentation.

We were turned away yesterday even with providing the requested advance notice because the attorney said he was going into a training session (last minute) and couldn't be present. Then later that day, he emailed to say the files would not be available the rest of the day because they could not get them onto a laptop for us to use. Today my colleague went in again to review files and they have done a mass data dump of information into an unusable format on the laptop. Meaning, there is no discernible way to sort through the data now as it is not organized by date or any other way that makes sense.

They obviously do not want us reviewing these files. What might be our next step to get the information we need?

Thank you so much for your help.

M [REDACTED] S [REDACTED]

On Mon, Jan 13, 2025, 8:28 AM Moxley-Goldsmith, Taya (ADM) <taya.moxley-goldsmith@state.mn.us> wrote:

Mr. Jarrett,

I am following up on an email exchange that I had with Mr. Sennott. One of the advisory opinions I sent to him was incorrect. The relevant opinions that apply to copy costs and inspection are [01-086](#) and [04-049](#).

Section 13.03, subd. 3(a) says, “Upon request to a responsible authority or designee, a person shall be permitted to inspect and copy public government data at reasonable times and place.” That is, the *requester* shall be permitted to inspect and copy public government data. Two separate paragraphs later in the subdivision, 3(c) and 3(e), provide that the responsible authority shall provide copies *upon request* and sets the cost structure for an entity providing those copies.

Thus, long-standing position of the Commissioner is that a requester taking photographs (or making their own copies) of public data is not a request for the entity to provide copies, part of facilitating inspection, and charges are not allowed.

I don’t think *Scheffler* or *Demers* speak directly to the issue of requesters making their own copies or taking photos. (The former is about who a request must go to in order for Ch. 13 rights to attach and the latter specifically held, “If copies of the data are requested, only the actual cost of retrieving, compiling and copying the data may be charged.”)

Of course, advisory opinions are non-binding. An entity that follows them has some immunity if challenged in court. (See [sec.13.072, subd. 2.](#))

Please let me know if you have any questions for this office.

Taya Moxley-Goldsmith (she/her/hers)

Director | Data Practices Office

[50 Sherburne Ave](#), Admin Building Suite 200 | Saint Paul, MN 55155 | (651) 201-2502

taya.moxley-goldsmith@state.mn.us | <https://mn.gov/admin/data-practices/>



From: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Sent: Thursday, February 27, 2025 8:11 AM
To: [REDACTED] Fry, Renae; [REDACTED]
Subject: RE: Initial data set ready for review

We can view the 50 page as a specific separate request, even though it would have fallen within the original request.

The overall cost to go above 100 will be the actual costs to gather the data – and I don't have a concrete number on that. It would be calculated at the lowest hourly rate of a employee able to complete that request.

M[REDACTED], I appreciate your comments at the last board meeting. There will be opportunities at upcoming open house sessions etc., to further engage with staff and the decision points moving forward. Unfortunately, given the past issues of confronting staff and making demands – we are left in this position to have you both only come to Renea and me. The county isn't trying to impede anything you are advocating for, but I am ensuring that we comply with what is being requested and it fits within the bounds of the law.

Robert J. Jarrett
 Steele County Attorney
 Direct: 507-444-7786

From: [REDACTED]
Sent: Tuesday, February 25, 2025 11:10 AM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; [REDACTED]
Subject: Fwd: Initial data set ready for review

Hello Robert,

Attached is the email chain regarding the data request I was instructed to submit to obtain access to the ESC project proposals. I've also included the original data request form and my email to Rebecca placing the request on January 13, 2025.

A few key points to note:

- I did not specify whether I wanted the data for inspection or copies—I simply asked for the cost of electronic transmittal. Rather than being informed it was available for inspection, I was told I owed \$12.50.
- At the time of this request, I was actively being denied access to inspect data in Matt's request.
- This data was not included in the larger data request when I was granted access on January 15, 2025. Is it now included in Matt's data request?

- This is the only project where the data is not attached to the agenda, raising concerns about how commissioners were able to make an informed decision without access to the information. Since all other projects include this data, it should be publicly accessible—yet I was required to submit a formal request to obtain it.

Since this was a separate data request that was fulfilled, it cannot not be counted as part of the current request. The suggestion that it would be is ethically concerning. Based on your statement that we were at 73 pages—and knowing that this fulfilled request accounted for 50 of those pages—does that mean we are actually at 23 pages for this data request? Or are you suggesting that any data requests with similar subjects should be combined, ultimately benefiting the county inequitably rather than ensuring transparency?

Best,
M [REDACTED]

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

From: [REDACTED]
Date: Sun, Feb 23, 2025 at 2:31 PM
Subject: Fwd: Initial data set ready for review
To: [REDACTED]

I believe this was a separate day to request, correct?

Matt

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

From: **Jarrett, Robert** <Robert.Jarrett@steelecountymn.gov>
Date: Fri, Feb 21, 2025, 3:48 PM
Subject: RE: Initial data set ready for review
To: [REDACTED]

L [REDACTED] had a \$12.50 (50 page) that was being counted in the documents request.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Friday, February 21, 2025 3:06 PM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Subject: Re: Initial data set ready for review

I'm going to try to stop by again this afternoon to settle up on the \$10.25 I owe. L [REDACTED] has already paid the \$2.50 she owed. At \$.25 a page, how does this equate to 73 pages?

M [REDACTED]

On Fri, Feb 14, 2025, 10:57 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Round 2 is ready for you review at the county attorney's office. It contains 763 items related to east side corridor and WSB communications, totaling 3.4 GB of data.

It will be on the jump drive in a folder labelled round 2.

There remain 638 items to be reviewed in the refined request of 'east side corridor and WSB communication.' I do not have a timeline on when I can work on this further.

IT has not ran the second refined request of communications with commissioner emails and east side corridor.

At this time, this data request has totaled 73 page copies. At over 100 pages, you will be required to pay the actual cost to search/retrieve/copy.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Monday, February 10, 2025 3:28 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Initial data set ready for review

Hi Robert,

Checking in for an update. Could you please let us know when the next set of data will be ready for review? As we've requested data reviews on a rolling production schedule we were expecting that we would have new material to review over this past many weeks. Please get back with us as soon as possible. Thank you.

M [REDACTED] S [REDACTED]

On Tue, Feb 4, 2025, 11:27 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Received.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Sunday, February 2, 2025 8:59 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Initial data set ready for review

Robert,

In the interest of time and efforts on behalf of your staff, we request priority be given to electronic communications vs. the paper files referenced.

After the last of Paul's emails are finished (we seem to be missing quite a few as we look at the chronological layout of the communications) being compiled for review, we request priority then be given to communications between and with the commissioners.

Thanks,

M [REDACTED] S [REDACTED]

On Tue, Jan 21, 2025, 3:19 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

I do not have an updated timeline right now. I suspect we'll get the next batch (thousand or so) done in the coming month.

Then we would start with the overall request if that remains.

We have not reviewed any physical documents yet, but sounds like there are many boxes worth.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Monday, January 20, 2025 5:27 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Initial data set ready for review

Hi Robert,

I will plan on coming in tomorrow around 3:00 p.m. to review files.

I also appreciate the update on the progress of pulling the files together we prioritized for brevity. Would you please give me an estimate of how much additional time is needed to fulfill the rest of our data request?

Thanks,

M [REDACTED] S [REDACTED]

On Fri, Jan 17, 2025, 10:45 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Re: East Side Corridor Data Request (view only)

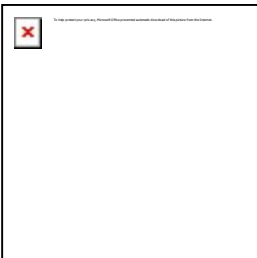
This is our first significant data request using Microsoft's updated Purview software. I now have an initial data set for your review.

There is 4.3 GB of data and 2,049 items in the folder. The prior folder you reviewed was just "page 1" of the data set.

There remain approximately 1100 items to be reviewed by staff in your narrowed-down request of items related to "WSB Communications". I will let you know when those are ready, unknown time frame.

We are closed Jan 20.

I will be out of the office Jan 22-31. If you want to review data during Jan 22-31, our Legal Administrative Assistant Julia is aware and can help you at the county attorney's office front desk when we are open.



Robert J. Jarrett

County Attorney

Steele County Attorney's Office

[303 S. Cedar Avenue](#)

[Owatonna, MN 55060](#)

Tel: 507-444-7780

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Initial data set ready for review

Fri, Feb 14, 2025 at 11:05 AM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: [REDACTED] "Fry, Renae" <Renae.Fry@steelecountymn.gov>

What would the actual cost be?

Thanks,

M [REDACTED]

[Quoted text hidden]

https://www.southernminn.com/owatonna_peoples_press/news/corridor-conflict-north-country-group-calls-foul-on-communication-transparency-following-data-request/article_14beb420-f86g-11ef-g720-3f7d3e0f043c.html

SPOTLIGHT

CORRIDOR CONFLICT: North Country group calls foul on communication, transparency following data request

By ANNIE HARMAN annie.harman@apgsomn.com

Mar 3, 2025

*E*ditor's note: This is part two of a three-part series on updates on the east side corridor project. This part takes a look at the communication between the North Country group and the local government. Look in Wednesday's edition for an analysis on the studies and information available surrounding the project, and on Owatonna.com for the first part regarding a petition presented by residents known as the North Country group. Communication — or lack thereof — has been a key point in public comments at meetings of the Steele County Board of Commissioners and Owatonna City Council for more than two years, as a group of neighbors continue to advocate against the location of an upcoming road project.

The residents reside in an area known as the North Country development, and since late 2022, they have been raising their voices filled with concern regarding the project commonly referred to as the east side corridor.



Drone view above Kenyon Road (what is proposed to be the north limit of the East Side Corridor) looking southwest to Owatonna. In the photo, 26th Street starts on the left side of the photo (the gravel road), joins Kenyon Rd, and continues to the right towards and past the water tower. (Photo courtesy of WSB)

Detailed in the 2023-37 Highway Capital Improvement Plan, the east side corridor project is set to construct a north-south roadway from near the intersection of Bixby Road and 18th Street SE to Kenyon Road, with an extension of 26th Street NE. The preferred route for this project, which has been in the works for 30 years, was selected in October 2024, earmarking 29th Avenue as the destination for the roadway that is scheduled for construction to begin in 2026.

The North Country group, however, made up of some but not all of the residents residing on Mossy Creek Drive, Fox Hollow Lane, Countryview Avenue and Stony Creek Drive, have spent the past few years being vocal about the negative impact building the corridor on 29th would be for their neighborhoods. They have shared concerns with the local government bodies over noise, safety and aesthetics if the road were to be built on the preferred route identified by WSB, the company contracted to help design and evaluate possible routes for the projects.

Instead, this particular group of residents would like to see the project pushed out to 34th Avenue, and recently presented to both local governing bodies with a petition that contains 580 signatures from locals and people around the country who are in favor of the 34th location. And while Minnesota is not a state where petitions carry much weight outside of recalling elected officials, the group feels it shows support for the county and city to embark on more communication with their group to fully explore the option — despite WSB already studying all potential routes and the Federal Highway Administration confirming the 29th Avenue is the preferred option for the roadway.



Since the beginning of the North Country group attending the local government meetings, they have continually called for better communication and transparency, with multiple public comments from the residents involved making statements that they haven't been listened to and asking for them to all “finally” work together. While they will take moments to thank the elected officials for their work on the project, they have made it clear they feel the communication level has not been enough, and question why that is the case.

The Federal Highway Administration has confirmed Alternative 3, also known as 29th Avenue, as the preferred option for the new roadway known as the East Side Corridor. The project will create a north-south roadway from near the intersection of Bixby Road and 18th Street SE to Kenyon Road, with an extension of 26th Street NE. (Image courtesy of Steele County)

Data request

In October, a data request was submitted to the county by M■■ S■■■■ a Stony Creek resident and one of the more vocal members of the North Country group over the years, requesting documents related to the east side corridor. According to Steele County Administrator Renae Fry, the request would have resulted in “thousands” of documents, and due to the documents not being personal to Sennott, the county is allowed a “reasonable” amount of time to respond.

“When told the request would take months to fulfill, M■■ refined his request to begin with emails by and between the county and our county consulting engineering firm, WSB,” Fry said. “The initial search produced over 7,000 documents. We were able to eliminate duplicate documents, which brought the total down to over 3,000 documents.”

With each document needing to be reviewed for private and/or non-public data, Fry said a team of county employees have been working through them and releasing them to Sennott as they are becoming available, also updating the Minnesota Office of Administration on the progress.

Fry said there are a total of six county employees working on the document retrieval and review, and she estimates it has cost roughly \$30,000 in labor costs alone. She is not sure, however, how to value lost productivity as other county tasks have to be shuffled around to make time for the request.

According to S■■■■ and M■■■■ Z■■■■, another ■■■■■ resident and vocal member of the North Country group since the beginning, they have inquired about the total cost of the data request “should we choose to pay for it.” They say that question has not been answered from the county, and furthermore have “not seen a single redacted email — suggesting that no redactions have even been necessary.”

"We are also deeply concerned about the time spent removing duplicates when, per public data regulations, the only content that should be redacted is non-public data, which is minimal in this case," the duo told the *People's Press*. "This raises serious concerns about the integrity of the data we are receiving and whether public data regulations are being properly followed."

Fry states Zimmerman has specifically requested to view the same documents being made available to Sennott per his data request, as well as "several requests that are beyond our obligation to respond to."

"We have supplemented our responses with other documents beyond just the emails, but we still have boxes of documents that still need to be reviewed in response to the data request," Fry said. "County staff have devoted a significant amount of time responding to the request and these are hours above and beyond our daily duties and continue to devote time to the request as we are able."

Because of the massive amount of documents tied to the data request, the Steele County Attorney's Office has taken the lead in communication with the North Country group surrounding the request, in coordination with Fry. Steele County Attorney Robert Jarrett said this is simply a way to "funnel communication," specifically because there are many things taking place on the county level that the public resources need to be directed to outside of the one request from the group.

Open meetings

Going through the documents made available to Sennott per the data request, something stood out that caused pause. According to Sennott, it appears a group known as the Joint Transportation Committee has been meeting regularly to discuss the east side corridor project. During the Feb. 11 meeting of the Steele County Board of Commissioners, Sennott said this group "appears to violate open meeting laws

since at least 2022." He said they first questioned the meetings they learned about through the data request documents in January, adding they were told to direct all questions to Jarrett moving forward.

"The public has a right to attend these meetings and access the meeting minutes without having to go through an attorney," Sennott said, noting they were told minutes from these meetings do not exist. When asked by the *People's Press* about his claim that the committee violated open meeting law, Sennott said he feels the North Country group has "more than enough evidence" of a violation.

"We see our statements not as claims, but as a sharing of information and observations. Based on what we reviewed, it appears there may be a potential violation of Minnesota's Open Meeting Law (Minn. Stat. § 13D.01, Subd. 1)," Sennott said. "None of the exceptions outlined in the law seemed to apply to these meetings."

Colin Whalen, a resident of Briarwood Place, made similar claims on Feb. 18 at the Owatonna City Council meeting.

"Thanks to recent truths that have come to light, we are seeing a clearer picture of non-transparency, forming a Joint Transportation Committee to hold secret, non-public meetings about the project in violation of Minnesota's open meeting law," Whalen said.

However, Jarrett and Fry both say Sennott and Whalin are incorrect about the supposed violation, as the Joint Transportation Committee they are referring to is not an official decision making body for either the county or city.

"They are referring to a discussion group that was formed over 10 years ago related to transportation projects of mutual interest between the city of Owatonna and Steele County," Fry said. "The group meets sporadically, and its purpose is solely information sharing. It is not a formal 'committee' of the city or county ... It is not 'meeting' that is

subject to the open meeting rules because it is not a formal body of the City Council or the County Board, no quorum is present, the meetings are not regular or scheduled in advance and no decisions are made."

Jarrett confirmed Fry's statements, noting he takes open meeting violations "very seriously" as a passion of his in government work.

"I do not have any concerns with the county commissioners as far as open meetings," Jarrett said. "We have good policies and practices in places to ensure public decisions are made publicly. Open meeting laws apply to a specific public body, committees such as this do not apply."

While he invites anyone who may have a complaint about open meeting laws, Jarrett suggested they take them to the Department of Administration and Data Practices. He is confident, however, that this area does not apply.

"I am a staunch advocate for open meetings, and no such violation here has occurred," he said.

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Annie Harman

Associate Editor

This conversation occurred after the April 8, 2025 Commissioner Meeting. M█████ Z█████ went to talk to Commissioner Jim Abbe after the meeting. Z█████ was cut off from conversations with Abbe by County Administrator ██████ where she proceeded to yell at Z█████ for the next 25 minutes. Fry's posture was in an aggressive stance leaning forward encroaching on personal space such that Z█████ had to take a step back to create comfortable space. Fry's voice was loud, her tone was sharp, and wouldn't let others have a word edgewise. M█████ S█████ and R█████ Z█████ joined the conversation after hearing Fry's yelling from the lobby, outside the board room. G█████ J█████ was also present talking to County Engineer Paul Sponholz. Furthermore, 2 of Z█████ were present from the board meeting. It was a hostile environment that felt very intimidating.

Z█████: Thank you for asking the questions tonight. I wasn't trying to single you out in the comments either. I was just trying to say you weren't aware.

ABBE: I didn't take it that way. I wasn't. If I'm not on that committee I'm not aware until it makes it to our packet.

Z█████: Right. Commissioner Brady had just said we weren't addressing one commissioner.

ABBE: I heard that and I knew you weren't. That's ok. It was accurate. I said that, so that's fine.

Z█████: Right, and not that you should have known. That was an honest answer.

Z█████: The question of how did we get here. That's a great question. Could we sit down some time and discuss that?

ABBE: What is it going to fix at this point? I just wanted him to tell me, or somebody to tell me, but it's probably not going to fix anything.

Z█████: We've got ideas on how we can work together. I think that's a lot of it, we've been fighting each other.

ABBE: But you've heard me say all along, we should have discussions about mitigations instead of fighting about creating barriers on both sides. I don't know who's doing what, and honestly I don't care. It's going to get built, it's just how are we going to do it so it works for everybody.

Z█████: So we have put in data requests and we are struggling to get any data

ABBE: You do know when you threaten litigation we probably shouldn't talk.

Z█████: Right?

The only person to mention "litigation" was the county Engineer: <https://youtu.be/uL4eX3shZQ>
Never has anyone in our group said "We're going to sue you." (We've tried to avoid legal actions.)

ABBE: Cus I heard that 3 times tonight.

Z [REDACTED]: But at the same time I have put in data requests that I haven't even gotten acknowledgements that they've been submitted.

Assuming he meant the GoFundMe for the DoA investigation was "litigation".

ABBE: You've gotta have that conversation with the county attorney.

Z [REDACTED] He won't speak to me.

ABBE: That's where you've got to go. I'm sorry. But that's where you have to go.

Z [REDACTED] Anyway, aside from that, in the data we have found, there are ideas and solutions that absolutely will work.

ABBE: We'll have those discussions later.

FRY: [Cutting off Zimmerman's conversation and visibly angry.] Yah, but the reality of it is, Rob did respond, the first data request you sent which is we'll get to it when we get done with Matt's so the fact that you have added extra data requests means they just get added to it. We've still gotta get through Matt's and when we get through Matts then we'll get through the rest of them. And you were questioning about redacted documents. We have to look at every.single.document. Before we can release it to the public. Because I can't guarantee that if I looked at the first 2,000 that there isn't one in the next thousand, but you were critical of my team in saying "Oh what's being redacted", that's not the point. The point is I can't the document until we lay eyes on it.

Z [REDACTED]: When was I critical of saying what was redacted, because

FRY: [Interrupting] No, you were critical in saying none of these documents contain private data, why do you have to look at it.

Z [REDACTED]: That's not what I said.

FRY: [Interrupting] Well unfortunately you were quoted in the newspaper as saying that and our point is, I can't release a single document until somebody lays eyes on them.

Owatonna People's Press Article (3/4/2025):

According to Sennott and Melissa Zimmerman, another Stony Creek resident and vocal member of the North Country group since the beginning, they have inquired about the total cost of the data request "should we choose to pay for it." They say that question has not been answered from the county, and furthermore have "not seen a single redacted email — suggesting that no redactions have even been necessary."

"We are also deeply concerned about the time spent removing duplicates when, per public data regulations, the only content that should be redacted is non-public data, which is minimal in this case," the duo told the *People's Press*. "This raises serious concerns about the integrity of the data we are receiving and whether public data regulations are being properly followed."

https://www.southernminn.com/owatonna_peoples_press/news/corridor-conflict-north-country-group-calls-foul-on-communication-transparency-following-data-request/article_14beb420-f869-11ef-9720-3f7d3e0f043c.html

Z██████: We agree with that.

FRY: [Talking Over.] And we're talking 3,000 documents. I spend 40 hours myself going through all of those.

Z██████: We absolutely agree with you going through the public data. What we said was nothing we have received has been redacted.

FRY: [Interrupting] Because there hasn't been redactable info, but we still have to look at it.

Z██████: Right. We agree.

FRY: yah, so the point is I think we're sitting on about 1,000 because **none of us have had the time to do it** and we'll get to it.

Z██████: But I'm not even getting a response to say we have received this. In fact the last one that I have heard from, it was denied.

FRY: Well because it was the one with the questions on it, right?

Z██████: Those were topics, yes.

FRY: **See and if you look at the data practices guide you cannot, it's actually improper form to ask questions.** So Rob was following the state guidance and saying "no these are questions". So if you were. You needed to provide the form which is I want these documents.

Z██████: I did. I used your form.

FRY: [Interrupting] Yup, and so, but the point is that you then resubmitted. But the ques—you kind of gave us that guidance. All that does is you removed the question marks. **Yes we will use it to frame it.** I will talk to Rob to make sure you are getting those acknowledgements, I'm verbally telling you, yes we got them, **but the reality of it is we not even going to be able to start looking at yours until we get through Matt's, because it still comes down to time.**

Z██████: And that's fine, but we should be able to get a response saying "we got your data request".

S██████: We'd just appreciate some collaborating. Not these stages of denying this.

Z██████: Right

S██████: it's the tone. It's the we don't have to answer questions.

Z██████: Right, that's what I got, "We don't have to answer questions so I'm denying it." Now if it was in the wrong format than

FRY: [interrupting] No not the form, no if you read the data practices guide it basically says don't ask questions **because we're not require nor are we allowed really to answer those questions.** The data request is to produce existing documents.

Z██████: right if

FRY: [Interrupting] If it wasn't friendly, my apologies.

S [REDACTED]: You don't have to apologize for his actions.

FRY: But ultimately we'll make sure you're at least given the written acknowledgement that we have it. I can't give you an estimate of time. **It's probably a good 2-3 months out.**

Z [REDACTED]: Ok, that's fine.

FRY: [Interrupting] Because we just don't have the staff to be able to go through that volume. We will get to it as quickly as we can.

S [REDACTED]: The other thing that is going unanswered by the attorney is that we have been more than willing to prioritize and if we can get the data we need in 10 documents, I mean there it is. Right, but there's no back and forth what so ever.

FRY: I'm not too sure how to do that with you to be perfectly candid. You know, you prioritize by saying focus on the emails that reference wsb. That's probably the best we can do b/c we have to write queries. We don't have the luxury to scan and say here's another way to write it.

S [REDACTED]: I can tell you like from and who to and I think that would help out. But he's not willing to cooperate.

Z [REDACTED]: Yah, everything we say is getting shut down.

S [REDACTED]: I'm willing to give you as much information as you need.

FRY: [Interrupting] The last email I got from you is you still want it all, but you gave us the priority of WSB

S [REDACTED]: I don't want to rescind my request b/c I might need all of this request if I don't get the information up front that I'm looking for. But I'm willing to work with you, b/c once I get that then it's like, hey listen, this is done, I don't need you to look anymore.

FRY: Then send me an email tomorrow or whenever, and just say this is what I'm looking for prioritize for this. Prioritize for this. Cus then we can write a query and apply that against it and maybe that can shorten the list a little bit, **but I still have to have people to look at it.** So it's a 2 part process. But if you can send me an email that revamps, you know dials in, maybe based on what you've already seen here's what you're looking for then I can have IT re-run the query. **But I'll be candid with you, I still have to find the team, the staff, to actually lay eyes on it. And that's really tough to do on top of all the full time work everybody else is doing.** But we're trying. We're making it a point. **We've had a couple out for various reasons. One of his assistants is now out on maternity leave. So that whole team is now down a full time person and then some. Plus we have a murder trial. You've probably seen that in the news paper. That's been taking up there team. But so far he's got the team that an look at them faster than any of the rest of us can.**

S [REDACTED]: And the other issue is photographing. He's bucking us on that. I mean it has been one barrier in front of another in front of another. And not from you. You've been very decent to work with. It's this gentlemen here. And that's the problem.

FRY: But I'll tell you, I back him 100% that if you take an image of a document that's a chargeable thing. In other words that's \$0.25 an image. So that practice.

S [REDACTED]: The state has already disagreed on this.

Z [REDACTED]: Yah, that state has rulings on this and

FRY: No. Not rulings. An opinion was once issued. We are not required to follow opinions. He's following the professional opinion or county attorneys. There's a network of county attorneys that talk about how they want to handle these things so that practices are standard. So we're following the state standard of other county attorneys, that if you take a image that's \$0.25/page.

We're concerned they have no intention to follow DoA recommendations. They just lost a public data lawsuit in January for these exact practices.

Z [REDACTED] You see, that was never actually stated to us. We were told absolutely no photographs.

FRY: Then....that I'm sorry, cus I do understand that that was clarified in one of the meetings that you had with Rob. That if you wanted images or to I mean I think he's just making the copies b/c it's easier b/c it's on a computer for him to run the copies. But if you take a photo copy it's just as much an image that requires the collection of a fee. I don't know who was in the office that day or whatever but.

It's not an easy process to print, as they have to swap data around form one computer to another. But more so, charging for a photo is charging for public data – copies are paying for government supplies like paper and ink. Public data is FREE. Minn Statute: 13.03

Z [REDACTED] And the state has said if you use your own equipment to copy anything than

FRY: [Interrupting] That was an opinion an advisory opinion. We are not obligated to follow it. That was just a recommendation. Again he is following the guidance that's given across all of the county attorneys b/c we are looking to standardize our practice. There's a team, obviously we've already been in touch with them so if you ever have any questions or concerns out of the office of administration. You can always follow up with them and they will reach out to me. And so we're happy to follow that.

The DoA reached out to Steele County on Jan 13, 2025 back residents up that photo are free. County Attorney's response was "I disagree".

S [REDACTED]: Well, you all didn't. B/c we did reach out to them.

Z [REDACTED] And they reach back out.

S [REDACTED] And you all didn't follow what they said.

FRY: [Interrupting] But again, it's not that. They provided an opinion and we're not obligated to follow it. So Steele County practice is to charge \$0.25 a page however you take an image. Whether you take it on your phone or whether we produce the copy. And that is our practice across the board. You're not excluded or treated differently.

Z [REDACTED] So in that case, when I had other data requests, and I came in for them, why was I told "And you can go ahead and take all the photographs you want. We highly encourage it. Go ahead and take them all."

FRY: Than I have no idea who you spoke with. I don't know who that was.

S [REDACTED]: No that was something of other documents that weren't related to this project. So when we see this

FRY: Was it the minute books?

Z [REDACTED]: Yes.

FRY: Cus the minute books you should have been charged \$0.25 per page for those as well.

Z [REDACTED]: And I was highly encouraged to take photographs of them.

S [REDACTED]: And we see that as because we're being penalized because it's related to this project.

FRY: [Interrupting] Again I, don't know who you were working with on that one. So you got a freebee. Run with it. That won't happen again, unfortunately.

ABBE: What did you say about being penalized?

SENNOTT: Because the documents were unrelated to the ESC, she was able to take

FRY: No, that was a miscue with my staff. She got a freebee. She should have paid \$0.25/page.

S [REDACTED]: The reason we see it the way we see it until now, what you're telling us, this was punitive b/c this is related to ESC now we owe \$0.25 and actually it wasn't even we can take photos. I've got it in writing it was absolutely no photos.

FRY: Since it is his team managing that computer, I'll give him some deference on that.

S [REDACTED]: Understood. That's why we're following up with the state. I'm not taking this against you.

FRY: No, No. They're there for a reason.

S [REDACTED]: The state is there for a reason. The Advisory

FRY: [Talking over] Use them. Yup, they mediate, they facilitate.

SE [REDACTED]: You said no photos what so ever. The state disagreed through the advisory. And so that's why we're perusing

FRY: [Interrupting] Let's be clear, that's not the state disagreeing. That was an opinion that was generated and we're not obligated to follow it. So don't make this that the state of Minnesota has told us something

S [REDACTED]: So you're saying we cannot take photos what so ever. That's what he said.

FRY: [Interrupting] My practice is. Ok, I'm not going to step into whatever guidance he is giving his staff. If you are walking away with that image, I don't want to get in the middle of a contest as to whether it's on your phone or you walk away with paper. We're charging you for that image.

S [REDACTED]: Again, it's not you, it's him. And he's said no photographs allowed what so ever.

FRY: [Talking over] But if his staff is wanting to manage the number of pages that you guys are walking out with, I can see his point. I really can. I'll give him that professional courtesy.

S [REDACTED]: I don't think you can do that, and that's why we're taking that up with the state.

FRY: Absolutely, yup.

S [REDACTED]: And understand too, that we are not litigating

FRY: No, no no.

S [REDACTED]: the project. That was was stated in stated in the meeting minutes or agenda.

Z [REDACTED]: Yah

FRY: Well it's been implied a few times.

Z [REDACTED]: Not from us.

S [REDACTED]: I don't know where that's coming from.

FRY: I don't know if it's the papers or whatever, but there have been "we're going to sue you"

ABBE: Wasn't that stated in public comment tonight? Like 3 or 4 times.

FRY: We've been told several times "we're going to sue you", "we're gonna sue you".

Z [REDACTED]: No. What we said was we were perusing state assistance for the data practices.

ABBE: Tonight? In public comment?

Z [REDACTED]: Yup.

S [REDACTED]: Yes. Yah.

FRY: And that process

Z [REDACTED]: And that's what's been twisted into

S [REDACTED]: And that's the state process. It's not us getting an attorney and saying this. Now, will there be legal implications if federal funding is pulled and Paul tries not to follow noise and safety mitigations to the same degree if federal funding was there. Yes, I mean maybe. That's on the table then at that point because that changed the whole game. But today, we are not litigating against the project, yet that was what was in the county agenda.

FRY: I think it was your go fund me. There was reference to a lawsuit. I don't know that it was abundantly clear that you were gather money to file a data request action. Again that may be where we got it.

<https://www.gofundme.com/f/steelecountyfamilies>

Steele County and the City of Owatonna are planning a \$30M+ highway project called the East Side Corridor (ESC) that will run dangerously close to our homes—some within just 17 feet of the right-of-way. Many families with young children live in these neighborhoods, yet many city and county leaders refuse to engage with the community in good faith.

Despite our legal right to access public records under Minnesota's Chapter 13 Data Practices Act, release of all data by the county and city is being delayed, blocked, and denied. It has been months since we requested this data (October 2024 for county and January 2025 for city).

County and city meetings have been held behind closed doors, with no public documentation.

Citizens have been denied access to public data, and even when available, they are not allowed to photograph it—despite state and local precedent.
What are they hiding?

Our message to local officials:

"Government should work for the people, not against them. We have followed the law. We have asked for transparency. Instead, we have faced roadblocks, secrecy, and silence. We will not stop until the truth is revealed."

To demand accountability, we need to file **a legal request for the State of Minnesota to investigate** these violations. Each request costs \$1,000 per government entity, meaning we need to raise at least \$2,000 to move forward. If violations are confirmed, fines may be imposed, records will be required to be released, and individuals could even be removed from office.

Every dollar counts! Any unused funds will be donated to local organizations that strengthen our community.

This isn't just about a road—it's about accountability.

How You Can Help

☒ Donate – Even a small contribution makes a difference.

☒ Share – Spread the word to friends, family, and neighbors.

Together, we can demand transparency, accountability, and a voice in the future of our community!

For more information about our cause, please visit our website and [Facebook](#) page.

S [REDACTED] Maybe go read that again.

FRY: **But there were other statements made prior to you're gofundme there were statements made that you know "we're going to sue", "we're going to stop". I can't say that it came from you or who the source was but obviously that had been communicated.**

Z [REDACTED]: We have absolutely not said we are going to sue.

S [REDACTED]: We've also said we're not against a road.

Z [REDACTED]: We've been trying to work with you guys for 3 years to avoid. That's our goal.

FRY: Than I'm going to give you just a little bit of advice and it's advice you don't have to follow it. Please do not stand at that podium and publicly bashing that county engineer. That is probably the way you're losing the most credibility, is the fact that you're publicly attacking an individual who's doing his job. Now you may not like the job he's doing. You may disagree with his process. But please do not publicly bash the county engineer in your public comments. Please please just don't do that. You can express your frustration. You can say I'm concerned about the manner in which things have rolled out. The manner in which communication is happening. **I will agree a lot of this is helter skelter.** But it's also the nature of the beast in dealing with the state and dealing with the feds. And all the rest of that. We were very optimistic. We were really thinking we would get those public sessions yet this spring and then we get hit with WSB losing their key author. And they've not been able to refill that position yet. So now that's set us back. That's not intentional on our part, but it is something we have to live with. So this is not meant to...

ABBE: However, I think I heard somebody say tonight it was intentional that those funds were moved. Or hoping to move to main street.

S [REDACTED]: It has the appearance of that

Z [REDACTED]: It certainly appears that way.

ABBE: Well, that's not the intent. I hope that was what I conveyed in saying we don't want to lose those dollars. I think guys would all agree, you're the same people that would say you need to manage your money effectively.

Z [REDACTED]: Absolutely we don't want to lose the money.

ABBE: I know we don't.

S [REDACTED]: The fact that it came right after we funded

ABBE: **Well, the timing doesn't look the best. I agree with you.** That's not the intent.

Z [REDACTED]: And Paul, and I know this isn't in your wheel house but Sean Murphy has said many times **we can expect this project not to be built until 2027** and later and that's not a problem. So then 4 days after we do a GoFundMe this money is moving.

FRY: Yah it was really we had to have plans by April 1 [2026] and we had to complete all of our environmental by December 1. It was only just recently that we just found out that to realistically think we were going to meet those deadline it would have been irresponsible of us to not go back to ATP and see if we could find another qualifying project.

Z [REDACTED]: So was there discussion of this before March 25th?

FRY: Of him moving the funds?

Z [REDACTED]: Yes.

FRY: We've always talked in terms of are we going to meet the deadlines?

Z██████: So when did that narrative change b/c a month ago it was "yah no problem, we're going to do this noise..."

FRY: WSB lost a staff member in that period of time and it became very obvious we're not going to be able to get, *well we have a new president. We've got shake ups at all levels of the federal government. We've got the state MnDOT going "We don't know what the heck's going on". So there's a lot of volatility that's happening right now.* Unfortunately, it coincidentally aligned with the things you're doing. But absolutely, me and my staff know full well, *I've dealt with the office of administration.* They're your ally, they're your advocate. This is not at all about you seeking out the remedies that are out there.

S██████ So I've got a quick question. You say this kind of is circumstantial timing and everything like that, so we have commitments from the county that you will follow the exact same as stringent guidelines the federal government has to make sure we're safe

FRY: [cutting Sennott off again] *That commitment is going to be entirely dependent on what the state of MN tells us. So in other words, we're going back to the state of Minnesota and we're saying "What will you require".* And we're waiting for the guidance, we don't know what it is. I think obviously we want to take that sound wall process if that's what the mitigation suggests is the right tactic and more importantly we would want input, but I've also heard from our neighbors "You don't want a sound wall you want a sound wall b/c you're hoping"

Z██████ No one wants a sound wall. No one wants a sound wall, lets be real. But we're willing to vote for a sound wall to keep us safe. That's what we've always said.

S██████ There's no intention of building a sound wall, which is in Paul's emails so.

FRY: K, So how do you think a sound wall is keeping you safe.

ABBE: Whaaaaat, explain that to me, what did you just say?

Z██████ Paul has outright said in his emails we're not going to build a noise wall.

FRY: how many years old is that.

Z██████ 2024, May of 2024

ABBE: Who said they don't want a sound wall.

Z██████ Paul, and that is why I asked if we could talk because I have emails.

S██████: It's in writing. I've read it at one of these meetings and at city council meetings.

ABBE: Ultimately that vote rests here.

Z&FRY: No, it rests with us.

FRY: But you're telling us....

ABBE: You want a sound wall.

S██████: Yes.

Z██████: No, we don't want one but we absolutely will vote for one to keep us safe.

S██████: If it's between safety and noise mitigations we'll vote for one.

ABBE: Let's go to the safety thing, we should and that's what I was alluding to earlier. What mitigations should we do. If I was in your neighborhood I could tell you categorically I wouldn't want a noise in my backyard.

Z██████: Right.

ABBE: I think there's better options. And those.

Z██████: We do too.

ABBE: Those are the discussions we should be having.

Z██████: We've been asking for that.

S██████: Absolutely.

ABBE: We can and I said we'll get there. What's happening

S██████: Once it's too late?

Z██████: Yes, that's the problem.

ABBE: What do you mean too late.

S██████: We've been craving information and discussion on this all along.

ABBE: We've never been at that point.

S██████: Things have surprised us.

ABBE: We were never at that point to have that discussion and I think

S██████: Surprise Surprise Surprise.

Z██████: Are we not? [at that point, we were supposed to be voting on a noise wall]

S██████: It was back in 2024 that would have been a great time to have that discussion

FRY: [Interrupting Everyone] Well if you're talking a sound wall, I'm not putting money in trees! But guess what! A tree is the most effective tool for stopping a car. So if I have to pursue a conversation about a sound wall, I'm not going to talk to you about trees. Because I can't put money in both.

There is a documented pattern dating back to 2023 of local officials aggressively discouraging residents from supporting a noise wall along the proposed East Side Corridor. Each time the topic has been raised, residents have reported elevated tensions, with some officials becoming visibly upset or attempting to intimidate community members into withdrawing their support.

Despite guidance from FHWA and MnDOT on mitigation requirements, no meaningful engagement around noise wall construction has occurred. In February 2025, residents were informed they were one to two months away from a public vote on the noise wall. Many were prepared to vote in favor—not out of preference, but because there are **no other viable mitigations** capable of reducing noise to safe levels under federal and state thresholds.

The County has opted to build the roadway within a partially mapped right-of-way that comes as close as 17 feet to residential structures. A portion of this right-of-way is **privately owned by residents**—approximately one-third. County officials have made it clear they wish to avoid exercising eminent domain, leaving residents disproportionately burdened by the project without proper mitigation, legal clarity, or compensation.

Without the federally required noise wall, the project **cannot meet state noise regulations**, and pursuing construction without these protections **places the County—and taxpayers—at legal and financial risk. It diminishes resident's quality of life forever.**

Noise studies recommend Avoidance. **Furthermore the county is denying data requests for this data without legal reasons.**

Z██████: How about distance. Will you talk distance.

ABBE: Ok, I can't [exasperation]. I have to go. I'm supposed to be home a long time ago. My kids are coming

FRY: [Interrupting] We talked about shifting the road as far east as possible.

Z██████: How about shifting it 600-700 ft.

Internal records show the County studied a non-public alignment known as **Option 3B**, triggered by noise studies recommending "**avoidance.**" This option moves the road 600-700 feet from homes and was never disclosed to the public—residents only learned of it through data requests.

County Engineer **Paul Sponholtz** has repeatedly stated that if residents **vote yes** for a noise wall, the project will shift to **3B**. If they **vote no**, the road will stay just **17 feet from homes**, built in a **partial mapped right-of-way**.

This creates a coercive choice: accept the noise wall to gain basic protections—or decline and be punished with a dangerous, noncompliant alignment. The public was **never given full information**, and the approach to drop federal funds appears to be designed to **circumvent this federal oversight**.

FRY: [Interrupting] That won't happen because the **township won't let it**. And I think you've missed that particular piece in this puzzle, it's the township.

Z██████: Absolutely we have.

FRY: [Interrupting] Because the township is very clear that it will not go any further that.

ABBE: So I haven't heard that. Where

Z██████: We have picked up on the township piece in the few emails we have but on top of that the noise reports say avoidance is necessary.

FRY: Than it's a sound wall.

S██████ So they can overrule? They can overrule the state?

FRY: [Interrupting] No, the land we are talking about building on is in the township. They have an orderly annexation agreement with the city of Owatonna.

ABBE: We're going to have to talk about this more

Z██████: Absolutely.

ABBE: Thank you.

Z██████ How do we do that?

ABBE: Just like this. We'll have more.

Z██████ Ok

S██████ There's no eminent domain or anything that can

FRY: [Interrupting] No, the township has agreed to surrender that land through an orderly annexation process. Now there might still be you know reparations owed to the land owner. But as a township, they have agreed to allow that land to be ceded to the city to allow the construction of the road. The town board has made it real clear that they'll only allow the movement of that city line east into their township as **far is necessary** to build that road. **No more no less.** So the 600 or the 1000 feet you have asked for is something that the township has said without doubt they don't agree to, they won't agree to because, it's outside the scope of their orderly annexation agreement.

Z██████ I have a little advice for you.

FRY: Yup, absolutely.

Z██████ Take it or leave it. How to nicely say it.

FRY: Just be blunt I'm thick skinned.

Z██████: You need some more oversight on your engineer.

FRY: And I will certainly[nothing]

Z██████: The reason we are questioning the things we are questioning is because we have the data to back it up.

FRY: Well absolutely. If you have an email that says that I don't support it, I don't want it, that doesn't obligate that doesn't change his obligation to pursue the process. We can all have opinions of whether we think or

Z██████: The process has been pursued

S██████: It's the statements, it's the statement like "If it were up to me there would be no mitigations" that's not helpful. It's the statement from one of the commissioners at one of the meetings, "Hey you just need to watch your kids." It's I mean it's those thorns.

FRY: This one is emotionally charged for a whole host of reasons.

Z██████: And I understand that and I am a person that tries to remove my emotions when I discuss factual things. So everything I try to discuss is based on facts.

FRY: So I'm going to say, take a step back, and just talk about solutions.

Z██████: You know, we've spent a lot of time trying to do that, and it's gotten us no where.

FRY: But I think you've got you've got an opportunity there to say **let's talk about trees**. Lets talk about things the **that are really going to stop a car**, cus if that's your concern I mean there's already been conversations about that 40-45mph. They're talking about roundabouts to bring the speeds down even lower.

Z██████: And we have emails saying no on that too.

S██████: We've been pretty clear, the things we want the most are safety and noise mitigations. Trees aren't the best noise mitigation.

FRY: No they're not ultimately.

Z██████: MnDOT has absolutely said you cannot use trees as a noise mitigation.

FRY: [Interrupting] I've been around the block with them on other projects. I get it. I think the reality of it is, if you want the sound wall for noise mitigation. That process, you know, we're looking for state guidance, cus you've already mentioned they've got some sound requirements. We're going to have to look into that, we're kind of figuring it through. But if the tenor is you know balls to he wall lets whatever. That doesn't help either one of us and I realize we're reacting to you, you're reacting to us, it doesn't work very well. But in the end if what you're talking about is you want to stop a car, yah a sound wall does that. If you don't want the sound wall tree do that very effectively.

Public data revealed that between April and May 2024, County Engineer Paul Sponholz actively explored dropping federal funds from the ESC project solely to avoid federally required noise mitigations.

This aligns with knowledge that MnDOT's standards are less stringent and do not require a noise wall. The timing and intent appear strategic—shifting oversight to weaken resident protections.

Z██████: What we are talking about is we need the noise limit in the same level because it's not safe without it. It has

FRY: [Interrupting] I grew up next to the cross town. The white noise becomes white noise after time. And I realize for you guys it is different b/c it's coming to you.

Z██████: Which is why you can't built that close. That is the exact difference.

FRY: [Interrupting] But when I moved to a house and lived on the crosstown that noise becomes white noise. It's going to be there whether it's a city street or not. So I think ultimately if the sound wall is what you need for noise mitigation. Then you want to pursue a conversation of yes we want the noise wall because we want the noise mitigation. That's reasonable. That's fair. But don't say in one hand I don't want it, but on the other I want to be safe. Cus what I think you're telling me is a noise wall is a way of addressing safety but it's also a way of addressing the noise.

Z██████: It absolutely is. The truth is, we don't want the noise wall, but we aren't being given a choice, so we will vote for that noise wall. That's what we are saying. That's what we have been saying.

FRY: Yup, but then don't say I don't want it.

Z██████: But that's the fact. We absolutely don't want the noise wall but we will vote for it.

S██████: Well it's just it. We'll change our verbiage to "that's our only choice that we're being left with"

FRY: [Interrupting] Well [snarky] "that I'm being left with." I think your comment is, there's going to be a city road there we need the noise wall to help us with the noise mitigation. You know and that position makes sense. It's reasonable.

Z██████: So if the noise study supported avoidance as an option are you saying we would look at that, b/c that's what the noise study said?

FRY: We won't move the world. So the question is, what can we do within the design parameters moving it as close to that east edge of that corridor as we can and then what are the things we can supplement in?

Z██████: Can you. Back in, was it October. Did the board vote to increase the WSB Funds? I think it was back in October that we voted to increase those funds.

FRY: Probably

Z██████: Can you tell me why we increased those funds? What are they paying for?

FRY: [Interrupting] They gave us a project cost a couple of years ago, b/c we had to run the studies twice. We had to do the state concurrence and the federal concurrence. That was more time. So and then with each kind of change iteration with each kind of bend and twist. They're estimate of hours has not been

Public data revealed that project costs were increased due to studying the 3B alternative, yet "3B" was deliberately excluded from the official justification provided for the cost increase—concealing its role in the rising budget.

accurate. They've had to increase the number of hours. Therefore, increase the cost. So every time we get up to the allotted for budget in their contract they do come back with a change order that increases that up.

Z██████████: This one almost doubled the budget.

FRY: [interrupting] Yup, and I'm not surprised by that. We'll probably see one or two other. Which is actually kind of typical.

Z██████████: I would be curious to see a line item as to how that increased.

FRY: You could make a data request to see WSB bills.

Z██████████: Yah, I might.

FRY: And that will have to go at the end of the list of other requests.

S██████████: I appreciate you staying after to talk to. I'd really like to be able to collaborate with you guys on that data request. We don't need thousands and thousands and thousands of pages. We need information. The data request was encompassing in all of that because we might if the information being pulled is not as relevant as some others. Then this could just drag on vs If we get what we need up front and we can work together than maybe we can just at that point be done.

FRY: [Interrupting] I don't have the discretion to say this is what you are looking for this is not what you are looking for. We take the verbiage as presented and that's what we're required to respond to. So if you're willing to go back to the things you've seen and said these are the search parameters we want you to operate under, this is what we're looking for. Please don't tell me you're looking for a smoking gun. Cus I have no way to search for smoking gun. n

Z██████████: Oh man, can we look for transparency?

FRY: I hate that word. I'm going to tell you right now, I hate that word with a passion. I'm sorry, but I hate the word transparency. So, I think ultimately go back to whatever has been produced and refine and you don't want to you know completely withdraw what you have asked for but just say this is we're looking for we're hoping to zero in on things a little faster. Here's what we're looking for.

S██████████: You all will take that into account?

FRY: Email it to me and to Rob and I'll circle back to Rob to let him know.

Z██████████: We'll do that, cus we have sent priorities to Rob, and clearly it's not going anywhere.

S██████████: I appreciate it. Thank you for all the information. Thanks.

Z██████████: Thank You.

From: [REDACTED]
Sent: Tuesday, March 11, 2025 11:15 AM
To: Jarrett, Robert
Cc: Fry, Renae; [REDACTED]
Subject: Re: Data Request

Thank you for the update and for your continued attention to this matter.

So far, we have only seen emails between Paul and WSB. By "other entities," I was referring to communications within the data request, such as correspondence involving commissioners or other departments, not just between Paul and WSB.

Additionally, you referenced a second round of commissioner emails, but we have not yet received a first round. Could you clarify whether those were previously pulled and, if so, when they were made available?

Previously, you shared that there were 600-700 additional emails between Paul and WSB. What changed that number to 1,000? Was something added?

Are there additional emails from Paul regarding the ESC that have not yet been retrieved?

I appreciate your time and effort in ensuring transparency on this matter. Please let me know if you need any further clarification.

Best,
M [REDACTED]

On Tue, Mar 11, 2025, 8:18 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

There are still around 1000 items to be reviewed in the WSK communications batch. Those will likely be ready by the first week of April. For context I have a very full calendar the next two weeks which includes a 3-day termination of parental rights trial, a contested omnibus hearing on a homicide case, a full day contested civil commitment of a sexually dangerous person, training for law enforcement, as well as regular meetings and urgent issues that come up.

I will have IT start gathering the second set of commissioner emails & east side corridor.

I only have access to data from Steele County, so not sure what you mean by other entities.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Tuesday, March 11, 2025 12:09 AM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; [REDACTED]
Subject: Re: Data Request

Hi Robert,

I'm checking in to see when we might expect the next round of data and when we can anticipate emails from other entities.

I have reviewed all the files provided so far. Could you confirm how many emails have been removed as non-public data? Additionally, per OPP, I understand that duplicates are also being removed—can you clarify how many duplicates have been removed? I wasn't aware that duplicates were being excluded; I had understood that only non-public data would be redacted.

Also, we would prefer that the next round of emails includes those to and from commissioners. Please let me know if that can be prioritized.

Looking forward to your response.

Thanks,

M [REDACTED]

On Fri, Feb 14, 2025, 12:44 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

I am not familiar with those formats and whatever software is not on a standard county computer. It may be proprietary or engineering related files, which the county is not required to provide in a data request.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Friday, February 14, 2025 11:02 AM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; [REDACTED]
Subject: Re: Data Request

Great, I will come try them again. What about the kmz, kml, shx, dbf, shp, cpg, sbn, sbx, prj files? Can we access those yet?

Thanks,

M [REDACTED]

On Fri, Feb 14, 2025, 10:47 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

In response to your email below. These items opened fine for me:

- itemffa351f9
- itemf70f9
- item0b014fed
- item4b183
- itema895
- item5336e4b

I could not find these items in the nativefile folder

- itemff9351f9
- itemla4a7dc
- irem1a4a7dc
- item098633f
- item66r95b

Therefore I do not see any issues.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Tuesday, February 4, 2025 2:33 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Data Request

Hello Robert and Renae,

I have reviewed all the public data provided, and it has now been **105 days** since the request was made. Despite this extended timeframe, we still **have not received all requested data**, nor do we have access to all the data that has been provided. I previously emailed you **weeks ago** regarding files that would not open, yet no action has been taken.

Before printing any files, I need to review the next round of data. **When can we expect this?** Waiting **105 days** to pull emails is excessive, especially given that all other documents were simply attachments to emails, requiring no additional searches.

On **January 15, 2025**, I provided a list of files that would not open (reattached for reference). **What is the status of fixing these issues?** Additionally, the following files are inaccessible (starts with):

- itemffa351f9
- itemff9351f9
- itemla4a7dc
- irem1a4a7dc
- item098633f
- itema895
- item5336e4b
- item66r95b
- item4b183
- item0b014fed
- itemf70f9

Furthermore, the **referenced Alternative Analysis Tech Memo is missing**—where is this document?

There are also **22 files requiring specific software to access** (e.g., kmz, kml, shx, dbf, shp, cpg, sbn, sbx, prj, etc.). **How are we supposed to view these files?**

Additionally, it appears that **email chains are incomplete**, with missing responses. We were provided **1,071 emails** between Paul and WSB, as requested, but the original request also included emails from multiple departments. You indicated in early January that we should expect approximately **1,100 more documents (emails and attachments)**.

However, we are aware that **there are over 2,000 emails from Paul alone**. **Does this only include emails between Paul and WSB? When can we expect ALL emails?** The error file on the jump drive contains over 2,000 error records—were all relevant emails included in the first batch, or were errors excluded?

To ensure clarity and prevent duplication, **we expect all future batches of data to be stored in separate, clearly labeled folders that distinguish them from previously provided data**. Please confirm that this will be done moving forward.

To date, the following **issues remain unresolved**:

- **105 days have passed, and we still do NOT have all requested data.**
- **We were denied access to public data during reasonable business hours—despite being told it was available.**
- **Files that would not open were reported, yet nothing has been done.**
- **Additional files remain inaccessible.**
- **Access to files has been hindered due to the lack of necessary software on the provided computer.**
- **The jump drive has repeatedly failed and generated error messages.**
- **Emails appear to be missing.**

This level of delay and non-compliance is unacceptable. Please provide an immediate update on when the remaining data will be available and how these access issues will be resolved, and confirmation that future batches will be properly organized

M [REDACTED]

On Thu, Jan 16, 2025, 2:50 PM [REDACTED] wrote:

Hi Robert,

Was hoping to come by today to review files. Could you please confirm if they been fixed yet? Please let me know.

Thanks,

M [REDACTED] S [REDACTED]

On Wed, Jan 15, 2025, 1:20 PM [REDACTED] wrote:

Subject: Concerns Regarding Public Record Documents

Hi Robert,

I reviewed some of the documents this morning and have several concerns:

1. You mentioned there were around 2,000 documents, but only 350 files were in the folder. Where are the remaining 1,650 documents?
2. The documents were not organized in chronological order, contrary to what we were told.
3. Several emails did not open properly; instead, clicking on them opened a box to compose a new email. I've attached a list of the emails that didn't open correctly.
4. Some emails referenced attachments that were not included:
 - 5/13/2022 email from Andrew Plowman
 - 8/26/2022 email: East Side Corridor revised previously considered alternatives & fatal flaw analysis memo
 - 5/10/2022 email: Steele Co East Side Corridor
5. The 6/23/2022 email appeared incomplete, showing the start of a chain that ended abruptly, suggesting missing data.
6. Many documents appeared to be duplicates.
7. Emails prompted a "save changes" message, raising questions about potential edits.
8. After reviewing one-third of the 158 emails (we were told there were thousands of emails), I did not encounter any of the same emails M accessed last week. The lack of chronological order made it impossible to search specific dates or navigate efficiently.
9. I didn't find any documents from 2021 such as the proposals.

Based on these issues, I'm concerned that the conversion process may not have worked correctly and data is missing. Can you please address these concerns?

Thank you,

M [REDACTED]

On Tue, Jan 14, 2025, 5:20 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

The issue is resolved. We have a computer setup at the attorneys office to review the data anytime.

Robert J. Jarrett

Steele County Attorney

(507) 444-7786

From: [REDACTED]
Sent: Tuesday, January 14, 2025 10:41:20 AM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED] Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Purscell, David <David.Purscell@SteeleCountyMN.gov>
Subject: Re: Data Request

Good morning Robert,

On Friday I had indicated that I would be coming in today for reviewing documentation. I'm gathering from the email below that electronic documentation review would not be possible until the Microsoft ticket is resolved.

That said, what about paper review? As I understand it access to the files and printing is not a problem. It's simply a matter of your team not being able to serve it up electronically on a laptop, correct? We could probably try and be a little more prescriptive over the next few days on what time frames and or subjects within the ESC documentation we are looking for so the entire set of 2000 to 3,000 items need not be printed and their entirety.

Please advise.

Thanks,

M [REDACTED]

On Tue, Jan 14, 2025, 8:29 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

IT has submitted a ticket to Microsoft. We'll let you know as soon as it is fixed.

The format used by M [REDACTED] last Friday was a one-time deal since he had prearranged to be in the office, that is not the normal way of viewing the data. I allowed him to my laptop under my supervision.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From [REDACTED]
Sent: Monday, January 13, 2025 5:06 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Purscell, David <David.Purscell@SteeleCountyMN.gov>
Subject: Re: Data Request

How long do you think that will take? I'm fine reviewing it in the same format M [REDACTED] used last week.

Thanks,

M [REDACTED]

On Mon, Jan 13, 2025, 4:00 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Microsoft has still not resolved the download to pdf yet. I will let you know when it is resolved.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Monday, January 13, 2025 3:58 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Data Request

Hi Jarrett,

I am available and would like to inspect the documents from 8:45-11:15 tomorrow morning.

Thanks,

M [REDACTED]

On Mon, Jan 6, 2025, 12:31 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

A day would be good.

Robert J. Jarrett

Steele County Attorney

(507) 444-7786

From: [REDACTED]
Sent: Monday, January 6, 2025 12:28:01 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: FW: Data Request

Good afternoon,

Just trying to piece together some dates and times to drop in to review the documentation. How much advance notice would you need for my visit (s)?

Thanks,

M [REDACTED]

On Fri, Dec 27, 2024, 11:20 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Mr. S [REDACTED]

We have an initial data set ready for your review, currently at 1087 items – may be more as the day goes on.

Our office is open Monday-Friday, minus government holidays. 8:30 AM - 4:30 PM.

Steele County Attorney's Office

[303 S. Cedar Ave](#)

[Owatonna, MN 55060](#)

Let me know what date/time you would like to come inspect what we have so far.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: Jarrett, Robert
Sent: Monday, December 16, 2024 4:01 PM
To: [REDACTED]
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; [REDACTED]
Subject: RE: FW: Data Request

Hello M [REDACTED]

I just met with the IT director who has finished the data search. IT is in the process of eliminating duplicates and doing further screening for relevance. Then we will move to manual screening for private/confidential data.

The original request generated 7600+ items which was 15.8 gb of data. The narrowed data set (just the engineering firm) was 2500+ items and 7 GB of data.

With the holidays etc., we plan to meet next week to start the private/confidential data review with at least two attorneys and several staff for a couple of hours to hopefully give you an initial set for review. We will likely do them in waves, and happy to provide as its available.

We'll set up a laptop in a conference room at the county attorney's office so you can review the items.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Tuesday, December 10, 2024 12:13 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; [REDACTED]
Subject: Re: FW: Data Request

Good afternoon, checking back in.

Perhaps there is a misunderstanding on what emails in particular we are most interested in? We have requested to prioritize 1st, emails between county engineering staff and WSB. I would think these not to be in the thousands but rather In the hundreds at most.

Please advise on when we might expect to review documentation. It's been a month and a half now....

M [REDACTED] S [REDACTED]

On Mon, Nov 25, 2024, 11:15 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

We are working on the request. All data will be preserved.

Even with the more specific request, there are still thousands of emails that need to be reviewed by staff and the attorney's office. It is not a simple question of being personal or not.

I'll get you an updated time frame when I have it.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Sunday, November 24, 2024 6:43 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Good evening,

This email will serve as formal notice to preserve all data of interest (as outlined in the formal request form submitted Oct 25th, 2024) from destruction or purging.

We are going on a month now with no data produced yet for review. Please advise. I'd like not to get the State Auditor involved in this process, however, this is time critical. 1 month should have been plenty of time to pull ALL emails between WSB and Paul and Greg. Nothing between these parties should be personal so review should be minimal. Yet no information has been pulled for review as far as we've been informed.

Please advise on when we can expect to review these emails, followed by the other information on the request form.

Regards,

M [REDACTED] S [REDACTED]

On Tue, Nov 19, 2024, 1:34 PM [REDACTED] wrote:

I will further clarify that we'd need all emails between Greg Ilkka, WSB and Paul as well. Hope that gives you the clarification you are looking for to better meet timelines.

Thanks,

M [REDACTED] S [REDACTED]

On Tue, Nov 19, 2024, 6:21 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Mr. S [REDACTED]

I apologize, I was communicating with Matt Stinson, the Wabasha County Attorney, at the time - my mistake on your name.

We will start with Paul Sponholz's emails with WSB.

Thanks,

Rob

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Monday, November 18, 2024 5:42 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

You don't often get email from matt.sennott@gmail.com. [Learn why this is important](#)

Mr Jarrett,

I'm assuming that email was intended for me.

I think starting with any and all of Paul's electronic and written communications with WSB is what we will want to see first.

Regarding the information found on the county's website, we are already intimately familiar with all of that, but thanks for the suggestion.

Regards,

M [REDACTED] S [REDACTED]

On Fri, Nov 15, 2024, 7:53 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Mr. Stinson,

FOIA is a federal law that applies to the federal government, so does not apply to the County.

County government in Minnesota follows the Chapter 13 Government Data Practices Act. Chapter 13 does not provide specific timelines for the data you requested.

As Ms. Fry stated below, we are obligated to ensure every item is reviewed to ensure we are not releasing private or confidential data as defined by Minnesota statute. Steele County does not have a full-time position to review data, so we will get it done in the normal course of business. IT has already

begun the data request search on our servers and is estimating thousands of emails already. Each of those will need to be reviewed prior to release. **So the estimate of months is not unreasonable.**

If there is a specific email or more specific thing you are looking for, we can certainly get that done much quicker. But right now, you asked for a very broad range of information, which we will comply with within a reasonable period of time. **We can give you information in waves as we complete it as well.** Since you requested view access, we will not be sending you the information – you will have to come in to view it.

It is not our job to tell you what to request. Tell us what you want and we can estimate how long it will take or respond as the availability. Many of the documents related to the project are already publicly available on the board packets online.

If you'd like to discuss further, please call me. I will be out this afternoon and Monday.

Robert J. Jarrett

County Attorney

Steele County Attorney's Office

[303 S. Cedar Avenue](#)

[Owatonna, MN 55060](#)

Tel: 507-444-7780

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From: [REDACTED]
Sent: Thursday, November 14, 2024 8:11 PM
To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Cc: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Hi Renae,

According to FOIA, data should be made reviewable within 20 business days. If that's not feasible, it also specifies that we should be notified, allowing us the chance to narrow the scope. However, we're unable to narrow the request further without understanding what aspects are considered too broad. We believed limiting the request to emails and documentation would suffice. Could you clarify why this is still seen as broad, provide an estimate of the records involved, and suggest ways we might refine the scope? Our goal is to obtain meaningful information within a reasonable timeframe.

On day 20, we look forward to reviewing the information pulled thus far.

Please let us know what aspects are considered too broad so we may help for the clarify.

Regards,

M [REDACTED] S [REDACTED]

On Wed, Nov 13, 2024, 2:47 PM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

Matt,

As I mentioned before, data requests are processed on top of our day to day responsibilities. Your request is rather broad and involves individuals from multiple departments. The Engineering team is down three people. They are working full time, if not over time, to close out the 2024 projects. They will devote the time as and when they are able to do so, to sift through the files and boxes of documents left behind by the former engineer to find any documents that might potentially meet your required search parameters. IT is working on pulling anything that we have electronically. We expect that the resulting document collection will result in 1,000's of potential results that will need to be reviewed to determine if they are in fact responsive to your request. If so, they will additionally need to be reviewed to determine if they contain private and/or non-public data. **So there is no way to expedite the process.** That being said, if there is something specific you are looking for, please consider resubmitting your request to more narrowly define your search parameters. If you resubmit your request, I will have my team review the modified request and provide an updated search timeline.

Renae

Renaë Fry, JD, ICMA - CM

County Administrator

[Steele County • 630 Florence Avenue • Owatonna, MN 55060](#)

Phone: 507-444-7431

Renaë.Fry@SteeleCountyMN.gov

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From: [REDACTED]
Sent: Tuesday, November 12, 2024 11:35 PM
To: Fry, Renaë <Renaë.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Good evening Renaë,

I think more collaboration on this is needed to narrow down what is going to take the longest time so we may help fine tune what is needed and gain a clear understanding of the time involved in gathering the data. Months is completely unacceptable. So please let us know how we may help.

What has been pulled thus far that we may review?

Regards,

M [REDACTED] S [REDACTED]

On Tue, Nov 12, 2024, 8:27 AM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

M [REDACTED]

As I indicated below, assembling the documents will take some time – meaning several weeks if not months. I met with the team working on the request and I will send an update as soon as I have a better idea of how long it is taking to assemble the documents and how long it will take to review them for private and/or non-public data.

Renae

Renae Fry, JD, ICMA - CM

County Administrator

[Steele County • 630 Florence Avenue • Owatonna, MN 55060](#)

Phone: 507-444-7431

Renae.Fry@SteeleCountyMN.gov

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From: [REDACTED]
Sent: Saturday, November 9, 2024 8:59 AM
To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Hi Renae,

Just checking back in on the progress of this data request. Please advise.

Thanks,

M [REDACTED] S [REDACTED]

On Tue, Oct 29, 2024, 8:46 AM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

M [REDACTED]

Data requests are projects that come on top of the regular duties of employees, so some of the timing of the response is based on the existing work load of the people who need to assemble the documents. In addition, each document gathered needs to be reviewed to make sure that it is responsive to the request and that it does not contain any private or non-public data. I don't think that that documents you requested with contain private or non-public data, but we are still required under data privacy laws to make sure that they don't. So there isn't a fast way to respond. Sorry. If clarification is needed, I will reach out to you.

Renae

Renae Fry, JD, ICMA - CM

County Administrator

[Steele County • 630 Florence Avenue • Owatonna, MN 55060](#)

Phone: 507-444-7431

Renae.Fry@SteeleCountyMN.gov

Driven to deliver quality services in a respectful and fiscally responsible way.

From: [REDACTED]
Sent: Monday, October 28, 2024 7:30 PM
To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Renae,

I might also mention that if there is anything we can do to help clarify the request to make things easier for the staff in pulling together the data, please let us know.

If you can share what factors might contribute to the timelines extending over several weeks time, we might be able to help a narrowing down the data request in those areas.

Thanks,

M [REDACTED] S

On Mon, Oct 28, 2024, 6:55 PM [REDACTED] wrote:

Thank you Renae.

On Mon, Oct 28, 2024, 3:48 PM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

M [REDACTED],

Yes, we understand that this is an inspection only request. That being said, the documents will be assembled as efficiently as possible and that may mean in an electronic or paper form depending on where the information comes from. Regardless of form, you will be given a space here in administration to review the documents. Lastly, because of the breadth of the request, the county will likely need several weeks to assemble everything. Once the county attorney approves the form

of data request, I will work with IT on an estimate of time to assemble the information and will let you know their estimate of time.

Renaë

Renaë Fry, JD, ICMA - CM

County Administrator



Data Request

Tue, Jan 14, 2025 at 2:14 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: [REDACTED], "Fry, Renae" <Renae.Fry@steelecountymn.gov>, "Purscell, David" <David.Purscell@steelecountymn.gov>

Subject: Follow-Up on Public Data Access

Hi Rob,

I have yet to receive a call from you, so I'm following up regarding today's denial of access to view public data.

I am available again tomorrow morning from 8:45 to 11:15. We were informed that this data was ready on December 27th. I'm unclear why the format or device the data is on has suddenly become an issue, especially considering it was not a problem for inspection two business days ago or at any point during the two weeks it has been available. Requested public data is required to be readily and easily accessible during normal business hours. If the electronic version of the data is problematic, I am more than willing to review paper copies instead.

Please let me know where I can access this data tomorrow morning at 8:45.

Thank you,

M [REDACTED]

On Tue, Jan 14, 2025, 8:43 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

It is out of our control.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Tuesday, January 14, 2025 8:41 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Cc: [REDACTED] Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Purscell, David <David.Purscell@SteeleCountyMN.gov>

Subject: Re: Data Request

To clarify, we were informed that the data has been ready for over two weeks. I provided a courtesy notification the day before stating my intent to review it. I am arriving during normal and reasonable business hours, and now you are denying me access to this public data?

M [REDACTED]

On Tue, Jan 14, 2025, 8:29 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

IT has submitted a ticket to Microsoft. We'll let you know as soon as it is fixed.

The format used by M [REDACTED] last Friday was a one-time deal since he had prearranged to be in the office, that is not the normal way of viewing the data. I allowed him to my laptop under my supervision.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Monday, January 13, 2025 5:06 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED] ry, Renae <Renae.Fry@SteeleCountyMN.gov>; Purscell, David <David.Purscell@SteeleCountyMN.gov>
Subject: Re: Data Request

How long do you think that will take? I'm fine reviewing it in the same format M [REDACTED] used last week.

Thanks,

M [REDACTED]

On Mon, Jan 13, 2025, 4:00 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Microsoft has still not resolved the download to pdf yet. I will let you know when it is resolved.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Monday, January 13, 2025 3:58 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Data Request

Hi Jarrett,

I am available and would like to inspect the documents from 8:45-11:15 tomorrow morning.

Thanks,

M [REDACTED]

On Mon, Jan 6, 2025, 12:31 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

A day would be good.

Robert J. Jarrett

Steele County Attorney

(507) 444-7786

From: [REDACTED]
Sent: Monday, January 6, 2025 12:28:01 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: FW: Data Request

Good afternoon,

Just trying to piece together some dates and times to drop in to review the documentation. How much advance notice would you need for my visit (s)?

Thanks,

M [REDACTED]

On Fri, Dec 27, 2024, 11:20 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Mr. S [REDACTED]

We have an initial data set ready for your review, currently at 1087 items – may be more as the day goes on.

Our office is open Monday-Friday, minus government holidays. 8:30 AM - 4:30 PM.

Steele County Attorney's Office

[303 S. Cedar Ave](#)

[Owatonna, MN 55060](#)

Let me know what date/time you would like to come inspect what we have so far.



Initial data set ready for review

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Fri, Jan 17, 2025 at 3:58 PM

To: [REDACTED]
Cc: [REDACTED] "Fry, Renae" <Renae.Fry@steelecountymn.gov>

Yes, the office is open until 4:30 PM.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Friday, January 17, 2025 2:25 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: [REDACTED] Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: Initial data set ready for review

Robert,

Thanks for the update. Would you all be available at 3:30 p.m. for me to swing by and take a look at the setup? I'd like to get an idea of the new format for the data. I will also try to call your office here in a little bit in case you don't see this email before 3:30 p.m.

M [REDACTED] S [REDACTED]

On Fri, Jan 17, 2025, 10:45 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Re: East Side Corridor Data Request (view only)

This is our first significant data request using Microsoft's updated Purview software. I now have an initial data set for your review.

There is 4.3 GB of data and 2,049 items in the folder. The prior folder you reviewed was just "page 1" of the data set.

There remain approximately 1100 items to be reviewed by staff in your narrowed-down request of items related to "WSB Communications". I will let you know when those are ready, unknown time frame.

We are closed Jan 20.

I will be out of the office Jan 22-31. If you want to review data during Jan 22-31, our Legal Administrative Assistant Julia is aware and can help you at the county attorney's office front desk when we are open.



Robert J. Jarrett

County Attorney

Steele County Attorney's Office

303 S. Cedar Avenue

Owatonna, MN 55060

Tel: 507-444-7780

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Data Request

Tue, Feb 4, 2025 at 10:24 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>

Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>, [REDACTED]

Robert,

I want to clarify that we did not go around you. My last email was addressed only to you and Renae. I'm not sure what you're referring to.

The Act requires data to be accessible. If the County is not providing the necessary software to open certain files and is not converting them to a common format, what alternative solution can be provided to ensure accessibility? I included the file types for reference to help identify any issues, but I do not know what software is needed to open them.

Redaction typically means blacking out sensitive or protected information—not altering a file in a way that makes it unreadable, which seems to be the case with the email files.

I understand the County is balancing multiple priorities, and I appreciate your time in handling these requests. We simply ask for a reasonable turnaround. Please let us know when the next batch is available.

M [REDACTED]

On Tue, Feb 4, 2025, 4:02 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

M [REDACTED] & M [REDACTED],

From this point forward, please direct any requests for documents/questions regarding the East Side Corridor to only myself and Ms. 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.

The Act does not require specific time frames for data release and does not require government agencies to answer specific questions.

The Act does not require the County to provide software to view the specific data or provide it in a different form.

Many items were not necessarily reviewed by staff in any particular order. I will have IT see why the files would not open. Keep in mind some files may have been redacted due to being non-public data and that may account for some items not being viewable.

The County is still working on reviewing current data requests on top of the day-to-day normal operations. I do not have an estimated time frame at this time. I will notify you when an additional batch is ready for review and will put the files in a separate folder.

Thank you,

Rob

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Tuesday, February 4, 2025 2:33 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Data Request

Hello Robert and Renae,

I have reviewed all the public data provided, and it has now been **105 days** since the request was made. Despite this extended timeframe, we still **have not received all requested data**, nor do we have access to all the data that has been provided. I previously emailed you **weeks ago** regarding files that would not open, yet no action has been taken.

Before printing any files, I need to review the next round of data. **When can we expect this?** Waiting **105 days** to pull emails is excessive, especially given that all other documents were simply attachments to emails, requiring no additional searches.

On **January 15, 2025**, I provided a list of files that would not open (reattached for reference). **What is the status of fixing these issues?** Additionally, the following files are inaccessible (starts with):

- itemffa351f9
- itemff9351f9
- itemla4a7dc
- irem1a4a7dc
- item098633f
- itema895
- item5336e4b
- item66r95b
- item4b183
- item0b014fed
- itemf70f9

Furthermore, the **referenced Alternative Analysis Tech Memo is missing**—where is this document?

There are also **22 files requiring specific software to access** (e.g., kmz, kml, shx, dbf, shp, cpq, sbn, sbx, prj, etc.). **How are we supposed to view these files?**

Additionally, it appears that **email chains are incomplete**, with missing responses. We were provided **1,071 emails** between Paul and WSB, as requested, but the original request also included emails from multiple departments. You indicated **in early January that we should expect approximately 1,100 more documents (emails and attachments)**.

However, we are aware that there are over **2,000 emails from Paul alone**. **Does this only include emails between Paul and WSB? When can we expect ALL emails?** The error file on the jump drive contains over 2,000 error records—were all relevant emails included in the first batch, or were errors excluded?

To ensure clarity and prevent duplication, **we expect all future batches of data to be stored in separate, clearly labeled folders that distinguish them from previously provided data**. Please confirm that this will be done moving forward.

To date, the following **issues remain unresolved**:

- 105 days have passed, and we still do NOT have all requested data.
- We were denied access to public data during reasonable business hours—despite being told it was available.
- Files that would not open were reported, yet nothing has been done.
- Additional files remain inaccessible.
- Access to files has been hindered due to the lack of necessary software on the provided computer.
- The jump drive has repeatedly failed and generated error messages.
- Emails appear to be missing.

This level of delay and non-compliance is unacceptable. Please provide an immediate update on when the remaining data will be available and how these access issues will be resolved, and confirmation that future batches will be properly organized

M [REDACTED]

On Thu, Jan 16, 2025, 2:50 PM [REDACTED] wrote:

Hi Robert,

Was hoping to come by today to review files. Could you please confirm if they been fixed yet? Please let me know.

Thanks,

M [REDACTED] S [REDACTED]

On Wed, Jan 15, 2025, 1:20 PM [REDACTED] wrote:

Subject: Concerns Regarding Public Record Documents

Hi Robert,

I reviewed some of the documents this morning and have several concerns:

1. You mentioned there were around 2,000 documents, but only 350 files were in the folder. Where are the remaining 1,650 documents?

2. The documents were not organized in chronological order, contrary to what we were told.

3. Several emails did not open properly; instead, clicking on them opened a box to compose a new email. I've attached a list of the emails that didn't open correctly.

4. Some emails referenced attachments that were not included:

- 5/13/2022 email from Andrew Plowman
- 8/26/2022 email: East Side Corridor revised previously considered alternatives & fatal flaw analysis memo
- 5/10/2022 email: Steele Co East Side Corridor

5. The 6/23/2022 email appeared incomplete, showing the start of a chain that ended abruptly, suggesting missing data.

6. Many documents appeared to be duplicates.

7. Emails prompted a "save changes" message, raising questions about potential edits.

8. After reviewing one-third of the 158 emails (we were told there were thousands of emails), I did not encounter any of the same emails M [REDACTED] accessed last week. The lack of chronological order made it impossible to search specific dates or navigate efficiently.

9. I didn't find any documents from 2021 such as the proposals.

Based on these issues, I'm concerned that the conversion process may not have worked correctly and data is missing. Can you please address these concerns?

Thank you,

M [REDACTED]

On Tue, Jan 14, 2025, 5:20 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

The issue is resolved. We have a computer setup at the attorneys office to review the data anytime.

Robert J. Jarrett

Steele County Attorney

(507) 444-7786

From: [REDACTED]

Sent: Tuesday, January 14, 2025 10:41:20 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Cc: [REDACTED] Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Purscell, David <David.Purscell@SteeleCountyMN.gov>

Subject: Re: Data Request

Good morning Robert,



Initial data set ready for review

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Tue, Feb 11, 2025 at 3:33 PM

To:



"Fry, Renae" <Renae.Fry@steelecountymn.gov>

It will be several weeks before I personally can set aside time to reviewing more data. Both Renea and I just returned from vacation being out of the office for week each.

I will check with my attorneys this Thursday if anyone has upcoming open time to review.

[Quoted text hidden]



Initial data set ready for review

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Fri, Feb 14, 2025 at 10:57 AM

To: [REDACTED] "Fry, Renae"
<Renae.Fry@steelecountymn.gov>

Round 2 is ready for you review at the county attorney's office. It contains 763 items related to east side corridor and WSB communications, totaling 3.4 GB of data.

It will be on the jump drive in a folder labelled round 2.

There remain 638 items to be reviewed in the refined request of 'east side corridor and WSB communication.' I do not have a timeline on when I can work on this further.

IT has not ran the second refined request of communications with commissioner emails and east side corridor.

At this time, this data request has totaled 73 page copies. At over 100 pages, you will be required to pay the actual cost to search/retrieve/copy.

[Quoted text hidden]



Data Request

Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>

Fri, Feb 14, 2025 at 12:44 PM

To: [REDACTED]

Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>, [REDACTED]

I am not familiar with those formats and whatever software is not on a standard county computer. It may be proprietary or engineering related files, which the county is not required to provide in a data request.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Friday, February 14, 2025 11:02 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; [REDACTED]

Subject: Re: Data Request

Great, I will come try them again. What about the kmz, kml, shx, dbf, shp, cpg, sbn, sbx, prj files? Can we access those yet?

Thanks,

M [REDACTED]

On Fri, Feb 14, 2025, 10:47 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

In response to your email below. These items opened fine for me:

- itemffa351f9
- itemf70f9
- item0b014fed
- item4b183
- itema895
- item5336e4b

I could not find these items in the nativefile folder

- itemff9351f9
- itemla4a7dc
- irem1a4a7dc
- item098633f
- item66r95b

Therefore I do not see any issues.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Tuesday, February 4, 2025 2:33 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Data Request

Hello Robert and Renae,

I have reviewed all the public data provided, and it has now been **105 days** since the request was made. Despite this extended timeframe, we still **have not received all requested data**, nor do we have access to all the data that has been provided. I previously emailed you **weeks ago** regarding files that would not open, yet no action has been taken.

Before printing any files, I need to review the next round of data. **When can we expect this?** Waiting **105 days** to pull emails is excessive, especially given that all other documents were simply attachments to emails, requiring no additional searches.

On **January 15, 2025**, I provided a list of files that would not open (reattached for reference). **What is the status of fixing these issues?** Additionally, the following files are inaccessible (starts with):

- itemffa351f9
- itemff9351f9
- itemla4a7dc
- irem1a4a7dc
- item098633f
- itema895
- item5336e4b
- item66r95b
- item4b183
- item0b014fed
- itemf70f9

Furthermore, the **referenced Alternative Analysis Tech Memo is missing**—where is this document?

There are also **22 files requiring specific software to access** (e.g., kmz, kml, shx, dbf, shp, cpg, sbn, sbx, prj, etc.). **How are we supposed to view these files?**

Additionally, it appears that **email chains are incomplete**, with missing responses. We were provided **1,071 emails** between Paul and WSB, as requested, but the original request also included emails from multiple departments. You indicated in early January that we should expect approximately **1,100 more documents (emails and attachments)**.

However, we are aware that there are over **2,000 emails from Paul alone**. **Does this only include emails between Paul and WSB? When can we expect ALL emails?** The error file on the jump drive contains over 2,000 error records—were all relevant emails included in the first batch, or were errors excluded?

To ensure clarity and prevent duplication, **we expect all future batches of data to be stored in separate, clearly labeled folders that distinguish them from previously provided data**. Please confirm that this will be done moving forward.

To date, the following **issues remain unresolved**:

- **105 days have passed, and we still do NOT have all requested data.**
- **We were denied access to public data during reasonable business hours**—despite being told it was available.

- Files that would not open were reported, yet nothing has been done.
- Additional files remain inaccessible.
- Access to files has been hindered due to the lack of necessary software on the provided computer.
- The jump drive has repeatedly failed and generated error messages.
- Emails appear to be missing.

This level of delay and non-compliance is unacceptable. Please provide an immediate update on when the remaining data will be available and how these access issues will be resolved, and confirmation that future batches will be properly organized

M [REDACTED]

On Thu, Jan 16, 2025, 2:50 PM [REDACTED] wrote:

Hi Robert,

Was hoping to come by today to review files. Could you please confirm if they been fixed yet? Please let me know.

Thanks,

M [REDACTED] S [REDACTED]

On Wed, Jan 15, 2025, 1:20 PM [REDACTED] wrote:

Subject: Concerns Regarding Public Record Documents

Hi Robert,

I reviewed some of the documents this morning and have several concerns:

1. You mentioned there were around 2,000 documents, but only 350 files were in the folder. Where are the remaining 1,650 documents?
2. The documents were not organized in chronological order, contrary to what we were told.
3. Several emails did not open properly; instead, clicking on them opened a box to compose a new email. I've attached a list of the emails that didn't open correctly.
4. Some emails referenced attachments that were not included:
 - 5/13/2022 email from Andrew Plowman



Re: WSB Data Set Part 3 of 3

1 message

Mon, Jul 21, 2025 at 4:43 PM

To: Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>
Bcc: owatonnaeastsidecorridor@gmail.com

Mr Jarrett,

I stopped in today to view the most recent data pulled. Unfortunately the files are all dumped into one big folder with no sort of chronological order. I know we've run into this issue before with previous data pulls the county staff has assembled.

In past data pulls I have reviewed at City Hall, they usually have emails pulled together in a designated folder in Outlook. This way, Outlook takes care of chronologically sorting the emails in the order they were sent, created, etc. and the data can be reviewed with more comprehension.

Would you and your staff be so kind as to organize these files in a similar fashion? Currently it's not possible to reasonably review the data in any intelligible way as it is.

Please advise.

Thanks,

On Sat, Jul 19, 2025, 6:38 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

times are still good.

No notice needed- flash drive at the front desk.

Robert J. Jarrett
Steele County Attorney
(507) 444-7786

From:
Sent: Saturday, July 19, 2025 6:23:21 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Subject: Re: WSB Data Set Part 3 of 3

Mr. Jarrett,

I have been out of town a good bit on family matters lately. Can you please confirm the days and times below still work for you in the coming weeks? I am playing catch up but would like to set aside time to come in and review the data. How much advance notice is needed?

Please advise. Thanks,

On Thu, Jul 3, 2025, 5:38 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Mr.

Our office will be open the next four weeks (July 7-11, 14-18, 21-25, & 28-Aug 1) as follows:

Monday 7:30 AM – 4:30 PM

Tuesday 7:30 AM – 4:30 PM

Wednesday 7:30 AM – 4:30 PM

Thursday 7:30 AM – 4:30 PM

Friday 8:00 AM – Noon

Have a safe weekend,

Rob

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Thursday, July 3, 2025 5:25 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Subject: Re: WSB Data Set Part 3 of 3

Mr. Jarrett,

I've been out of town on family vacation. Back now, and wanting to check to see what days and times next week would work to come into view the data. Please let me know.

Thanks,

[REDACTED]

On Fri, Jun 20, 2025, 10:41 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Sorry we were closed Thursday.

Open today until 4:30pm.

Next week:

M-Th 7:30am-4:30pm

Fri 8am-Noon

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Thursday, June 19, 2025 8:23 AM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Subject: Re: WSB Data Set Part 3 of 3

Is there any time today to review this documentation?

[REDACTED]

On Tue, Jun 10, 2025, 2:29 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Good afternoon,

Data set 3 of 3 containing "WSB Communications" is ready for review.

This data set is 1.06 GB, containing 676 items.

Please note SCAO updated lobby hours are:

7:30 am-4:30 pm Monday-Thursday

Close at noon on Fridays without court.



Robert J. Jarrett
County Attorney
Steele County Attorney's Office
[303 S. Cedar Avenue](#)
[Owatonna, MN 55060](#)
Tel: 507-444-7780

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 **image001.png**
20 KB



Request for Guidance on Submitting a Petition and Speed Limit Change Process

Thu, Jan 9, 2025 at 12:25 PM

To: "Jarrett, Robert" <Robert.Jarrett@steelecountymn.gov>
Cc: "Fry, Renae" <Renae.Fry@steelecountymn.gov>

I'm seeking clarification regarding the County's process for submitting a petition. I'm a bit confused as to why my request for this procedural information might be interpreted as a legal question.

To be clear, my inquiry is about the formal steps required to submit a petition to the County for consideration. Could you please outline the process or direct me to the appropriate resources or guidelines that detail what is required for submission?

Thank you for your assistance.

Best regards,

M [REDACTED] Z [REDACTED]

On Thu, Jan 9, 2025, 7:56 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Sorry these are legal advice in my opinion given they ask what to do about an issue.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]

Sent: Thursday, January 9, 2025 12:48 AM

To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>

Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>

Subject: Re: Request for Guidance on Submitting a Petition and Speed Limit Change Process

Hi Jarrett,

I had two separate questions and wanted to clarify that I'm seeking information on County's processes, not legal advice.

1. What is the process for submitting a petition to ensure it is officially recorded with the county and state, making them aware of community concerns?

2. How can I request a speed limit change on an existing road? I believe Paul may have already addressed this one.

Any guidance you can provide on the petition process would be greatly appreciated.

Thanks,

M [REDACTED]

On Mon, Dec 16, 2024, 2:12 PM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

I can not provide legal advice to individuals. That being said, I am not aware of a petition process to change speed limits – especially a road that doesn't even exist yet. You certainly can advocate with the county engineer or MNDOT.

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>

Sent: Monday, December 16, 2024 9:43 AM

To: [REDACTED]

Cc: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>; Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>

Subject: RE: Request for Guidance on Submitting a Petition and Speed Limit Change Process

M [REDACTED],

I will forward this to the county attorney for guidance. As far as I know, there really isn't a petition for this type of request, but I will ask the county attorney to verify my understanding and provide additional direction.

Renae

Renae Fry, JD, ICMA - CM

County Administrator

Steele County • 630 Florence Avenue • Owatonna, MN 55060

Phone: 507-444-7431

Renae.Fry@SteeleCountyMN.gov



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From: [REDACTED]
Sent: Monday, December 16, 2024 9:35 AM
To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: Request for Guidance on Submitting a Petition and Speed Limit Change Process

Renae,

Thank you for your email and for your willingness to provide guidance on this matter. We'd like to submit a formal petition regarding the East Side Corridor (ESC) project to both the county and state. Specifically, I'm seeking to ensure the petition is officially recognized and that it formally conveys residents' concerns about the project's impacts.

Could you please clarify:

1. The specific requirements for submitting a petition to the county and state, including any necessary forms or documentation.
2. If there are particular offices or departments to which the petition should be addressed.

The action we are seeking through the petition is to ensure a thorough review and reconsideration of the ESC project plans, particularly in terms of safety concerns, community impacts, and alignment with modern-day conditions rather than relying on outdated plans.

If a letter would be sufficient for some aspects of this process, I would appreciate your advice on how to proceed in those cases as well.

Thank you for your assistance, and I look forward to your guidance.

Best regards,

M [REDACTED] Z [REDACTED]

On Mon, Dec 16, 2024 at 8:43 AM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

M [REDACTED]

Here are my initial responses:

1. **Submitting a Petition:** Could you please provide information on how to officially submit a petition to the county and/or state? Specifically, I would like to understand the requirements, the process, and any forms or documentation that might need to accompany the submission. **What action are you seeking the board to take via Petition? Consideration of some matters can be made via letter and others may require a formal request in the form of a petition or related form. If you could give me more information, I should be able to give you more specific guidance.**

2. **Changing a Speed Limit:** I would also appreciate details on the procedure for requesting a speed limit change within the county. Could you clarify the steps involved, the responsible agency, and whether a petition or additional documentation is required to initiate this process? I have copied the county engineer on this request. Paul, will you please provide M [REDACTED] with the process?
3. **Public Data Policies:** Lastly, I would like to learn more about the county's policies regarding public data. Specifically:
- What types of data are considered public?
 - Are there policies that outline how long public data is retained?
 - Where can I access detailed guidelines or resources regarding these policies?

As a general rule, all government information is considered public unless it is covered by one of the exceptions, the most notable being information that is non-public or private under applicable data privacy laws and rules. Even if a document is considered public, it might contain private or non-public data, which means that every document has to be reviewed prior to being released to the public. The county follows the state retention schedule. Some information has a very short retention period, other information must be retained indefinitely. Board meeting minutes are an example of this. What makes it challenging sometime, is the fact that much of the county's information is stored in paper format or in data bases that are not easily searchable. The county's data request procedures are available on the web page. The State of Minnesota has additional information on data requests on their web site as well. Lastly, the retention schedule is found on the Minnesota Historical Society website.

I hope this helps.

Renae

Renae Fry, JD, ICMA - CM

County Administrator

Steele County • 630 Florence Avenue • Owatonna, MN 55060

Phone: 507-444-7431

Renae.Fry@SteeleCountyMN.gov

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From: [REDACTED]
Sent: Sunday, December 15, 2024 9:10 PM
To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Request for Guidance on Submitting a Petition and Speed Limit Change Process

Dear Renae,

I hope this email finds you well. I am reaching out to request your guidance on two matters:

1. **Submitting a Petition:** Could you please provide information on how to officially submit a petition to the county and/or state? Specifically, I would like to understand the requirements, the process, and any forms or documentation that might need to accompany the submission.
2. **Changing a Speed Limit:** I would also appreciate details on the procedure for requesting a speed limit change within the county. Could you clarify the steps involved, the responsible agency, and whether a petition or additional documentation is required to initiate this process?
3. **Public Data Policies:** Lastly, I would like to learn more about the county's policies regarding public data. Specifically:
 - What types of data are considered public?
 - Are there policies that outline how long public data is retained?
 - Where can I access detailed guidelines or resources regarding these policies?

Your assistance in outlining these processes would be greatly appreciated. If there are specific departments or resources I should contact, please let me know.

Thank you in advance for your time and support. I look forward to your response.

Best regards

M [REDACTED]



image001.jpg
2K



Assistance Needed with Submission Process

Mon, Jan 13, 2025 at 3:25 PM
 To: "Abbe, Jim" <Jim.Abbe@steelecountymn.gov>

I can do that. Thank you for the help!

M

On Mon, Jan 13, 2025, 3:24 PM Abbe, Jim <Jim.Abbe@steelecountymn.gov> wrote:

I would suggest submitting it to the administrator and ask that it be included in the board packet as correspondence

[Get Outlook for iOS](#)

From: [REDACTED]
Sent: Monday, January 13, 2025 2:48:33 PM
To: Abbe, Jim <Jim.Abbe@SteeleCountyMN.gov>
Subject: Re: Assistance Needed with Submission Process

Thank you for your help. Could you clarify how to "bring it forward to the County as correspondence"? Should I send an email, present it at a commissioners' meeting, or is there another method I should follow?

Thanks,
 M

On Mon, Jan 13, 2025, 10:55 AM Abbe, Jim <Jim.Abbe@steelecountymn.gov> wrote:
 Good morning,

As you indicated, you are not looking for legal advice, so in no way should this be construed as such.

I would recommend you bring it forward to the County as correspondence, at which time the board can choose to address it or send it to committee for discussion and possible action.

Thanks

Jim Abbe
 Steele County Commissioner

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From: [REDACTED]
Sent: Friday, January 10, 2025 5:09:02 PM
To: Abbe, Jim <Jim.Abbe@SteeleCountyMN.gov>
Subject: Assistance Needed with Submission Process

Hi Commissioner Abbe,

I have been inquiring since December 15th about the process to formally submit a petition so that it is on record with the county. Initially, I reached out to Renae Fry, assuming the county administrator would be best suited to address my question. However, she was unsure of the process and forwarded my inquiry to County Attorney Jarrett. Unfortunately, he has also been unable to provide an answer and has stated that he cannot provide legal advice to individuals.

I want to clarify that I am not seeking legal advice—only the steps necessary to follow the proper procedure for formally submitting a petition.

As this matter has been ongoing for nearly a month, I am now reaching out to you, my commissioner, for assistance with what I believed would be a straightforward question. Could you please provide clarification on the process for formally submitting a petition?

Thank you for your attention to this matter. I look forward to your guidance.

Sincerely,

M [REDACTED] Z [REDACTED]

From: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Sent: Wednesday, September 25, 2024 11:17 AM
To: Bottos, Elisa (DOT); Philip Forst
Cc: Cabral Neto, Fausto (DOT); Andrew Plowman; Mary Gute; Ryan Earp; sean.murphy@owatonna.gov
Subject: RE: East Side Corridor public meetings

Elisa and Phil,

The Evaluation of Alternatives memo is now loaded to the project website eastsidecorridor.com and available to the public. We are working on additional updates to the webpage and a newsletter in the coming weeks that will present the results and updating our next steps. I ask that you refer specific project questions to me, and only discuss federal and state process with them. This group keeps telling us that State Aid and FHWA are telling the group that the county is doing things wrong. I assume that you are not making those statements and that you would let us know if we are indeed doing something wrong.

Yesterday, we presented a high level project update to the County Board and will do the same with the Owatonna City Council next week. These presentations are not intended to provide information to the public, only an update to the elected officials, but we did have significant public attendance at the meeting, so the public knows the memo is complete.

Thanks for the opinions on holding another meeting. We'll discuss with the project team and elected official again, but doubtful we'll have another Preferred Alignment meeting again.

Noise impacts along the preferred alignment are being studied now in detail. Preliminary results based on federal requirements indicate that a noise wall will need to be brought to the North County residents and another neighborhood for a vote. Depending on the final results, we'll soon begin that outreach to the effected neighborhoods. Please refer the community group to me for those details.

Paul Sponholz, P.E. | 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: Bottos, Elisa (DOT) <elisa.bottos@state.mn.us>
Sent: Wednesday, September 25, 2024 9:58 AM
To: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Cc: Cabral Neto, Fausto (DOT) <fausto.cabral@state.mn.us>; Philip Forst <phil.forst@dot.gov>
Subject: RE: East Side Corridor public meetings

Paul,
 I will defer to Phil's opinion and Dale's previous statement that another public meeting is not required.

FYI- community group has contacted Fausto Cabral and I yesterday asking for a copy of the preferred alternative report. Please let me know if you will make that publicly available.
 There are also questions about noise impacts.

Elisa Bottos, PE
Project Delivery Engineer

elisa.bottos@state.mn.us

From: Forst, Phil (FHWA) <Phil.Forst@dot.gov>
Sent: Wednesday, September 25, 2024 9:44 AM
To: Paul Sponholz <paul.sponholz@steelecountymn.gov>
Cc: Cabral Neto, Fausto (DOT) <fausto.cabral@state.mn.us>; Bottos, Elisa (DOT) <elisa.bottos@state.mn.us>
Subject: RE: East Side Corridor public meetings

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Paul:

do we need to repeat the Public Open House to receive public comment again on the selection of Alternative 3?

I look for Elisa to weigh in as well on this.

IMO:

- Given the outreach you've done to date and that Alternative 3 has been confirmed with the evaluation process...it would be a best practice to do an additional public open house **if** it's a modified Alternative 3 compared to what the public saw in 2023...but not a legal requirement.
- The "...another open house in a couple of months when the draft environmental document is ready..." will meet legal requirements.
- So, if you're simply inclined to have another open house (in addition to the one already planned with the draft environmental document) or you think it may help with the public relationship and/or legal risk...that is up to you. Another option at your disposal is to post that alternatives analysis tech memo on the project's web site while the draft environmental doc is being prepared. Again, opportunity as opposed to legal requirement.

Thoughts, Elisa? FYI, I will be signing off before noon today, be offline the remainder of the week and returning on Monday of next week.

From: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Sent: Wednesday, September 25, 2024 9:09 AM
To: Forst, Phil (FHWA) <Phil.Forst@dot.gov>; Elisa Bottos (elisa.bottos@state.mn.us) <elisa.bottos@state.mn.us>
Cc: Fausto Cabral (fausto.cabral@state.mn.us) <fausto.cabral@state.mn.us>
Subject: RE: East Side Corridor public meetings

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Resending as my computer's autofill grabbed the wrong email address...

From: Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Sent: Wednesday, September 25, 2024 9:02 AM
To: Elisa Bottos (elisa.bottos@state.mn.us) <elisa.bottos@state.mn.us>; Phil Wacholz

<philip.wacholz@co.freeborn.mn.us>

Cc: Fausto Cabral (fausto.cabral@state.mn.us) <fausto.cabral@state.mn.us>

Subject: East Side Corridor public meetings

Elisa and Phil,

Now that we have the preferred alignment identified (as noted in the Evaluation of Alternatives memo recently signed by FHWA), I have a question regarding holding a public meeting to present its findings.

We had selected Alternative 3 back in 2023 when we were following the Programmatic CatEx process, and then presented that result to the public and collected comments from the public on that selection at a Public Open House meeting in May 2023.

Now that we have been directed complete the Nonprogrammatic process, and now have completed the Evaluation of Alternatives Memo reaffirming that Alternative 3 is still the preferred alignment, do we need to repeat the Public Open House to receive public comment again on the selection of Alternative 3?

I had previously discussed with Dale Gade, and he advised, that since we already had a public open house on this alternative, there is no need to expend additional tax payer resources to present the same findings. He advised that we can use the previously taken public comments in the final environmental documents.

Can you confirm in writing that this is the process to move forward? As you know, we have a neighborhood group opposed to the project and they are now questioning why we aren't holding another open house on the selection of the preferred alignment, when in fact we already held a public meeting on this alignment back in May 2023.

Of course we will have another open house in a couple of months when the draft environmental document is ready for public input and the 30-day public comment period.

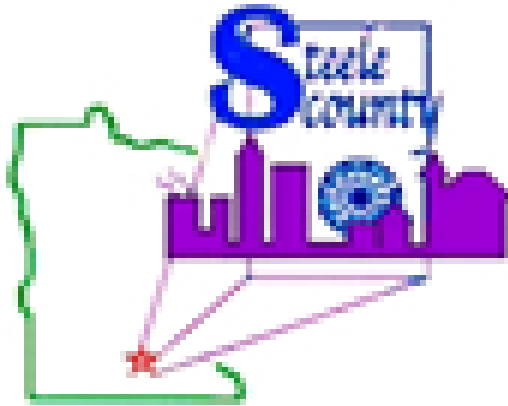
Thank you.

Paul Sponholz, P.E. | 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

STEELE COUNTY GUIDELINES AND PROCEDURES FOR MINNESOTA GOVERNMENT DATA PRACTICES ACT



Adopted by the Steele County Board of Commissioners
May 22, 2018

MINNESOTA GOVERNMENT DATA PRACTICES ACT

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MINNESOTA GOVERNMENT DATA PRACTICES ACT

Introduction

These guidelines and procedures provide assistance to Steele County staff in complying with those portions of the MGDPA that relate to *access to government data* and to the *rights of data subjects*.

The access provisions and rights are:

- The presumption is all government data is public unless classified as not public by state or federal statute or other legal authority;
- The right of any person to know what types of data are collected by Steele County about that person and how that data is classified;
- The right of any person to inspect at no charge data classified as public at reasonable times and places subject to reasonable charges that may be imposed as authorized by Minn. Stat. 13.03, subd. 3(c) for searching for and retrieving the data;
- The right of any person to have data reasonably explained in an understandable way;
- The right of any person to get copies of government data at a reasonable cost;
- The right of any person to an appropriate and reasonably prompt response from Steele County when exercising these rights;
- The right of any person to be informed of the authority by which Steele County denies access to government data; and
- The right to be reasonably notified consistent with this policy if not public data concerning the person is subject to a breach of the security of the data.

A BRIEF OVERVIEW OF THE MINNESOTA GOVERNMENT DATA PRACTICES ACT

The Minnesota Government Data Practices Act regulates the management of all government data that are created, collected, received, or released by a government entity no matter what form the data is in or how or where it is stored or used.

The Act regulates:

- what data can be collected;
- who may see or get copies of the data;
- the classification of specific types of data;
- the duties of personnel in administering the Act;
- procedures for access to the data;
- procedures for classifying data as not public;
- civil and criminal penalties for violation of the Act; and
- the charging of fees for copies of data.

Government data is either *data on individuals* or *data not on individuals*. Data on individuals is classified as either public, private, or confidential. Data not on individuals is classified as public, nonpublic, or protected nonpublic. This classification system determines how data is handled (see chart below).

Data on Individuals	Meaning of Classification	Data <i>Not</i> on Individuals
Public	Available to anyone for any reason	Public
Private	Available only to the data subject and to anyone authorized in writing by the data subject or by court order or law to see it	Nonpublic
Confidential	Not available to the public or the data subject	Protected Nonpublic

COLLECTION OF GOVERNMENT DATA

What is the Minnesota Government Data Practices Act?

The Minnesota Government Data Practices Act (MGDPA) is in Chapter 13 of Minnesota Statutes. It controls how government data is collected, created, stored, maintained, used and disseminated.

What is government data?

Government data is all data maintained in any form by state and local government entities. As long as data exists in some form in a government entity it is government data no matter what physical form it is in or how stored or used. Government data may be stored on paper forms/records/files, in electronic form, on audio or video tape, on charts, maps, etc. Government data may include oral statements but usually does not include mental impressions of a government official not existing in some other format.

Persons or entities licensed or funded by or under contract to a government entity are subject to the MGDPA to the extent specified in the licensing, contract, or funding agreement.

- A.** Official records must be kept. MINN. STAT. § 15.17, subd. 1 requires all officers and agencies of the county to make and keep all records necessary for a full and accurate knowledge of their official activities. Requirements for collecting, creating, maintaining, storing, and disseminating data are in MINN. STAT. CH. 13 AND MINN. R. 1205, the Minnesota Government Data Practices Act and Rules. Links for locating the statutes and rules are in Appendices B and C.
- B.** The collection and storage of public, private, and confidential data on individuals are limited to that necessary for the administration and management of programs specifically authorized or mandated by the state, local governing body or the federal government.
- C.** Access to data that is not public shall be limited to persons whose work assignment reasonably requires access.

D. DEFINITIONS

- 1. Annual Report** - The public document(s) required by Minn. Stat. § 13.025 containing the name of the responsible authority and the individual designee, title and address and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by the government entity.
- 2. Authorized Representative** - An individual, entity, or person authorized to act on behalf of another individual, entity or person. The authorized representative may include, but is not limited to: (a) in the case of a minor a

parent, or guardian, (see Section IX.B); (b) an attorney acting on behalf of an individual when the individual has given written informed consent; (c) any other individual entity, or person given written authorization by the data subject; or (d) an insurer or its representative provided the data subject has given written informed consent for the release of the information, (e) court appointed guardian/conservator if authorized by the court order, (f) personal representative of the estate of a decedent or a decedent's heirs.

3. **Court Order** - The order of a judge made or entered in writing or on the record in a legal proceeding.
4. **Data** - All data collected, created, received, maintained, or disseminated by a government entity regardless of its physical form, storage media, or conditions of use, including, but not limited to, paper records and files, microfilm, computer media or other processes.
5. **Data Subject** - The individual or person who is the subject of the data.
6. **Designee** - Any person designated by the responsible authority (a) to be in charge of individual files or systems containing government data and (b) to receive and comply with requests for government data.
7. **Government Entity** – A state agency, statewide system, or political subdivision.
8. **Individual** - A natural person. In the case of a minor or an individual judged by a court mentally incompetent “individual” includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian except the responsible authority shall withhold data from parents or guardians or individuals acting as parents or guardians in the absence of parents or guardians upon request by the minor if the responsible authority determines withholding the data would be in the best interest of the minor.
9. **Informed Consent** - The written consent given by a data subject to allow disclosure of private data about that person.
10. **Person** - Any individual, partnership, corporation, association, business trust or legal representative of an organization.
11. **Political Subdivision** - Any county, city, school district, special district, any town exercising powers under Minn. Stat. 368 and located in a metropolitan area, and any board, commission, district or authority created pursuant to law, local ordinance, or charter provision. It includes any nonprofit corporation that is a community action agency organized to qualify for public funds or any nonprofit social service agency that performs services under contract to a government entity to the extent the nonprofit social service

agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with a government entity.

- 12. Representative of the Decedent** - The personal representative of the estate of the decedent during the period of administration or if no personal representative has been appointed, or after discharge, the surviving spouse, any child of the decedent, or, if there are no surviving spouse or children, a parent of the decedent.
- 13. Requestor** - The entity or person requesting access to and/or copies of the data.
- 14. Responsible Authority - Counties** - Each elected official of the county is the responsible authority of the respective office. An individual who is an employee of the county shall be appointed by the County Board to be the responsible authority for any data administered outside the offices of elected officials.
- 15. Rules** - "The Rules Governing the Enforcement of the Minnesota Government Data Practices Act." Minn. R., Chap. 1205.
- 16. State Agency** - The state, the University of Minnesota, and any office, officer, department, division, bureau, board, commission, authority, district, or agency of the state.
- 17. Statewide System** - Any recordkeeping system in which government data is collected, stored, disseminated, and used by means of a system common to one or more state agencies or more than one of its political subdivisions or any combination of state agencies and political subdivisions.
- 18. Temporary Classification** - An application pursuant to MINN. STAT. § 13.06 approved by the Commissioner of Administration to classify government data not classified by state statute or federal law as either private or confidential for data on individuals or nonpublic or protected nonpublic for data not on individuals.
- 19. Tennesen Warning** - Those rights as contained in Section IX.A communicated to an individual asked to supply private or confidential data concerning himself or herself and which may also be known as a Data Practices Rights Advisory.

II. CLASSIFICATION OF GOVERNMENT DATA

For the purposes of these guidelines data is divided into four types; (a) data on

individuals that is classified as either public, private, or confidential; (b) data not on individuals that is classified as either public, nonpublic, or protected nonpublic; (c) statistical or summary data derived from data on individuals in which individuals are not identified; and (d) data on decedents. These classifications, the criteria for classification and the description of who has access are as follows:

A. DATA ON INDIVIDUALS

1. Public Data on Individuals

- a. Definition:** All data on individuals is public unless classified as private or confidential.
- b. Data on Individuals is Public if:**
 - 1) A statute or federal law requires or allows the collection of the data and does not classify the data as private or confidential.
 - 2) An application for Temporary Classification for private or confidential data on individuals is disapproved by the Commissioner of Administration.
 - 3) Private or confidential data may become public to comply with either a judicial order or administrative rules pertaining to the conduct of a legal action or if a statute changes or causes the classification to change. (For example: Private or confidential data that is presented in court and made public by the court.)
- c. Access:** All public data on individuals is accessible by all persons regardless of their interest in that data.

2. Private Data on Individuals

- a. Definition:** Private data on individuals is data that is not accessible to the public but is accessible to the data subject.
- b. Tennessean Warning:** Except for law enforcement investigations a Tennessean Warning must be given when private or confidential data is collected from the subject of the data (Section IX.A describes the Tennessean Warning).

A Tennessean Warning need not be given when private or confidential data is collected from someone other than the subject of the data.

- c. Data on Individuals is Private if:**

- 1) A state statute or federal law expressly classifies the data as not accessible to the public but accessible to the data subject.
- 2) A Temporary Classification of private has been approved by the Commissioner of Administration and has not expired.
- 3) If data is classified as both private and confidential by state or federal law the data is treated as private data.

d. Access: Private data on individuals is accessible to:

- 1) The data subject or the representative as authorized in writing, by the subject (if the subject is a minor, usually by the subject's parent or guardian).
- 2) Individuals, entities, or persons who have been given express written permission by the data subject. (Section IX.C describes Informed Consent.)
- 3) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or designee.
- 4) Entities or persons who used, stored, and disseminated government data collected prior to August 1, 1975, with the condition that use, storage, and dissemination was not accessible to the public but accessible to the data subject. Use, storage and dissemination of this data is generally limited to the purposes for which it was originally collected.
- 5) Entities or persons for which a state, local, or federal law authorizes new use or new dissemination of the data.
- 6) Entities or persons subsequent to the collection of the data and subsequent to the communication of the Tennessee Warning when specifically approved by the Commissioner of Administration as necessary to carry out a function assigned by law.
- 7) Pursuant to a court order.
- 8) Entities or persons as otherwise provided by federal or state statutes.

3. Confidential Data on Individuals

- a. Definition:** Data on individuals is confidential if it is made by statute or federal law not accessible by the public and not accessible by the data subject.

- b. Tennessean Warning:** Except for law enforcement investigations a Tennessean Warning must be given when confidential data is collected from the subject of the data.

A Tennessean Warning need not be given when confidential data is collected from someone other than the subject of the data.

c. Data on Individuals is Confidential if:

- 1) A state or federal statute expressly provides that: (a) the data shall not be available to either the public or to the data subject, or (b) the data shall not be available to anyone except those agencies that need the data for agency purposes.
- 2) A Temporary Classification of confidential has been approved by the Commissioner of Administration and has not expired.

d. Access: Confidential data on individuals is accessible to:

- 1) Entities or persons who are authorized by state, local, or federal law to gain access.
- 2) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or the designee.
- 3) Entities or persons who used, stored, and disseminated government data collected prior to August 1, 1975, with the condition that the data was not accessible to the individual subject of the data.
- 4) Individuals, entities or persons for which a state or federal law authorizes a new use or new dissemination of the data.
- 5) Entities or persons subsequent to the collection of the data and communication of the Tennessean Warning when specifically approved by the Commissioner of Administration as necessary to carry out a function assigned by law.
- 6) Pursuant to a court order.
- 7) Entities or persons as otherwise provided for by federal or state statutes.

B. PUBLIC, NONPUBLIC, OR PROTECTED NONPUBLIC DATA NOT ON INDIVIDUALS

1. Public Data Not on Individuals

a. **Definition:** Public data not on individuals means data not on individuals that is accessible to the public.

b. **Data Not on Individuals is Public if:**

- 1) A statute or federal law does not expressly classify the data as not public.
- 2) An application for Temporary Classification for data as nonpublic or protected nonpublic is not approved by the Commissioner of Administration.

c. **Access:** Public data not on individuals is accessible to all persons regardless of their interest in the data.

2. Nonpublic Data Not on Individuals

a. **Definition:** Nonpublic data not on individuals means data that are not public but are accessible to the data subject, if any. As used here the subject of the data means a person as defined in Section I.D., paragraph 10.

b. **Data Not on Individuals is Nonpublic if:**

- 1) A state statute or federal law classifies the data as not public but accessible to the data subject, if any.
- 2) A Temporary Classification of data as nonpublic has been approved by the Commissioner of Administration.

c. **Access:** Nonpublic data not on individuals is accessible to:

- 1) The data subject, if any.
- 2) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or designee.
- 3) Entities or persons authorized by statute or federal statute to gain access.
- 4) Pursuant to court order.
- 5) Entities or persons as otherwise provided by federal or state statutes.

3. Protected Nonpublic Data Not on Individuals

- a. Definition:** Protected nonpublic data not on individuals means data that is not public and not accessible to the data subject, if any. As used here the subject data means a person as defined in Section I.D., paragraph 10.
- b. Data Not on Individuals is Protected Nonpublic if:**
 - 1) A state statute or federal law classifies the data as not accessible to the public and not accessible to the data subject, if any.
 - 2) A Temporary Classification of government data as protected nonpublic has been approved by the Commissioner of Administration.
- c. Access:** Protected nonpublic data not on individuals is accessible to:
 - 1) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or the designee.
 - 2) Entities or persons authorized by statute or federal law to gain access.
 - 3) Pursuant to a court order.
 - 4) Entities or persons as otherwise provided by federal or state statutes.

C. SUMMARY DATA

- 1. Definition:** Summary data are statistical records and reports derived from data on individuals but in which individuals are not identified and neither their identities nor other characteristics that could uniquely identify an individual is ascertainable.
- 2. Data is Summary Data if:**
 - a. All data elements that could link the data to a specific individual have been removed; AND,
 - b. Any list of numbers or other data that could uniquely identify an individual is separated from the summary data and is not available to persons who gains access to or possess summary data.
- 3. Access:** Unless otherwise classified by a Temporary Classification summary data is public and may be requested by and made available to any

entity or person, including a governmental entity.

D. DATA ON DECEDENTS

1. Private Data on Decedents

a. Definition: Upon death private and confidential data on an individual shall become, respectively, private data on decedents and confidential data on decedents.

b. Access:

1) Access is available to the personal representative of the estate during the administration or if no personal representative, the surviving spouse, any child of the decedent, or if no spouse or children, to a parent of the decedent.

2) A trustee appointed by court order in a wrongful death action also has access to private data on decedents concerning the data subject.

2. Confidential Data on Decedents

a. Definition: Confidential data on decedents means data that prior to the death of the data subject was classified as confidential data on individuals.

b. Access: Access to and use of the data is the same as access to confidential data on individuals.

c. The representative of the decedent may exercise all rights that are conferred by the Act on individuals who are the subjects of confidential data in the case of confidential data on decedents.

3. Release of private data on a decedent or confidential data on a decedent may also be obtained from a court following the procedure outlined in the statute. Any person may bring an action in the district court located in the county where the data is being maintained to authorize release of private data on decedents or confidential data on decedents. The court must examine the data and consider whether the harm to the surviving spouse, children, or next-of-kin of the decedent, the harm to any other individual identified in the data or the harm to the public outweighs the benefit to the person bringing the action or the benefit to the public.

4. Private data on decedents and confidential data on decedents shall become public when ten years have elapsed from the actual or presumed death of the individual and 30 years have elapsed from the creation of the data. For

purposes of this determination an individual is presumed to be dead if either 90 years elapsed since the creation of the data or 90 years have elapsed since the individual's birth, whichever is earlier except an individual is not presumed to be dead if readily available data indicates the individual is still living.

III. REQUEST FOR GOVERNMENT DATA

Refer to Appendix D for forms to use when copies of data are requested. No fee shall be charged for only viewing data. Pursuant to Minn. Stat. §13.03, subd. 3(c) actual costs may be required to be paid for compiling some data but not for separating public and not public data.

A. REQUEST FOR DATA - GENERAL - Upon request to the responsible authority or designee an authorized person shall be permitted to inspect government data at reasonable times and places. If the party requests they shall be informed of the meaning of the data. If the data requested is public data no form can be required, but the requestor can be asked to voluntarily complete a request and contact form. Upon request and at the discretion of the staff member public data may be disclosed over the telephone.

Regardless of where the data originates if it is in the possession of Steele County it is government data and subject to the Data Practices Act, including access provisions.

B. REQUESTS FOR DATA ON INDIVIDUALS BY THE DATA SUBJECT

1. Upon request and when access or copies are authorized the designee shall provide access to the private or public data on an individual to the data subject or authorized representative. See Minn. R. 1205.0500 if the data subject is a minor. If a copy is provided the appropriate fees shall be charged unless waived consistent with county policy.
2. The designee shall respond to the request as soon as reasonably possible and no later than within ten (10) working days of the receipt of the request.
3. After an individual has been shown the data and informed of its meaning the data need not be disclosed to that individual for six (6) months unless a dispute or action is pending concerning accuracy of data or additional data has been obtained about that individual.

C. REQUESTS FOR SUMMARY DATA

1. Unless otherwise classified by a Temporary Classification summary data derived from private or confidential data on individuals is public and the responsible authority or designee shall provide the summary data upon the request of any person.
2. Within a reasonably prompt time of receipt of such request the responsible authority or designee shall inform the requestor of the costs of preparing the summary data, if any.
3. The responsible authority or the designee shall:
 - a. Provide the summary data requested **OR**
 - b. Provide a written statement to the requestor describing a likely time schedule for preparing the requested data, including reasons for any delays and a statement of the cost, which should be pre-paid unless waived by the county; **OR**
 - c. Provide access to the requestor to the private or confidential data so that the requestor can compile the summary data. Such access will be provided only when the requestor signs a non-disclosure agreement; **OR**
 - d. Provide a written statement to the requestor stating reasons why the requestor's access would compromise the private or confidential data or is classified as other than public.
4. A non-disclosure agreement is used to protect the privacy or confidentiality of the data when the requestor of the summary data prepares the summary by accessing private or confidential data on individuals. Because of the obligation to protect the security of the data from improper access or use such agreements will be rarely used. In the rare case of such use a non-disclosure agreement shall contain at least the following:
 - a. A general description of the private or confidential data being used to prepare summary data.
 - b. The purpose for which the summary data is being prepared.
 - c. A statement that the requestor understands the requestor may be subject to the civil or criminal penalty provisions of the Act for violation of the protected status of the data.
 - d. The dated signature of the requestor and the responsible authority, designee, or representative.
 - e. Willingness by the requestor to sign the agreement is not a guarantee of

access to the data. Access may be denied if the county determines such assurances are insufficient to protect the not public nature of the data.

D. REQUESTS FOR GOVERNMENT DATA BY OTHER GOVERNMENT AGENCIES

1. A responsible authority shall allow another government entity access to data classified as private, confidential, nonpublic, or protected nonpublic only when the access is authorized or required by state or federal statute.
2. An agency that supplies government data under this section may require the requesting agency to pay the actual cost of supplying the data when the requested data is not provided in the normal course of business and not required by state or federal statute. In most circumstances Steele County will not charge a fee to another government entity. Consideration should be given to transmission of the data by electronic means to save Steele County copying costs.
3. In many cases data will have the same classification in the hands of the agency receiving it as it had in the agency providing it unless the classification is required to change to meet judicial, administrative, or statutory requirements such as change in classification by statutory definition. When reasonably practical the agency providing the requested data information shall indicate the classification of the data when the data is classified as other than public.
4. When reasonably practical and reasonably necessary if it is not clear the requesting agency is authorized to access the data it shall be directed to obtain the informed consent from the data subject(s) for data classified as private or confidential. If the agency is unable to obtain such written consent the Steele County Responsible Authority should be consulted for a determination of access prior to release of the data.

E. HOW DATA PRACTICES APPLIES TO CONTRACTUAL LICENSING AND FUNDING RELATIONSHIP WITH GOVERNMENT ENTITIES

1. Pursuant to Minn. Stat. § 13.05, subd. 6, if a person receives not public data on individuals from a government entity because that person has a contract with that entity the person must administer the data in a manner consistent with the MGDPA.
2. Pursuant to Minn. Stat. § 13.05, subd. 11, if a private person collects, receives, stores, uses, maintains or disseminates data because the person has a contract with a government entity to perform any of the entity's functions the data are subject to the requirements of the MGDPA and the

contractor must comply with the MGDPA requirements. The contract should clearly inform the contractor of these responsibilities.

3. Pursuant to Minn. Stat. § 13.02, subd. 11, if the data is collected by a nonprofit social services entity that performs services under contract to a government entity and the data is collected and used because of that contract access to the data is regulated by the MGDPA.
4. If a third party is licensed by a government entity and the licensure is conditioned upon compliance with the MGDPA or if the party has another type of contract with a government entity the party is subject to the MGDPA to the extent specified in the contract or the licensing agreement.

IV. FEES FOR COPIES OF GOVERNMENT DATA.

Pursuant to the Minnesota Government Data Practices Act and Steele County Board resolution and unless otherwise provided for by federal law, state statute or rule, fees for copies of government data shall be determined based on the costs of providing such service as set forth in Section V.E. Fees shall be reasonable and reflect only the actual cost.

FEES SHALL NOT BE CHARGED TO THOSE INDIVIDUALS WHO ONLY WISH TO VIEW DATA.

NOTE: FEES SHALL NOT BE CHARGED FOR SEPARATING PUBLIC FROM NONPUBLIC DATA.

A. COPIES PROVIDED AT NO CHARGE: When access is authorized copies may be provided at no charge:

1. When another government agency or responsible authority requires or requests the record/document copies as part of the administration and management of an authorized program and the copies are usually provided as part of the normal course of business.
2. When records, documents, brochures, pamphlets, books, reports, or other similar publications are produced for free distribution to the public. A charge may be assessed if an individual request exceeds normal distribution.
3. When required by statute or court order.

B. COPIES PROVIDED WITH CHARGE: When access is authorized copies shall be provided at the applicable rate in the following circumstances:

1. Other government agencies or responsible authorities who require or request record documents or publication copies that are not usually provided or reproduced at a cost as part of the normal course of business.

2. Records, documents, brochures, pamphlets, books, reports, or other similar publications that are not normally provided or reproduced for distribution to the public.
3. Public data on individuals and public data not on individuals, particularly when the requestor is not the subject of the data.

C. COPYING FEES: Copying fees shall be charged for those records, documents, and publications covered in Section B above.

1. The Flat Rate shall be charged for all requested records, documents, and publications that are not otherwise identified in the Fee Schedule under Appendix A. The current Flat Rate to be charged is contained in Section E. The Flat Rate may be reviewed annually by the Steele County Board and updated as necessary.
2. A Special Rate will be charged for copies of requested records, documents, and publications that are listed in Appendix A by the department or office in which they are available.
3. When copies are mailed postage costs shall be added to the rates listed in Section E unless alternative arrangements have been made.

D. COLLECTION OF COPYING FEES: Fees shall be collected before releasing copies unless prior arrangements have been made. Payment may be required before copies are made.

E. FEE SCHEDULE:

FAX	25 cents per page
COPY FLAT RATE	25 cents per page
SPECIAL RATES	See Appendix A

F. DISPOSITION OF FEES: Copying fees collected shall be deposited in the appropriate account with the county treasurer.

V. ASSIGNMENT OF DESIGNEE

The responsible authority may assign in writing one or more designees. The designee is the person in charge of individual files or systems containing government data and who receives and complies with the requests for government data. The designee shall implement the provisions of the Act, the rules, and these guidelines and procedures as directed by the responsible authority. All duties outlined as duties of the responsible authority may be delegated to the designee.

VI. DUTIES OF THE RESPONSIBLE AUTHORITY OR DESIGNEE

A. DATA PRACTICES ANNUAL REPORT

1. The responsible authority shall prepare a public document on data categories. The public document will contain the responsible authority's name, title, address, and description of each category of record, file, or process relating to private or confidential data on individuals maintained by the county.
2. The public document shall be updated annually.
3. The responsible authority shall supply the document to the Minnesota Commissioner of Administration, if requested by the Commissioner.
4. The county will maintain the report on its web site.

B. PROCEDURES FOR DISSEMINATION OF DATA

1. The responsible authority shall ensure each department establishes procedures to manage the dissemination of data. Collection, storage, use, and dissemination of private and confidential data shall be limited to what is necessary for the administration and management of programs authorized or mandated by law.
2. Public data cannot be collected, stored, used, or disseminated for any purpose other than the purpose stated to the individual when the data was originally collected unless:
 - a. The data was collected prior to 1975 in which case the data can be used for the original purpose for which it was collected or for an additional purpose approved by the Commissioner of Administration.
 - b. There is specific authorization for the use in state, local, or federal law.
 - c. The additional use has been approved by the Commissioner of Administration as necessary to carry out a function designated by law.
 - d. The individual data subject has given an informed consent for the additional use of the data (see Informed Consent, Section IX., subd. C).

C. DATA PROTECTION

The responsible authority shall establish procedures to assure all data on individuals is accurate, complete, and current for the purpose for which it was

collected and establish appropriate security safeguards for all data. An annual security assessment is included in this duty.

- D. Steele County as required by Minn. Stat. 13.055 has implemented a protocol in the event of a breach of security of not public data. That protocol is incorporated in this manual as Appendix C.

VII. ACCESS TO GOVERNMENT DATA

A. WHO CAN MAKE A DATA REQUEST?

Anyone may seek access to data by making a data request.

B. TO WHOM MUST A DATA REQUEST BE MADE?

1. A data request must be made to the responsible authority or to the appropriate designee(s).
2. The responsible authority may cause preparation of summary data upon the request of any person if the request is in writing and the requestor pays in advance the cost to prepare the summary data.
3. The responsible authority may delegate the preparation of summary data to anyone outside of the entity, including the requestor, if
 - a. That person's purpose is set forth in writing and the person agrees not to release any of the private or confidential data used to prepare the summary data; and
 - b. The responsible authority determines the access will not compromise private or confidential data on individuals; and
 - c. All elements of Section III(C) of this policy are complied with.
4. The entity may require the requestor to prepay the cost of preparing summary data.

VIII. RIGHTS OF DATA SUBJECT

A. TENNESSEN WARNING - Rights of Subjects of Data

1. Except for law enforcement investigations every agency that collects private and confidential data from an individual concerning that individual shall prior to collecting the data inform the individual of their rights as a subject of data.

The notice must be given whenever:

- a. A government *entity requests* data; and
- b. The data is requested from an *individual*; and
- c. The data requested are *private or confidential*; and,
- d. The data is *about the individual* from whom it is requested.

All four of these conditions must be present before a Tennessean warning must be given. These rights are referred to as the Tennessean Warning or Data Practices Rights Advisory.

A Tennessean Warning may be given but is not required when private and confidential data is collected from an individual who is not the subject of the data.

2. The Tennessean Warning consists of the following information that must be communicated to the individual from whom private or confidential data concerning the individual is collected.
 - a. The purpose and intended use of the data. This is why the data is requested and how it will be used.
 - b. Whether the individual may refuse or is legally required to supply the data. The subject has the right to know whether or not she/he is required to provide the data.
 - c. Any consequences to the individual of either supplying or refusing to supply the data. The entity is required to state the consequences known to the entity at the time when the notice is given; **and**
 - d. The identity of other persons or entities that may be authorized to receive the data. The notice must identify recipients that are known to the entity at the time the notice is given.

NOTE: In accordance with the Federal Privacy Act of 1974 any federal, state, or local agency that requests an individual to disclose their social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited and what uses will be made of it.

3. Tennessean Warnings may be either oral or written.
 - a. Oral communication is not the preferred method of communicating the Tennessean Warning, but it may be necessary under some

circumstances. If an oral communication is necessary the specific language communicated must be in written form and contained in the departmental data practices procedures and the situation documented.

- b. A written communication requiring the signature of the data subject (i.e., a signature attesting the individual from whom private or confidential data is collected has read and understands their rights pertaining to the requested data). The Tennessean Warning may be included on the form that collects the private or confidential data.

4. A sample format for a Notice of Rights Tennessean Warning is on page 31.

B. NOTIFICATION TO MINORS

A minor has the right to request the entity withhold private data about her/him from the parent or guardian. The entity may require the request be in writing. A written request must include the reasons for withholding the data and must be signed by the minor.

Upon receipt of the request the responsible authority must determine whether honoring the request is in the best interests of the minor. The responsible authority must consider at a minimum:

1. Whether the minor is mature enough to explain the reasons for the request and to understand the consequences of making the request;
2. Whether denying access to the data may protect the minor from physical or emotional harm;
3. Whether there is a reason to believe the minor's reasons for denying access to the parent(s) are reasonably accurate; and
4. Whether the nature of the data is such that disclosing the data to the parents could lead to physical or emotional harm to the minor. Minn. Rule 1205.0500 contains the procedures for the release of data about minors.

C. INFORMED CONSENT

1. Private data on individuals may be used by and disseminated to any entity, individual or person by the responsible authority or the designee if the subject or subjects of the data have given informed consent.

NOTE: Informed consent cannot authorize release of confidential data on individuals since the data subject has no right to the data and therefore cannot authorize another a right to access.

2. Private data shall be disseminated to any person or entity if the subject or subjects have given their valid informed consent.

3. All informed consents shall be in writing.
4. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about the individual to an insurer or its authorized representative unless it is:
 - a. In plain language;
 - b. Dated;
 - c. Specific in designating the particular government entity the data subject is authorizing to disclose data about the data subject;
 - d. Specific as to the nature of the data the subject is authorizing to be disclosed;
 - e. Specific as to the persons to whom the subject is authorizing data to be disclosed;
 - f. Specific as to the purpose or purposes for which data information may be used by any of the persons named in clause(s) both at the time of the disclosure and at any time in the future; and
 - g. Specific as to its expiration date, which must be within a reasonable period of time. In the case of authorizations given in connection with applications for life insurance or noncancellable or guaranteed renewable health insurance and identified as such the consent shall not exceed two years after the date of the policy.
 - h. An authorization in connection with medical assistance under chapter 256B or MinnesotaCare under chapter 256L, or for individual education plan health-related services provided by a school district under section 125A.21, subdivision 2, is valid during all terms of eligibility.
5. Informed consent for health insurance purposes must comply with Minn. Stat. §13.05, unless otherwise pre-empted by the HIPPA Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. 164.
6. Informed consent for other purposes may be valid for longer than one year if the consent otherwise meets the above requirements.
7. The informed consent for the disclosure of alcohol and drug abuse patient records may be made only if the consent is in writing and expressly states the request is for alcohol or drug abuse patient records. It should contain the following:

- a.** The name of the program that is to make the disclosure;
- b.** The name or title of the person or organization to which disclosure is to be made;
- c.** The name of the patient;
- d.** The purpose or nature of information to be disclosed;
- e.** The extent or nature of information to be disclosed;
- f.** A statement that the consent is subject to revocation at any time except to the extent that action has been taken in reliance thereon and a specification of the data, event, or condition upon which it will expire without express revocation;
- g.** The date the consent is signed; and
- h.** The signature of the patient and, when required, of a person authorized to give consent.

D. PROCEDURES FOR COMPLYING WITH DATA REQUESTS FROM AN INDIVIDUAL

The responsible authority shall ensure each department establishes procedures to comply with requests for government data in an appropriate and prompt manner.

1. Upon request to the responsible authority an individual shall be informed whether they are the subject of stored data on individuals and whether it is classified as public, private, or confidential.
 - a. The responsible authority shall provide access to the private or public data upon request by the individual subject of the data.
 - b. An individual may contest the accuracy or completeness of public or private data. If the individual notifies the responsible authority in writing as to the nature of the disagreement with the data, the responsible authority shall within 30 days either correct the data and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or notify the individual the responsible authority believes the data to be correct. Subsequently data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
2. The responsible authority shall prepare a public document setting forth in writing the rights of the data subject and specific procedures in effect in the county for access by the data subject to public or private data on individuals.
 - a. When a request is denied the responsible authority must inform the requestor orally at the time of the request and if requested in writing as soon thereafter as reasonably possible and shall cite the statute, temporary classification or federal law on which the determination is based.
 - b. The responsible authority shall require the requestor to pay the actual costs of making and certifying copies of the data requested except those exempted in Section V., subd. A. The requestor may not be charged for separating private or confidential data from public data.
 - c. The responsible authority shall reasonably inform the requestor of the data's meaning if asked to do so.

E. IF STEELE COUNTY DETERMINES THAT CHALLENGED DATA ARE ACCURATE AND/OR COMPLETE AND THE DATA SUBJECT DISAGREES WITH THAT DETERMINATION THE SUBJECT HAS THE RIGHT TO APPEAL THE DETERMINATION TO THE COMMISSIONER OF ADMINISTRATION

1. The subject has the right to take this step after both the subject and the county have properly completed all the steps in the data challenge process. The subject may appeal only the county's determination about the accuracy and/or completeness of data.
2. The requirements for filing an appeal are in Minnesota Rules Section 1205.1600.
3. Procedure when data is not accurate or complete.
 - a. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days, either:
 - 1) Correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or
 - 2) Notify the individual the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
4. The determination of the responsible authority may be appealed pursuant to the Administrative Procedure Act, MINN. STAT. § 14.57 to 14.62 and Minn. R. 1205.1600, relating to contested cases. Upon receipt of an appeal by an individual the Commissioner of Administration shall before issuing the order and notice of a contested case hearing required by Chapter 14 try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties consent the Commissioner may refer the matter to mediation. Following these efforts the Commissioner shall dismiss the appeal if resolved or issue the order and notice of hearing.
 - a. Data on individuals successfully challenged by an individual must be completed, corrected, or destroyed without regard to the requirements of Minn. Stat. § 138.17.
 - b. After completing, correcting, or destroying successfully challenged data the county will retain a copy of the Commissioner of Administration's order issued under Chapter 14 or if no order was issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

IX. ROLE OF THE COMMISSIONER OF ADMINISTRATION

- A.** Pursuant to Minn. Stat. Section 13.06, subd. 4, the Commissioner of Administration is given the authority to approve new uses and disseminations of private and confidential data on individuals.
- B.** Minn. Stat. Section 13.06 gives the Commissioner certain powers with regard to approving temporary classifications of data.
- C.** Minn. Stat. Section 13.072 gives the Commissioner authority to issue advisory opinions concerning the rights-of-data-subjects and the classification of government data. Commissioner's opinions are found at www.ipad.state.mn.us.

X. WHERE MORE INFORMATION CAN BE FOUND

- A.** Responsible Authority Daniel A. McIntosh, Steele County Attorney's Office, at 507-444-7780 or daniel.mcintosh@co.steele.mn.us.
- A.** Minnesota Statutes Chapter 13 is found on the website of the Revisor of Statutes at: www.leg.state.mn.us/leg/statutes.asp.

Minnesota Rules, Chapter 1205, is found on the website of the Revisor of Statutes at: www.revisor.leg.state.mn.us/arule/1205.

STEELE COUNTY

Non-Disclosure Agreement

1. General description of the private or confidential data that is being used to prepare summary data:

2. Purpose for which summary data is being prepared:

3. I, _____, representing _____
have requested the data described above and for the purposes stated and fully understand that I may be subject to the civil or criminal liability, including but not limited to, the provisions of the Minnesota Data Practices Act in the event the private or confidential data is disclosed or used in any manner not authorized by law. See Minn. Stat. 13.08 and 13.09.

Requestor of Data

Date

Contact Information

Responsible Authority/Designee

Date

NOTICE OF RIGHTS TENNESSEN WARNING INSTRUCTION GUIDE

Minnesota Statutes Section 13.04, subdivision 2

The notice must be given when:	<ol style="list-style-type: none">1. An individual2. Is asked to supply3. Private or confidential data4. Concerning self <p>All four conditions must be present to trigger the notice requirement.</p>
Statements must be included from the individual that inform the individual:	<ul style="list-style-type: none">• Why the data is being collected and how the entity intends to use the data;• Whether the individual may refuse or is legally required to supply the data;• Any consequences to the individual of either supplying or refusing to supply the data; and• The identity of other persons or entities authorized by law to receive the data.
Consequences of giving the notice are:	Private or confidential data on individuals may be collected, stored, and used as described in the notice without liability to the entity.
Consequences on <i>not</i> giving the notice are:	<p>Private or confidential data on individuals cannot be collected, stored, used, or released for any purposes other than those stated in the notice unless:</p> <ul style="list-style-type: none">• The individual subject of the data gives informed consent;• The Commissioner of Administration gives approval;• A state or federal law subsequently authorizes or requires the new use or release; or• A Court order is issued to authorize release.

**“NOTICE OF RIGHTS”
SAMPLE FORMAT FOR TENNESSEN WARNING**

The Data Practices Act requires Steele County to inform you of your rights as they pertain to private and confidential data collected from you and about you. Some of the data we collect from you may be private data. Access to this data is available only to you, the agency collecting the data or other statutorily authorized agencies unless you or a court authorize its release. Some data may be classified as confidential data is not accessible to the public or you.

The Data Practices Act requires you be advised of the following when you are asked to provide private or confidential data.

The purpose and intended use of the requested data is:

Authorized persons or agencies with whom this data may be shared include:

Furnishing the above data is voluntary, but refusal to supply the requested data will mean:

Name

Date

Minn. Stat. § 13.04 (subd. 2)

INFORMED CONSENT INSTRUCTION GUIDE

- A. Enter the complete name and address of the entity that maintains the data. Include any relevant program names, staff names, titles and telephone numbers.
- B. Identify as specifically as reasonably possible the reports, record names, or types of data that will be released.
- C. Identify the entity or agencies to which the data will be released. Include the name and address of the entity. Include relevant staff names and titles. Be as specific as reasonably possible.
- D. Describe specifically and completely the purpose(s) for seeking the person's informed consent.
- E. Describe the known consequences, if any, of releasing the data.
- F. Instruct the person to sign the consent and enter the date the consent is signed.
- G. As a general rule a parent or guardian's signature should be obtained when the subject is under the age of 18 or has a legally appointed guardian. However specific requirements for obtaining consent to release data in these circumstances vary. **Instructions for completing this portion of the form within your particular entity should be developed in consultation with the County Attorney's office.**

INFORMED CONSENT FOR THE RELEASE OF DATA

I, _____
(Name of individual authorizing release)
authorize _____
(Name of individual, entity, or person holding record)
to disclose
to _____
(Name of individual, entity, or person to receive the data)
the following information:

for the purpose of:

I understand this data may be protected under state and/or federal privacy laws and may not be disclosed without my written consent unless otherwise provided for by state or federal law. I understand once this data is released it may be subject to further disclosure without my written consent. I also understand I may revoke this consent at any time except to the extent that action has been taken in reliance on it and in any event this consent expires or as described below, whichever is earlier.

On specification of the date or condition upon which this consent expires:

Executed
this _____ day of _____, 20 _____.

(Signature of individual authorizing release)

(Printed name)

(Signature of parent, guardian, or authorized representative, when required)

(Printed name)

DATA PRACTICES NOTICE

I have been subpoenaed to testify before this court. I have been advised by the Office of the Steele County Attorney to provide the following information to the Court.

“The data I have been requested to provide includes data classified as private or confidential data as defined by Minnesota Statute Chapter 13, the Data Practices Act. Pursuant to Minnesota Statute 13.03 and Minnesota Rule 1205.0100, Subd, 5, the Court’s attention is called to this classification. The Data Practices Act provides I may disclose this data only if the data subject has given written consent, a statute allows disclosure, or a court orders disclosure. If this court orders me to provide this data I will do so.”

APPENDIX A

MINNESOTA GOVERNMENT DATA PRACTICES ACT

Fee Schedule

**DATA PRACTICES
APPENDIX A

FEE SCHEDULE
FOR FAXING AND PHOTOCOPYING
(COUNTY AND NON-COUNTY MATERIALS)**

(Sales tax exempt)

Fax:	\$.25 per page
International Fax Fee:	\$7.00 first page \$4.00 per page for additional pages
Photocopies:	For 100 pages or fewer: \$.25 per page for one-sided copy or \$.50 for two-sided copy For copies in excess of 100 pages of letter or legal sized black and white documents actual charges may be required if they exceed the per page charge – Minnesota Statute 13.03, subd. 3(c).
Desktop/Network Printer Copies:	\$.10 per page
Postage and Handling:	\$2.00 or actual cost whichever is greater

APPENDIX B

MINNESOTA GOVERNMENT DATA PRACTICES ACT

Responsible Authorities and Designees

APPENDIX B

Steele County - Responsible Authorities and Designees

Department/Division	Responsible Authority	Designee
Administration	<i>Daniel A. McIntosh</i>	<i>Scott Golberg</i>
Attorney	<i>Daniel A. McIntosh</i>	Christy M. Hormann
Community Corrections	<i>Daniel A. McIntosh</i>	<i>Tim Schammel</i> Stephen Rick
Human Resources	<i>Daniel A. McIntosh</i>	<i>Julie Johnson</i>
Information Technology	<i>Daniel A. McIntosh</i>	<i>David Purscell</i>
Land Use & Records	<i>Daniel A. McIntosh</i> <i>Laura Ihrke (Auditor's Office)</i> <i>Catherine Piepho (Treasurer's Office)</i>	<i>Rick Kvien</i> Brenda Blood
Public Health	<i>Daniel A. McIntosh</i>	<i>Amy Roggenbuck</i>
Environmental Services	<i>Daniel A. McIntosh</i>	
Public Works	<i>Daniel A. McIntosh</i>	<i>Greg Ilkka</i>
Sheriff	<i>Lon Thiele</i>	Jodi Bushey
Veteran's Services	<i>Rene Gilormini</i>	

*A name in ***italics and bold*** designates a department head.

County Data Practices Compliance Officer

Daniel A. McIntosh
Steele County Attorney

APPENDIX C

DATA SECURITY BREACH PROTOCOL

APPENDIX C

DATA SECURITY BREACH PROTOCOL

Part 1. Purpose.

This protocol is intended to assist Steele County in implementing the requirements of Minn. Stat. § 13.055 that is intended to provide timely and appropriate notice to individuals who are affected by a breach of the security of their private or confidential data. All employees must immediately report known or potential breaches of security to the responsible authority and their supervisor. The County Attorney's Office in consultation with the affected department or office or Information Technology personnel as appropriate shall determine whether notice of the potential breach is required and if so how the notice will be provided.

Part 2. Definitions. Minn. Stat. 13.055, Subd. 1 (in part)

Subpart A. Potential Data Security Breach. A situation or incident that provides a reasonable basis to believe not public data may have been compromised or accessed for a purpose not authorized by law or by a person or entity not authorized by law to have access to such data.

Subpart B. Breach of the security of the data. Breach of the security of the data means the unauthorized acquisition of data maintained by the county in any medium that compromises the security and classification of the data, but not including the good faith acquisition by an employee, contractor or agent of the county if not provided to an unauthorized person.

Subpart C. Contact Information. Contact information means either name and mailing address or name and e-mail address for each individual who is the subject of data maintained by the county.

Subpart D. Unauthorized acquisition. Unauthorized acquisition means a person has obtained government data without the informed consent of the individuals who are the subjects of the data or lacks statutory or other legal authority and with the intent to use the data for non-governmental purposes.

Subpart E. Unauthorized person. Unauthorized person means any person who accesses government data without permission or without a work assignment that reasonably requires the person to have access to the data.

Part 3. Guidelines

Subpart A. Reporting a Potential Breach. Any employee who knows of or reasonably believes breach of the security of private or confidential data may have occurred must immediately report to his or her supervisor and the county's responsible authority. (R.A.)

The report should include the date and time of the report, when the breach occurred (if known); the type of data involved; the approximate number of affected individuals, if known, and other pertinent data. The attached form should be used for that purpose whenever reasonably possible.

Employees who in good faith report a potential or actual breach under these guidelines will not be subject to retaliation for making such a report.

Subpart B. Breach Affected Division Response Process. After a potential breach of security has been reported the responsible authority will work with the affected department or office to take necessary steps to contain and control the integrity of the data handling systems impacted by the potential or reported breach and conduct a preliminary internal assessment of the scope of the potential breach. Applicable Information Technology (IT) staff and security procedures or other guidelines may be consulted as set forth in this policy.

If the potential breach is on a county computing system that contains or has network access to private or confidential data, the R.A. shall consult with IT personnel and consider control measures that may include but are not necessarily limited to removing the computing system from the network.

- (a) **Determining Breach.** The responsible authority shall consult with the affected staff supervisor to determine whether a breach of security of data has occurred.
- (b) **Incidents.** Examples of the types of incidents that may result in a notice-triggering breach include, but are not limited to:
 - i. Evidence of unauthorized access into a computer system containing private/confidential data;
 - ii. Missing documents or papers or stolen or missing laptop, desktop, storage device or other types of information technology resource containing files with private/confidential data;
 - iii. Documents containing private/confidential data sent in any form to a wrong recipient;
 - iv. IT Systems containing private/confidential data that has been compromised; or
 - v. Employee misuse of authorized access to or disclose of private or confidential data.
- (c) **Acquisitions.** Minn. Stat. Sect. 13.055, subd. 2 requires government entities to notify individuals if their private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. In making that determination the following factors among others may be considered:

- i. Indications the data is in the physical possession and control of an unauthorized person such as a lost or stolen computer or other device or documents containing unprotected private or confidential data.
 - ii. Indications the data has been downloaded or otherwise acquired.
 - iii. Indications the data was used by an unauthorized person such as a fraudulent account opened or an instance of identity theft reported;
 - iv. The encryption protection of the data, if any;
 - v. Duration of exposure;
 - vi. The extent to which the compromise of electronic data indicates a directed attack such as a pattern showing the device itself was specifically targeted; or
 - vii. Indications the attack was intended to seek and collect private or confidential data.
1. **Timing of Notification.** If a breach has been determined in most instances the affected department or office has primary responsibility to notify affected individuals and may be assisted by the R.A. Notice is to occur without unreasonable delay. Notice maybe delayed due to a) the legitimate needs of a law enforcement agency; or b) any measures necessary to determine the scope of the breach and restore the reasonable security of the data.

Immediate notification may be appropriate in the event of a breach that could have immediate deleterious impact on individuals whose data may have been acquired by an unauthorized person.

2. **Contacting Law Enforcement.** The responsible authority or designee(s) shall contact law enforcement agencies if the breach of security is believed to involve illegal activities. Data may be shared with law enforcement consistent with applicable data practice laws. If law enforcement is contacted it should be informed of the County's practice to provide notice to affected individuals. If law enforcement advises such notice would impede an active criminal investigation notice may be delayed. Delayed notice should be sent out as soon as law enforcement advises it would no longer impede the criminal investigation.
3. **Whom to Notify.** The responsible authority in consultation with other appropriate county personnel, including but not limited to the affected department or office, shall determine the scope of the notice. Notice of a breach must be provided to any individual whose private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. If specific individuals cannot be identified notice should be sent to groups of individuals likely to have been affected such as all whose data is stored in the database of files involved in the breach. Measures should be taken to prevent notice lists from being over-inclusive. If questions arise regarding the scope of the notice required the County Attorneys' Office may be contacted for guidance.

Subpart C. Notice.

1. **Content.** The responsible authority or designee shall consult with the affected department or office on the wording of a notice. IT personnel may also be consulted where appropriate. Notices shall generally be sent separate from other documents. The notice should use clear and plain language.

The following should generally be included in the notice:

- (a) A general description of what happened and when to the extent known.
- (b) The nature of the individual's private or confidential data that was involved, but not listing the specific private/confidential data.
- (c) Information about what the county has done to protect the individual's private/confidential data from further disclosure.
- (d) Institution assistance such as website information or telephone number for further information about the incident.
- (e) Information such as Web sites about what individuals can do to protect themselves against identity theft including contact information for nationwide credit reporting agencies.

2. **Method of Notification.** The responsible authority in consultation with the affected division shall determine the appropriate method of notice as follows.

- (a) **Written notice** by first class mail to each affected individual; or
- (b) **Electronic notice** to each affected individual if communication normally occurs in that medium and the procedure is otherwise consistent with the provisions regarding electronic records and signatures contained in 15 U.S.C. 7001.
- (c) **Substitute notice** may be provided if the cost of providing the written notice required to each affected individual would exceed \$250,000 or the affected class of individuals to be notified exceeds 500,000 or the county does not have sufficient contact information to notify affected individuals. Substitute notice consists of all the following:
 - (i) **E-mail notice** if the county has an e-mail address for the affected individuals;
 - (ii) **Conspicuous posting** of the notice on the county website for a minimum of 45 days and
 - (iii) **Notification to major media** outlets that reach the general public.

Subpart D. Coordination with Credit Reporting Agencies. Credit reporting agencies assist individuals in responding to a notice of a security breach. Such agencies should be notified in advance of sending notice of security breach incidents that may significantly increase calls to agencies for assistance.

If notice is required to be given to 1,000 or more individuals at one time the county shall notify without unreasonable delay all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis as defined in 15 U.S.C. 1681a, of the timing, distribution and content of the notice to be sent. Such contacts shall include but not be limited to the following:

- Equifax:
U.S. Consumer Services
Equifax Information Services, LLC.
Phone: 1-800-525-6285
- Experian:
Experian Security Assistance
P.O. Box 72
Allen, TX 75013
1-888-397-3742
- TransUnion:
Phone: 1-800-680-7289

Subpart E. Documentation. The responsible authority or designee must complete a Breach of Security Incident Response Summary for each reported breach regardless of whether notice is given. The form should be completed beginning at the time of the initial report or as soon thereafter as reasonably practical.

Where appropriate all documentation related to the breach and investigation shall be labeled and maintained as not public pursuant to the applicable data privacy classification including but not limited to, "security information" as defined by Minn. Stat. 13.37, Subd. 1(a). The form shall be retained by the responsible authority in accordance with the applicable records retention policy.

Potential Not Public Data Breach Report

Name of Reporting Person(s): _____

Department or Office: _____

Division: _____

Email: _____

Telephone Number: _____

Date of Report: _____

Time of Report: _____

Date and Time of Discovery of Potential Breach: _____

To Extent Known Date and Time of Potential Breach: _____

Type of Data Involved: _____

Method of Breach to Extent Known or Suspected: _____

Number of Affected Persons: _____

Additional Comments: _____

Signature of Reporting Person

This report must be promptly completed and forwarded to Steele County Attorney Daniel McIntosh. It may be emailed to daniel.mcintosh@co.steele.mn.us.

For any assistance or questions, email Daniel McIntosh or call 507-444-7780.

APPENDIX D

MINNESOTA GOVERNMENT DATA PRACTICES ACT

Data Request Forms

DATA REQUEST FORM – MEMBERS OF THE PUBLIC

Date of the Request: _____

I am requesting access to data in the following way:

☐ Inspection ☐ Copies ☐ Both inspection and copies

Note: inspection is free, but reproduction costs must be prepaid before you receive the copies.

Contact Information

Name: _____

Address: _____

Phone number: _____ Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of the data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information, we will not be able to begin processing your request until you contact us.

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form. If you need assistance with technical wording, terminology, or are unsure about the use or meanings of acronyms, please contact the RA. However, please be advised that the RA cannot give you legal advice regarding your request.

We will respond to your request as soon as reasonably possible.

DATA REQUEST FORM – DATA SUBJECTS

Date of the Request: _____

To request data as a data subject, you must show a valid government-issued ID, such as a Driver's License, ID card, Minnesota Tribal ID, military ID, or passport as proof of identify.

I am requesting access to data in the following way:

☐ Inspection ☐ Copies ☐ Both inspection and copies

Note: inspection is free, but reproduction costs must be prepaid before you receive the copies.

Contact Information

Data Subject Name: _____

Parent/Guardian Name (if applicable): _____

Address: _____

Phone number: _____ Email address: _____

Staff Verification

Identification Provided: _____

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form. If you need assistance with technical wording, terminology, or are unsure about the use or meanings of acronyms, please contact the RA. However, please be advised that the RA cannot give you legal advice regarding your request.

We will respond to your request within 10 business days.



Steele County Agenda Item

Request for Board Action

Subject: Steele County Guidelines and Procedures for MN Government Data Practices Act

Department: Administration Office

Committee: Internal Central Services

Committee Meeting Date: August 5, 2025

Work Session Date: Enter a date.

Board Meeting Date: August 12, 2025

Consent Agenda: ☐ Yes ☐ No

Resolution: ☐ Yes ☐ No

Policy Committee Recommendation:

.

Recommendation:

Ratify the Steele County Guidelines and Procedures for MN Government Data Practices Act.

Background (*Including Budget Impact*):

The Minnesota Government Data Practices Act (MGDPA) is in Chapter 13 of Minnesota Statutes. It controls how government data is collected, created, stored, maintained, used and disseminated. It also regulates the management of all government data that are created, collected, received, or released by a government entity no matter what form the data are in or how or where it is stored or used.

The Act regulates what data can be collected; who may see or get copies of the data; the classification of specific types of data; the duties of personnel in administering the MGDPA; procedures for access to the data; procedures for classifying data as not public; civil and criminal penalties for violation of the MGDPA; and the charging of fees for copies of data.

These guidelines and procedures aid Steele County staff in complying with those portions of MGDPA that relate to access to government data and to the rights of data subjects. Persons or entities licensed or funded by or under contract to a government entity are subject to the MGDPA to the extent specified in the licensing, contract, or funding agreement.

This document has been reviewed by the Attorney's office.

Attachments:

Data Practices Act



**STEELE COUNTY
GUIDELINES AND PROCEDURES
FOR
MINNESOTA GOVERNMENT
DATA PRACTICES ACT**

Adopted by the Steele County Board of Commissioners
May 22, 2018
Updated: July 2025

MINNESOTA GOVERNMENT DATA PRACTICES ACT

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MINNESOTA GOVERNMENT DATA PRACTICES ACT (MGDPA)

Chapter 13 of the Minnesota Statutes

Introduction

The Minnesota Government Data Practices Act regulates the management of all government data that are created, collected, received, or released by a government entity no matter what form the data are in or how or where it is stored or used.

The Act regulates:

- what data can be collected;
- who may see or get copies of the data;
- the classification of specific types of data;
- the duties of personnel in administering the MGDPA;
- procedures for access to the data;
- procedures for classifying data as not public;
- civil and criminal penalties for violation of the MGDPA; and
- the charging of fees for copies of data.

These guidelines and procedures provide assistance to Steele County staff in complying with those portions of MGDPA that relate to *access to government data* and to the *rights of data subjects*.

The access provisions and rights are:

- The presumption is all government data are public unless classified as not public by state or federal statute or other legal authority;
- The right of any person to know what types of data are collected by Steele County about that person and how that data is classified;
- The right of any person to inspect at no charge data classified as public at reasonable times and places subject to reasonable charges that may be imposed as authorized by Minn. Stat. 13.03, subd. 3(c) for searching for and retrieving the data;
- The right of any person to have data reasonably explained in an understandable way;
- The right of any person to get copies of government data at a reasonable cost;
- The right of any person to an appropriate and reasonably prompt response from Steele County when exercising these rights;
- The right of any person to be informed of the authority by which Steele County denies access to government data; and
- The right to be reasonably notified consistent with this policy if not public data concerning the person is subject to a breach of the security of the data.

I. COLLECTION OF GOVERNMENT DATA

What is the Minnesota Government Data Practices Act?

The Minnesota Government Data Practices Act (MGDPA) is in Chapter 13 of Minnesota Statutes. It controls how government data are collected, created, stored, maintained, used and disseminated.

What is government data?

Government data are all data maintained in any form by state and local government entities. As long as data exists in some form in a government entity, it is government data no matter what physical form it is in or how stored or used. Government data may be stored on paper forms/records/files, in electronic form, on audio or video tape, on charts, maps, etc. Government data may include oral statements but usually does not include mental impressions of a government official not existing in some other format.

Persons or entities licensed or funded by or under contract to a government entity are subject to the MGDPA to the extent specified in the licensing, contract, or funding agreement.

- A. Official records must be kept. MINN. STAT. § 15.17, subd. 1 requires all officers and agencies of Steele County to make and keep all records necessary for a full and accurate knowledge of their official activities. Requirements for collecting, creating, maintaining, storing, and disseminating data are in MINN. STAT. CH. 13 AND MINN. R. 1205, the Minnesota Government Data Practices Act and Rules. Links for locating the statutes and rules are in Appendices B and C.
- B. The collection and storage of public, private, and confidential data on individuals are limited to that necessary for the administration and management of programs specifically authorized or mandated by the state, local governing body or the federal government.
- C. Access to data that are not public shall be limited to persons whose work assignment reasonably requires access.

D. DEFINITIONS

- 1. **Data Inventory** - The public document(s) required by Minn. Stat. § 13.025 containing the name of the responsible authority and the individual designee, title and address and a description of each category of record, file, or process relating to private or confidential data on individuals maintained by the government entity.
- 2. **Authorized Representative** - An individual, entity, or person authorized to act on behalf of another individual, entity or person. The authorized representative may include, but is not limited to: (a) in the case of a minor, a parent, or guardian, (see Section IX.B); (b) an attorney acting on behalf of an individual when the individual has given written informed consent; (c) any other individual entity, or person given written authorization by the data subject; or (d) an insurer or its representative provided the data subject has given written informed consent for the release of the information, (e) court appointed guardian/conservator if authorized by the court order, (f) personal representative of the estate of a decedent or a decedent's heirs.

3. **Court Order** - The order of a judge made or entered in writing or on the record in a legal proceeding.
4. **Data** - All data collected, created, received, maintained, or disseminated by a government entity regardless of its physical form, storage media, or conditions of use, including, but not limited to, paper records and files, microfilm, computer media or other processes.
5. **Data Subject** - The individual or person who is the subject of the data.
6. **Designee** - Any person designated by the responsible authority (a) to be in charge of individual files or systems containing government data and (b) to receive and comply with requests for government data.
7. **Government Entity** – A state agency, statewide system, or political subdivision.
8. **Individual** - A natural person. In the case of a minor or an individual judged by a court mentally incompetent “individual” includes a parent or guardian or an individual acting as a parent or guardian in the absence of a parent or guardian except the responsible authority shall withhold data from parents or guardians or individuals acting as parents or guardians in the absence of parents or guardians upon request by the minor if the responsible authority determines withholding the data would be in the best interest of the minor.
9. **Informed Consent** - The written consent given by a data subject to allow disclosure of private data about that person.
10. **Person** - Any individual, partnership, corporation, association, business trust or legal representative of an organization.
11. **Political Subdivision** - Any county, city, school district, special district, any town exercising powers under Minn. Stat. 368 and located in a metropolitan area, and any board, commission, district or authority created pursuant to law, local ordinance, or charter provision. It includes any nonprofit corporation that is a community action agency organized to qualify for public funds or any nonprofit social service agency that performs services under contract to a government entity to the extent the nonprofit social service agency or nonprofit corporation collects, stores, disseminates, and uses data on individuals because of a contractual relationship with a government entity.
12. **Representative of the Decedent** - The personal representative of the estate of the decedent during the period of administration or if no personal representative has been appointed, or after discharge, the surviving spouse, any child of the decedent, or, if there are no surviving spouse or children, a parent of the decedent.
13. **Requestor** - The entity or person requesting access to and/or copies of the data.
14. **Responsible Authority for Counties** - Each elected official of Steele County is the responsible authority of the respective office. An individual who is an employee of the County shall be appointed by the County Board to be the responsible authority for any data administered outside the offices of elected officials.

15. **Rules** - “The Rules Governing the Enforcement of the Minnesota Government Data Practices Act.” Minn. R., Chap. 1205.
16. **State Agency** - The state, the University of Minnesota, and any office, officer, department, division, bureau, board, commission, authority, district, or agency of the state.
17. **Statewide System** - Any recordkeeping system in which government data are collected, stored, disseminated, and used by means of a system common to one or more state agencies or more than one of its political subdivisions or any combination of state agencies and political subdivisions.
18. **Temporary Classification** - An application pursuant to MINN. STAT. § 13.06 approved by the Commissioner of Administration to classify government data not classified by state statute or federal law as either private or confidential for data on individuals or nonpublic or protected nonpublic for data not on individuals.
19. **Tennessee Warning** - Those rights as contained in Section VIII.A communicated to an individual asked to supply private or confidential data concerning himself or herself and which may also be known as a Data Practices Rights Advisory.

II. CLASSIFICATION OF GOVERNMENT DATA

For the purposes of these guidelines, data are divided into four types; (a) data on individuals that is classified as either public, private, or confidential; (b) data not on individuals that is classified as either public, nonpublic, or protected nonpublic; (c) statistical or summary data derived from data on individuals in which individuals are not identified; and (d) data on decedents. These classifications, the criteria for classification and the description of who has access are as follows:

A. DATA ON INDIVIDUALS

1. Public Data on Individuals

- a. **Definition:** All data on individuals is public unless classified as private or confidential.
- b. **Data on Individuals is public if:**
 - i) A statute or federal law requires or allows the collection of the data and does not classify the data as private or confidential.
 - ii) An application for Temporary Classification for private or confidential data on individuals is disapproved by the Commissioner of Administration.
 - iii) Private or confidential data may become public to comply with either a judicial order or administrative rules pertaining to the conduct of a legal action or if a statute changes or causes the classification to change. (For example: Private or confidential data that is presented in court and made public by the court.)

- c. **Access:** All public data on individuals is accessible by all persons regardless of their interest in that data.

2. Private Data on Individuals

- a. **Definition:** Private data on individuals is data that are not accessible to the public but are accessible to the data subject.
- b. **Tennessee Warning:** Except for law enforcement investigations a Tennessee Warning must be given when private or confidential data are collected from the subject of the data.

A Tennessee Warning need not be given when private or confidential data are collected from someone other than the subject of the data.

- c. **Data on Individuals is Private if:**

- i) A state statute or federal law expressly classifies the data as not accessible to the public but accessible to the data subject.
- ii) A Temporary Classification of private has been approved by the Commissioner of Administration and has not expired.
- iii) If data are classified as both private and confidential by state or federal law the data are treated as private data.

- d. **Access:** Private data on individuals is accessible to:

- i) The data subject or the representative as authorized in writing, by the subject (if the subject is a minor, usually by the subject's parent or guardian).
- ii) Individuals, entities, or persons who have been given express written permission by the data subject.
- iii) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or designee.
- iv) Entities or persons who used, stored, and disseminated government data collected prior to August 1, 1975, with the condition that use, storage, and dissemination was not accessible to the public but accessible to the data subject. Use, storage and dissemination of this data are generally limited to the purposes for which it was originally collected.
- v) Entities or persons for which a state, local, or federal law authorizes new use or new dissemination of the data.
- vi) Entities or persons subsequent to the collection of the data and subsequent to the communication of the Tennessee Warning when specifically approved by

the Commissioner of Administration as necessary to carry out a function assigned by law.

vii) Pursuant to a court order.

viii) Entities or persons as otherwise provided by federal or state statutes.

3. Confidential Data on Individuals

a. **Definition:** Data on individuals Re confidential if it are made by statute or federal law not accessible by the public and not accessible by the data subject.

b. **Tennessee Warning:** Except for law enforcement investigations, a Tennessee Warning must be given when confidential data are collected from the subject of the data.

A Tennessee Warning need not be given when confidential data are collected from someone other than the subject of the data.

c. **Data on Individuals is Confidential if:**

i) A state or federal statute expressly provides that: (a) the data shall not be available to either the public or to the data subject, or (b) the data shall not be available to anyone except those agencies that need the data for agency purposes.

ii) A Temporary Classification of confidential has been approved by the Commissioner of Administration and has not expired.

d. **Access:** Confidential data on individuals is accessible to:

i) Entities or persons who are authorized by state, local, or federal law to gain access.

ii) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or the designee.

iii) Entities or persons who used, stored, and disseminated government data collected prior to August 1, 1975, with the condition that the data was not accessible to the individual subject of the data.

iv) Individuals, entities or persons for which a state or federal law authorizes a new use or new dissemination of the data.

v) Entities or persons subsequent to the collection of the data and communication of the Tennessee Warning when specifically approved by the Commissioner of Administration as necessary to carry out a function assigned by law.

vi) Pursuant to a court order.

- vii) Entities or persons as otherwise provided for by federal or state statutes.

B. PUBLIC, NONPUBLIC, OR PROTECTED NONPUBLIC DATA NOT ON INDIVIDUALS

1. Public Data Not on Individuals

- a. **Definition:** Public data not on individuals means data not on individuals that is accessible to the public.
- b. **Data Not on Individuals is Public if:**
 - i) A statute or federal law does not expressly classify the data as not public.
 - ii) An application for Temporary Classification for data as nonpublic or protected nonpublic is not approved by the Commissioner of Administration.
- c. **Access:** Public data not on individuals is accessible to all persons regardless of their interest in the data.

2. Nonpublic Data Not on Individuals

- a. **Definition:** Nonpublic data not on individuals means data that are not public but are accessible to the data subject, if any. As used here the subject of the data means a person as defined in Section I.D., paragraph 10.
- b. **Data Not on Individuals is Nonpublic if:**
 - i) A state statute or federal law classifies the data as not public but accessible to the data subject, if any.
 - ii) A Temporary Classification of data as nonpublic has been approved by the Commissioner of Administration.
- c. **Access:** Nonpublic data not on individuals is accessible to:
 - i) The data subject, if any.
 - ii) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or designee.
 - iii) Entities or persons authorized by statute or federal statute to gain access.
 - iv) Pursuant to court order.
 - v) Entities or persons as otherwise provided by federal or state statutes.

3. Protected Nonpublic Data Not on Individuals

- a. **Definition:** Protected nonpublic data not on individuals means data that is not public and not accessible to the data subject, if any. As used here the subject data means a person as defined in Section I.D.10.
- b. **Data Not on Individuals is Protected Nonpublic if:**
 - i) A state statute or federal law classifies the data as not accessible to the public and not accessible to the data subject, if any.
 - ii) A Temporary Classification of government data as protected nonpublic has been approved by the Commissioner of Administration.
- c. **Access:** Protected nonpublic data not on individuals is accessible to:
 - i) Personnel within the entity who have a work-related reason to access the data as determined by the responsible authority or the designee.
 - ii) Entities or persons authorized by statute or federal law to gain access.
 - iii) Pursuant to a court order.
 - iv) Entities or persons as otherwise provided by federal or state statutes.

C. SUMMARY DATA

- 1. **Definition:** Summary data are statistical records and reports derived from data on individuals but in which individuals are not identified and neither their identities nor other characteristics that could uniquely identify an individual is ascertainable.
- 2. **Data are Summary Data if:**
 - a. All data elements that could link the data to a specific individual have been removed; AND,
 - b. Any list of numbers or other data that could uniquely identify an individual is separated from the summary data and is not available to persons who gains access to or possess summary data.
 - c. **Access:** Unless otherwise classified by a Temporary Classification summary data are public and may be requested by and made available to any entity or person, including a governmental entity.

D. DATA ON DECEDENTS

1. Private Data on Decedents

- a. **Definition:** Upon death, private and confidential data on an individual shall become, respectively, private data on decedents and confidential data on descendants.
- b. **Access:**
 - i) Access is available to the personal representative of the estate during the administration or if no personal representative, the surviving spouse, and any child of the decedent, or if no spouse or children, or any heir apparent of the decedent.
 - ii) A trustee appointed by court order in a wrongful death action also has access to private data on decedents concerning the data subject.
- c. The representative of the decedent may exercise all rights that are conferred by the Act on individuals who are the subjects of confidential data in the case of confidential data on decedents.

2. Confidential Data on Decedents

- a. **Definition:** Confidential data on decedents means data that prior to the death of the data subject was classified as confidential data on individuals.
 - b. **Access:** Access to and use of the data are the same as access to confidential data on individuals.
 - c. The representative of the decedent may exercise all rights that are conferred by the Act on individuals who are the subjects of confidential data in the case of confidential data on decedents.
3. Release of private data on a decedent or confidential data on a decedent may also be obtained from a court following the procedure outlined in the statute. Any person may bring an action in the district court located in the county where the data are being maintained to authorize release of private data on decedents or confidential data on decedents. The court must examine the data and consider whether the harm to the surviving spouse, children, or next-of-kin of the decedent, the harm to any other individual identified in the data or the harm to the public outweighs the benefit to the person bringing the action or the benefit to the public.
4. Private data on decedents and confidential data on decedents shall become public when ten years have elapsed from the actual or presumed death of the individual and 30 years have elapsed from the creation of the data. For purposes of this determination, an individual is presumed to be dead if either 90 years elapsed since the creation of the data or 90 years have elapsed since the individual's birth, whichever is earlier except an individual is not presumed to be dead if readily available data indicates the individual is still living.

III. REQUEST FOR GOVERNMENT DATA

Refer to Appendix D for forms to use when copies of data are requested. No fee shall be charged for only viewing data. Pursuant to Minn. Stat. §13.03, subd. 3(c) actual costs may be required to be paid for compiling some data.

- A. REQUEST FOR DATA: GENERAL** - Upon request to the responsible authority or designee, an authorized person shall be permitted to inspect government data at reasonable times and places.

Regardless of where the data originates, if it is in the possession of Steele County, it is government data and subject to the Data Practices Act, including access provisions.

B. REQUESTS FOR DATA ON INDIVIDUALS BY THE DATA SUBJECT

1. Upon request and when access or copies are authorized, the designee shall provide access to the private or public data on an individual to the data subject or authorized representative. See Minn. R. 1205.0500 if the data subject is a minor. If a copy is provided the appropriate fees shall be charged as per the County's Fee Schedule.
2. The designee shall respond to the request as soon as reasonably possible and no later than within ten (10) working days of the receipt of the request.
3. After an individual has been shown the data, the data need not be disclosed to that individual for six (6) months unless a dispute or action is pending concerning accuracy of data or additional data has been obtained about that individual.

C. REQUESTS FOR SUMMARY DATA

1. Unless otherwise classified by a Temporary Classification, summary data derived from private or confidential data on individuals is public and the responsible authority or designee shall provide the summary data upon the request of any person.
2. Within a reasonably prompt time of receipt of such request, the responsible authority or designee shall inform the requestor of the costs of preparing the summary data, if any.
3. The responsible authority or the designee shall:
 - a. Provide the summary data requested **OR**
 - b. Provide a written statement to the requestor describing a likely time schedule for preparing the requested data, including reasons for any delays and a statement of the cost, which should be pre-paid unless waived by the County; **OR**
 - c. Provide access to the requestor to the private or confidential data so that the requestor can compile the summary data. Such access will be provided only when the requestor signs a non-disclosure agreement; **OR**

- d. Provide a written statement to the requestor stating reasons why the requestor's access would compromise the private or confidential data or is classified as other than public.
4. A non-disclosure agreement is used to protect the privacy or confidentiality of the data when the requestor of the summary data prepares the summary by accessing private or confidential data on individuals. Because of the obligation to protect the security of the data from improper access or use, such agreements will be rarely used. In the rare case of such use, a non-disclosure agreement shall contain at least the following:
- a. A general description of the private or confidential data being used to prepare summary data.
 - b. The purpose for which the summary data are being prepared.
 - c. A statement that the requestor understands the requestor may be subject to the civil or criminal penalty provisions of the Act for violation of the protected status of the data.
 - d. The dated signature of the requestor and the responsible authority, designee, or representative.
 - e. Willingness by the requestor to sign the agreement is not a guarantee of access to the data. Access may be denied if Steele County determines such assurances are insufficient to protect the not public nature of the data.

D. REQUESTS FOR GOVERNMENT DATA BY OTHER GOVERNMENT AGENCIES

- 1. A responsible authority shall allow another government entity access to data classified as private, confidential, nonpublic, or protected nonpublic only when the access is authorized or required by state or federal statute.
- 2. An agency that supplies government data under this section may require the requesting agency to pay the actual cost of supplying the data when the requested data are not provided in the normal course of business and not required by state or federal statute. In most circumstances Steele County will not charge a fee to another government entity. Consideration should be given to transmission of the data by electronic means to save Steele County copying costs.
- 3. In many cases, data will have the same classification in the hands of the agency receiving it as it had in the agency providing it unless the classification is required to change to meet judicial, administrative, or statutory requirements such as change in classification by statutory definition. When reasonably practical, the agency providing the requested data information shall indicate the classification of the data when the data are classified as other than public.

4. When reasonably practical and reasonably necessary, if it is not clear the requesting agency is authorized to access the data, it shall be directed to obtain the informed consent from the data subject(s) for data classified as private or confidential.
5. If the agency is unable to obtain such written consent, the Steele County Responsible Authority should be consulted for a determination of access prior to release of the data.

E. HOW DATA PRACTICES APPLIES TO CONTRACTUAL LICENSING AND FUNDING RELATIONSHIP WITH GOVERNMENT ENTITIES

1. Pursuant to Minn. Stat. § 13.05, subd. 6, if a person receives not public data on individuals from a government entity because that person has a contract with that entity, the person must administer the data in a manner consistent with the MGDPA.
2. Pursuant to Minn. Stat. § 13.05, subd. 11, if a private person collects, receives, stores, uses, maintains or disseminates data because the person has a contract with a government entity to perform any of the entity's functions, the data are subject to the requirements of MGDPA, and the contractor must comply with the MGDPA requirements. The contract should clearly inform the contractor of these responsibilities.
3. Pursuant to Minn. Stat. § 13.02, subd. 11, if the data are collected by a nonprofit social services entity that performs services under contract to a government entity and the data are collected and used because of that contract, access to the data are regulated by the MGDPA.
4. If a third party is licensed by a government entity and the licensure is conditioned upon compliance with the MGDPA or if the party has another type of contract with a government entity, the party is subject to the MGDPA to the extent specified in the contract or the licensing agreement.

IV. FEES FOR COPIES OF GOVERNMENT DATA.

Pursuant to the Minnesota Government Data Practices Act and Steele County Board resolution and unless otherwise provided for by federal law, state statute or rule, fees for copies of government data shall be determined as set forth in Section IV.E.

FEES SHALL NOT BE CHARGED TO THOSE INDIVIDUALS WHO ONLY WISH TO VIEW DATA.

FEES SHALL NOT BE CHARGED FOR SEPARATING PUBLIC FROM NONPUBLIC DATA.

A. COPIES PROVIDED AT NO CHARGE: When access is authorized copies may be provided at no charge:

1. When another government agency or responsible authority requires or requests the record/document copies as part of the administration and management of an authorized program and the copies are usually provided as part of the normal course of business.

2. When records, documents, brochures, pamphlets, books, reports, or other similar publications are produced for free distribution to the public. A charge may be assessed if an individual request exceeds normal distribution.
3. When required by statute or court order.

B. COPIES PROVIDED WITH CHARGE: When access is authorized, copies shall be provided at the applicable rate in the following circumstances:

1. Other government agencies or responsible authorities who require or request record documents or publication copies that are not usually provided or reproduced at a cost as part of the normal course of business.
2. Records, documents, brochures, pamphlets, books, reports, or other similar publications that are not normally provided or reproduced for distribution to the public.
3. Public data on individuals and public data not on individuals, particularly when the requestor is not the subject of the data.

C. COPYING FEES: Copying fees shall be charged for those records, documents, and publications covered in Section B above. The fee schedule is established annually by the Board of Commissioners and available on the county's website.

1. Charges for copies of requested records, documents, and publications are as set forth in Appendix A and will be collected by the department or office in which they are available.
2. When copies are mailed, postage costs shall be added to the rates listed in Section E unless alternative arrangements have been made.
3. Actual costs may be imposed if the number of copies requested exceeds 100 pages and includes:
 - Costs of media (paper, CD ROMs, DVDs, etc.)
 - Mailing costs
 - Employee time to prepare copies
 - Costs of reproduction that cannot be done by the entity, such as photographs (Advisory Opinions: 95-044, 97-012)
 - Employee time to search for and retrieve data for copying (Advisory opinion 00-054) (Entities cannot charge search for and retrieval time when the requestor is the data subject)
 - Employee time will be calculated based on the wages/salary (including benefits) of the lowest-paid entity employee who could complete the task. (Advisory opinion 04-056)

D. COLLECTION OF COPYING FEES: Fees shall be collected before releasing copies unless prior arrangements have been made. Payment may be required before copies are made.

E. FEE SCHEDULE:

The fee schedule is available on the county's website.
www.SteeleCountyMN.gov

F. DISPOSITION OF FEES: Copying fees collected shall be deposited in the appropriate account with the County Finance Office.

V. ASSIGNMENT OF DESIGNEE

The responsible authority may assign in writing one or more designees. The designee is the person in charge of individual files or systems containing government data and who receives and complies with the requests for government data. The designee shall implement the provisions of the Act, the rules, and these guidelines and procedures as directed by the responsible authority. All duties outlined as duties of the responsible authority may be delegated to the designee.

VI. DUTIES OF THE RESPONSIBLE AUTHORITY OR DESIGNEE

A. DATA INVENTORY

1. The responsible authority shall prepare a public document on data categories. The public document will contain the responsible authority's name, title, address, and description of each category of record, file, or process relating to private or confidential data on individuals maintained by Steele County.
2. The public document shall be updated annually.
3. The responsible authority shall supply the document to the Minnesota Commissioner of Administration, if requested by the Commissioner.
4. Steele County will maintain the report on its web site.

B. PROCEDURES FOR DISSEMINATION OF DATA

1. The responsible authority shall ensure each department establishes procedures to manage the dissemination of data. Collection, storage, use, and dissemination of private and confidential data shall be limited to what is necessary for the administration and management of programs authorized or mandated by law.
2. Public data cannot be collected, stored, used, or disseminated for any purpose other than the purpose stated to the individual when the data was originally collected unless:
 - a. The data was collected prior to 1975 in which case the data can be used for the original purpose for which it was collected or for an additional purpose approved by the Commissioner of Administration.
 - b. There is specific authorization for the use in state, local, or federal law.

- c. The additional use has been approved by the Commissioner of Administration as necessary to carry out a function designated by law.
- d. The individual data subject has given an informed consent for the additional use of the data (see Informed Consent, Section IX., subd. C).

C. DATA PROTECTION

The responsible authority shall establish procedures to assure all data on individuals is accurate, complete, and current for the purpose for which it was collected and establish appropriate security safeguards for all data. An annual security assessment is included in this duty.

- D.** Steele County, as required by Minn. Stat. 13.055, has implemented a protocol in the event of a breach of security of not public data. That protocol is incorporated in this manual as Appendix C.

VII. ACCESS TO GOVERNMENT DATA

A. WHO CAN MAKE A DATA REQUEST?

Anyone may seek access to data by making a data request.

B. TO WHOM MUST A DATA REQUEST BE MADE?

1. A data request must be made to the responsible authority or to the appropriate designee(s).
2. The responsible authority may cause preparation of summary data upon the request of any person if the request is in writing and the requestor pays in advance the cost to prepare the summary data.
3. The responsible authority may delegate the preparation of summary data to anyone outside of the entity, including the requestor, if
 - a. That person's purpose is set forth in writing and the person agrees not to release any of the private or confidential data used to prepare the summary data; and
 - b. The responsible authority determines the access will not compromise private or confidential data on individuals; and
 - c. All elements of Section III(C) of this policy are complied with.
4. The entity may require the requestor to prepay the cost of preparing summary data.
5. See Appendix B for more information.

VIII. RIGHTS OF DATA SUBJECT

A. TENNESSEN WARNING - Rights of Subjects of Data

1. Except for law enforcement investigations, every agency that collects private and confidential data from an individual concerning that individual shall prior to collecting the data, inform the individual of their rights as a subject of data. The notice must be given whenever:
 - a. A government *entity requests* data; and
 - b. The data are requested from an *individual*; and
 - c. The data requested are *private or confidential*; and,
 - d. The data are *about the individual* from whom it is requested.

All four of these conditions must be present before a Tennesen warning must be given. These rights are referred to as the Tennesen Warning or Data Practices Rights Advisory.

A Tennesen Warning may be given but is not required when private and confidential data are collected from an individual who is not the subject of the data.

2. The Tennesen Warning consists of the following information that must be communicated to the individual from whom private or confidential data concerning the individual is collected:
 - a. The purpose and intended use of the data. This is why the data are requested and how it will be used.
 - b. Whether the individual may refuse or is legally required to supply the data. The subject has the right to know whether or not she/he is required to provide the data.
 - c. Any consequences to the individual of either supplying or refusing to supply the data. The entity is required to state the consequences known to the entity at the time when the notice is given; and
 - d. The identity of other persons or entities that may be authorized to receive the data. The notice must identify recipients that are known to the entity at the time the notice is given.

NOTE: In accordance with the Federal Privacy Act of 1974 any federal, state, or local agency that requests an individual to disclose their social security account number shall inform that individual whether that disclosure is mandatory or voluntary, by what statutory or other authority such number is solicited and what uses will be made of it.

3. Tennessean Warnings may be either oral or written.

- a. Oral communication is not the preferred method of communicating the Tennessean Warning, but it may be necessary under some circumstances. If an oral communication is necessary, the specific language communicated must be in written form and contained in the departmental data practices procedures and the situation documented.
- b. A written communication requiring the signature of the data subject (i.e., a signature attesting the individual from whom private or confidential data are collected has read and understands their rights pertaining to the requested data). The Tennessean Warning may be included on the form that collects the private or confidential data.

4. A sample format for a Notice of Rights Tennessean Warning is on page 26.

B. NOTIFICATION TO MINORS

A minor has the right to request the entity withhold private data about her/him from the parent or guardian. The entity may require the request be in writing. A written request must include the reasons for withholding the data and must be signed by the minor.

Upon receipt of the request, the responsible authority must determine whether honoring the request is in the best interests of the minor. The responsible authority must consider at a minimum:

1. Whether the minor is mature enough to explain the reasons for the request and to understand the consequences of making the request;
2. Whether denying access to the data may protect the minor from physical or emotional harm;
3. Whether there is a reason to believe the minor's reasons for denying access to the parent(s) are reasonably accurate; and
4. Whether the nature of the data are such that disclosing the data to the parents could lead to physical or emotional harm to the minor. Minn. Rule 1205.0500 contains the procedures for the release of data about minors.

C. INFORMED CONSENT

1. Private data on individuals may be used by and disseminated to any entity, individual or person by the responsible authority or the designee if the subject or subjects of the data have given informed consent.

NOTE: Informed consent cannot authorize release of confidential data on individuals since the data subject has no right to the data and therefore cannot authorize another a right to access.

2. Private data shall be disseminated to any person or entity if the subject or subjects have given their valid informed consent.
3. All informed consents shall be in writing.
4. Informed consent shall not be deemed to have been given by an individual subject of the data by the signing of any statement authorizing any person or agency to disclose information about the individual to an insurer or its authorized representative unless it is:
 - a. In plain language;
 - b. Dated;
 - c. Specific in designating the particular government entity the data subject is authorizing to disclose data about the data subject;
 - d. Specific as to the nature of the data the subject is authorizing to be disclosed;
 - e. Specific as to the persons to whom the subject is authorizing data to be disclosed;
 - f. Specific as to the purpose or purposes for which data information may be used by any of the persons named in clause(s) both at the time of the disclosure and at any time in the future; and
 - g. Specific as to its expiration date, which must be within a reasonable period of time. In the case of authorizations given in connection with applications for life insurance or noncancellable or guaranteed renewable health insurance and identified as such the consent shall not exceed two years after the date of the policy.
 - h. An authorization in connection with medical assistance under chapter 256B or MinnesotaCare under chapter 256L, or for individual education plan health-related services provided by a school district under section 125A.21, subdivision 2, is valid during all terms of eligibility.
5. Informed consent for health insurance purposes must comply with Minn. Stat. §13.05, unless otherwise pre-empted by the HIPPA Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. 164.
6. Informed consent for other purposes may be valid for longer than one year if the consent otherwise meets the above requirements.
7. The informed consent for the disclosure of alcohol and drug abuse patient records may be made only if the consent is in writing and expressly states the request is for alcohol or drug abuse patient records. It should contain the following:
 - a. The name of the program that is to make the disclosure;

- b. The name or title of the person or organization to which disclosure is to be made;
- c. The name of the patient;
- d. The purpose or nature of information to be disclosed;
- e. The extent or nature of information to be disclosed;
- f. A statement that the consent is subject to revocation at any time except to the extent that action has been taken in reliance thereon and a specification of the data, event, or condition upon which it will expire without express revocation;
- g. The date the consent is signed; and
- h. The signature of the patient and, when required, of a person authorized to give consent.

D. PROCEDURES FOR COMPLYING WITH DATA REQUESTS FROM AN INDIVIDUAL

The responsible authority shall ensure each department establishes procedures to comply with requests for government data in an appropriate and prompt manner.

1. Upon request to the responsible authority, an individual shall be informed whether they are the subject of stored data on individuals and whether it is classified as public, private, or confidential.
 - a. The responsible authority shall provide access to the private or public data upon request by the individual subject of the data.
 - b. An individual may contest the accuracy or completeness of public or private data. If the individual notifies the responsible authority in writing as to the nature of the disagreement with the data, the responsible authority shall within 30 days either correct the data and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual, or notify the individual the responsible authority believes the data to be correct. Subsequently, data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
2. The responsible authority shall prepare a public document setting forth in writing the rights of the data subject and specific procedures in effect in the county for access by the data subject to public or private data on individuals.
 - a. When a request is denied, the responsible authority must inform the requestor orally at the time of the request and if requested in writing as soon thereafter as reasonably possible and shall cite the statute, temporary classification or federal law on which the determination is based.

- b. The responsible authority shall require the requestor to pay the actual costs of making and certifying copies of the data requested except those exempted in Section IV., subd. A. The requestor may not be charged for separating private or confidential data from public data.
- c. The responsible authority shall reasonably inform the requestor of the data's meaning if asked to do so.

E. IF STEELE COUNTY DETERMINES THAT CHALLENGED DATA ARE ACCURATE AND/OR COMPLETE AND THE DATA SUBJECT DISAGREES WITH THAT DETERMINATION, THE SUBJECT HAS THE RIGHT TO APPEAL THE DETERMINATION TO THE COMMISSIONER OF ADMINISTRATION

1. The subject has the right to take this step after both the subject and Steele County have properly completed all the steps in the data challenge process. The subject may appeal only the County's determination about the accuracy and/or completeness of data.
2. The requirements for filing an appeal are in Minnesota Rules Section 1205.1600.
3. Procedure when data are not accurate or complete.
 - a. An individual subject of the data may contest the accuracy or completeness of public or private data. To exercise this right an individual shall notify in writing the responsible authority describing the nature of the disagreement. The responsible authority shall within 30 days, either:
 - i) Correct the data found to be inaccurate or incomplete and attempt to notify past recipients of inaccurate or incomplete data, including recipients named by the individual; or
 - ii) Notify the individual the authority believes the data to be correct. Data in dispute shall be disclosed only if the individual's statement of disagreement is included with the disclosed data.
4. The determination of the responsible authority may be appealed pursuant to the Administrative Procedure Act, MINN. STAT. § 14.57 to 14.62 and Minn. R. 1205.1600, relating to contested cases. Upon receipt of an appeal by an individual, the Commissioner of Administration shall, before issuing the order and notice of a contested case hearing required by Chapter 14, try to resolve the dispute through education, conference, conciliation, or persuasion. If the parties' consent, the Commissioner may refer the matter to mediation.

Following these efforts, the Commissioner shall dismiss the appeal if resolved or issue the order and notice of hearing.

- a. Data on individuals successfully challenged by an individual must be completed, corrected, or destroyed without regard to the requirements of Minn. Stat. § 138.17.

- b.** After completing, correcting, or destroying successfully challenged data, Steele County will retain a copy of the Commissioner of Administration's order issued under Chapter 14 or if no order was issued, a summary of the dispute between the parties that does not contain any particulars of the successfully challenged data.

IX. ROLE OF THE COMMISSIONER OF ADMINISTRATION

- A.** Pursuant to Minn. Stat. Section 13.06, subd. 4, the Commissioner of Administration is given the authority to approve new uses and disseminations of private and confidential data on individuals.
- B.** Minn. Stat. Section 13.06 gives the Commissioner certain powers with regard to approving temporary classifications of data.
- C.** Minn. Stat. Section 13.072 gives the Commissioner authority to issue advisory opinions concerning the rights-of-data-subjects and the classification of government data. Commissioner's opinions are found at www.ipad.state.mn.us.

X. WHERE MORE INFORMATION CAN BE FOUND

- A.** Responsible Authority Robert Jarrett, Steele County Attorney's Office, at 507-444-7780 or SCAO@SteeleCountyMN.gov
- B.** Data Practices Office, 200 Administration Building, 50 Sherburne Ave. St. Paul, MN 55155, at 651-296-6733 or info.dpo@state.mn.us
- C.** Minnesota Statutes Chapter 13 is found on the website of the Revisor of Statutes at: www.leg.state.mn.us/leg/statutes.asp.

Minnesota Rules, Chapter 1205, is found on the website of the Revisor of Statutes at: www.revisor.leg.state.mn.us/arule/1205.

STEELE COUNTY

Non-Disclosure Agreement

1. General description of the private or confidential data that is being used to prepare summary data:

2. Purpose for which summary data are being prepared:

3. I, _____, representing _____

have requested the data described above and for the purposes stated and fully understand that I may be subject to the civil or criminal liability, including but not limited to, the provisions of the Minnesota Data Practices Act in the event the private or confidential data are disclosed or used in any manner not authorized by law. See Minn. Stat. 13.08 and 13.09.

Requestor of Data

Date

Contact Information

Responsible Authority/Designee

Date

NOTICE OF RIGHTS TENNESSEN WARNING INSTRUCTION GUIDE

Minnesota Statutes Section 13.04, subdivision 2

The notice must be given when:	<ol style="list-style-type: none"> 1. An individual 2. Is asked to supply 3. Private or confidential data 4. Concerning self <p>All four conditions must be present to trigger the notice requirement.</p>
Statements must be included from the individual that inform the individual:	<ul style="list-style-type: none"> • Why the data are being collected and how the entity intends to use the data; • Whether the individual may refuse or is legally required to supply the data; • Any consequences to the individual of either supplying or refusing to supply the data; and • The identity of other persons or entities authorized by law to receive the data.
Consequences of giving the notice are:	Private or confidential data on individuals may be collected, stored, and used as described in the notice without liability to the entity.
Consequences on <i>not</i> giving the notice are:	<p>Private or confidential data on individuals cannot be collected, stored, used, or released for any purposes other than those stated in the notice unless:</p> <ul style="list-style-type: none"> • The individual subject of the data gives informed consent; • The Commissioner of Administration gives approval; • A state or federal law subsequently authorizes or requires the new use or release; or • A Court order is issued to authorize release.

**“NOTICE OF RIGHTS”
TENNESSEN WARNING**

The Data Practices Act requires Steele County to inform you of your rights as they pertain to private and confidential data collected from you and about you. Some of the data we collect from you may be private data. Access to this data are available only to you, the agency collecting the data or other statutorily authorized agencies unless you or a court authorize its release. Some data may be classified as confidential data are not accessible to the public or you.

The Data Practices Act requires you be advised of the following when you are asked to provide private or confidential data.

The purpose and intended use of the requested data are:

Authorized persons or agencies with whom this data may be shared include:

Furnishing the above data are voluntary, but refusal to supply the requested data will mean:

Name

Date

Minn. Stat. § 13.04 (subd. 2)

INFORMED CONSENT INSTRUCTION GUIDE

- A. Enter the complete name and address of the entity that maintains the data. Include any relevant program names, staff names, titles and telephone numbers.
- B. Identify as specifically as reasonably possible the reports, record names, or types of data that will be released.
- C. Identify the entity or agencies to which the data will be released. Include the name and address of the entity. Include relevant staff names and titles. Be as specific as reasonably possible.
- D. Describe specifically and completely the purpose(s) for seeking the person's informed consent.
- E. Describe the known consequences, if any, of releasing the data.
- F. Instruct the person to sign the consent and enter the date the consent is signed.
- G. As a general rule, a parent or guardian's signature should be obtained when the subject is under the age of 18 or has a legally appointed guardian. However specific requirements for obtaining consent to release data in these circumstances vary. **Instructions for completing this portion of the form within your particular entity should be developed in consultation with the County Attorney's office.**

INFORMED CONSENT FOR THE RELEASE OF DATA

I, _____

(Name of individual authorizing release)

authorize _____

(Name of individual, entity, or person holding record)

to disclose to _____

(Name of individual, entity, or person to receive the data)

the following information:

for the purpose of:

I understand this data may be protected under state and/or federal privacy laws and may not be disclosed without my written consent unless otherwise provided for by state or federal law. I understand once this data are released it may be subject to further disclosure without my written consent. I also understand I may revoke this consent at any time except to the extent that action has been taken in reliance on it and in any event this consent expires or as described below, whichever is earlier.

On specification of the date or condition upon which this consent expires:

Executed this _____ day of _____, 20 _____.

(Signature of individual authorizing release)

(Printed name)

(Signature of parent, guardian, or authorized representative, when required)

(Printed name)

DATA PRACTICES NOTICE

I have been subpoenaed to testify before this court. I have been advised by the Office of the Steele County Attorney to provide the following information to the Court.

“The data I have been requested to provide includes data classified as private or confidential data as defined by Minnesota Statute Chapter 13, the Data Practices Act. Pursuant to Minnesota Statute 13.03 and Minnesota Rule 1205.0100, Subd, 5, the Court’s attention is called to this classification. The Data Practices Act provides I may disclose data only if the data subject has given written consent, a statute allows disclosure, or a court orders disclosure. If this court orders me to provide these data I will do so.”

APPENDIX A

STEELE COUNTY DATA REQUESTS

Fee Schedule

**DATA PRACTICES
APPENDIX A

FEE SCHEDULE
FOR FAXING AND PHOTOCOPYING
(COUNTY AND NON-COUNTY MATERIALS)**

(Sales tax exempt)

Copy Costs (Unless cost noted elsewhere or per Minn. Stat.)

≤100 pages: Hard copy of Electronic Delivery
\$.25 per side/page

>100 pages: Hard copy of Electronic Delivery
Actual Cost to search/retrieve/copy

Cost of Media (CD's, DVD's, Jump Drives, etc.)

Actual Cost

*Note that the most current fee schedule is available on the county's website,
please visit www.SteeleCountyMN.gov

APPENDIX B

STEELE COUNTY DATA PRACTICES ACT

Responsible Authorities and Designees

APPENDIX B
Steele County - Responsible Authorities (RA) and Designees

Department	Responsible Authority	Designee
Administration	Robert J. Jarrett	Renae Fry
Attorney	Robert J. Jarrett	Campbell Housh
Community Corrections	Robert J. Jarrett	Tim Schammel Stephen Rick
Human Resources	Robert J. Jarrett	Gina McGuire
Information Technology	Robert J. Jarrett	David Purscell
Land Use & Records	Robert J. Jarrett	Rick Kvien Jennifer Mueller Candi Lemarr
Public Health	Robert J. Jarrett	Amber Aaseth
Environmental Services	Robert J. Jarrett	Katie Barden
Public Works	Robert J. Jarrett	Public Works Director
Sheriff	Lon Thiele	Anthony Buttera
Veteran's Services	Robert J. Jarrett	Rene Gilormini

County Data Practices Compliance Officer

Robert J. Jarrett
Steele County Attorney

*Note the above Data Practices Responsible Authority and Designees may change as holders of officers and appointment change.

APPENDIX C

STEELE COUNTY DATA PRACTICES ACT

DATA SECURITY BREACH PROTOCOL

APPENDIX C

DATA SECURITY BREACH PROTOCOL

Part 1. Purpose.

This protocol is intended to assist Steele County in implementing the requirements of Minn. Stat. § 13.055 that is intended to provide timely and appropriate notice to individuals who are affected by a breach of the security of their private or confidential data. All employees must immediately report known or potential breaches of security to the responsible authority and their supervisor. The County Attorney's Office in consultation with the affected department or office or Information Technology personnel as appropriate shall determine whether notice of the potential breach is required and if so how the notice will be provided.

Part 2. Definitions. Minn. Stat. 13.055, Subd. 1 (in part)

Subpart A. Potential Data Security Breach. A situation or incident that provides a reasonable basis to believe not public data may have been compromised or accessed for a purpose not authorized by law or by a person or entity not authorized by law to have access to such data.

Subpart B. Breach of the security of the data. Breach of the security of the data means the unauthorized acquisition of data maintained by Steele County in any medium that compromises the security and classification of the data but not including the good faith acquisition by an employee, contractor or agent of the County if not provided to an unauthorized person.

Subpart C. Contact Information. Contact information means either name and mailing address or name and e-mail address for each individual who is the subject of data maintained by Steele County.

Subpart D. Unauthorized acquisition. Unauthorized acquisition means a person has obtained government data without the informed consent of the individuals who are the subjects of the data or lacks statutory or other legal authority and with the intent to use the data for non-governmental purposes.

Subpart E. Unauthorized person. Unauthorized person means any person who accesses government data without permission or without a work assignment that reasonably requires the person to have access to the data.

Part 3. Guidelines

Subpart A. Reporting a Potential Breach. Any employee who knows of or reasonably believes breach of the security of private or confidential data may have occurred must immediately report to his or her supervisor and Steele County's responsible authority. (R.A.)

The report should include the date and time of the report, when the breach occurred (if known); the type of data involved; the approximate number of affected individuals, if known, and other pertinent data. The attached form should be used for that purpose whenever reasonably possible.

Employees who in good faith report a potential or actual breach under these guidelines will not be subject to retaliation for making such a report.

Subpart B. Breach Affected Division Response Process. After a potential breach of security has been reported, the responsible authority will work with the affected department or office to take necessary steps to contain and control the integrity of the data handling systems impacted by the potential or reported breach and conduct a preliminary internal assessment of the scope of the potential breach. Applicable Information Technology (IT) staff and security procedures or other guidelines may be consulted as set forth in this policy.

If the potential breach is on a county computing system that contains or has network access to private or confidential data, the R.A. shall consult with IT personnel and consider control measures that may include but are not necessarily limited to removing the computing system from the network.

1. **Determining Breach.** The responsible authority shall consult with the affected staff supervisor to determine whether a breach of security of data has occurred.
2. **Incidents.** Examples of the types of incidents that may result in a notice-triggering breach include, but are not limited to:
 - a. Evidence of unauthorized access into a computer system containing private/confidential data;
 - b. Missing documents or papers or stolen or missing laptop, desktop, storage device or other types of information technology resource containing files with private/confidential data;
 - c. Documents containing private/confidential data sent in any form to a wrong recipient;
 - d. IT Systems containing private/confidential data that has been compromised; or
 - e. Employee misuse of authorized access to or disclose of private or confidential data.
3. **Acquisitions.** Minn. Stat. Sect. 13.055, subd. 2 requires government entities to notify individuals if their private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. In making that determination the following factors among others may be considered:
 - a. Indications the data are in the physical possession and control of an unauthorized person such as a lost or stolen computer or other device or documents containing unprotected private or confidential data.
 - b. Indications the data has been downloaded or otherwise acquired.

- c. Indications the data was used by an unauthorized person such as a fraudulent account opened, or an instance of identity theft reported;
 - d. The encryption protection of the data, if any;
 - e. Duration of exposure;
 - f. The extent to which the compromise of electronic data indicates a directed attack such as a pattern showing the device itself was specifically targeted; or
 - g. Indications the attack was intended to seek and collect private or confidential data.
4. **Timing of Notification.** If a breach has been determined, in most instances the affected department or office has primary responsibility to notify affected individuals and may be assisted by the R.A. Notice is to occur without unreasonable delay. Notice maybe delayed due to a) the legitimate needs of a law enforcement agency; or b) any measures necessary to determine the scope of the breach and restore the reasonable security of the data.

Immediate notification may be appropriate in the event of a breach that could have immediate deleterious impact on individuals whose data may have been acquired by an unauthorized person.

5. **Contacting Law Enforcement.** The responsible authority or designee(s) shall contact law enforcement agencies if the breach of security is believed to involve illegal activities. Data may be shared with law enforcement consistent with applicable data practice laws. If law enforcement is contacted, it should be informed of Steele County's practice to provide notice to affected individuals. If law enforcement advises such notice would impede an active criminal investigation notice may be delayed. Delayed notice should be sent out as soon as law enforcement advises it would no longer impede the criminal investigation.
6. **Whom to Notify.** The responsible authority in consultation with other appropriate county personnel, including but not limited to the affected department or office, shall determine the scope of the notice. Notice of a breach must be provided to any individual whose private or confidential data has been or is reasonably believed to have been acquired by an unauthorized person. If specific individuals cannot be identified notice should be sent to groups of individuals likely to have been affected such as all whose data are stored in the database of files involved in the breach. Measures should be taken to prevent notice lists from being over-inclusive. If questions arise regarding the scope of the notice required the County Attorneys' Office may be contacted for guidance.

Subpart C. Notice.

1. **Content.** The responsible authority or designee shall consult with the affected department or office on the wording of a notice. IT personnel may also be consulted where appropriate. Notices shall generally be sent separate from other documents. The notice should use clear and plain language.

The following should generally be included in the notice:

- a. A general description of what happened and when to the extent known.
 - b. The nature of the individual's private or confidential data that was involved but not listing the specific private/confidential data.
 - c. Information about what Steele County has done to protect the individual's private/confidential data from further disclosure.
 - d. Institution assistance such as website information or telephone number for further information about the incident.
 - e. Information such as Web sites about what individuals can do to protect themselves against identity theft including contact information for nationwide credit reporting agencies.
2. **Method of Notification.** The responsible authority in consultation with the affected division shall determine the appropriate method of notice as follows.

a. **Written notice** by first class mail to each affected individual; or

b. **Electronic notice** to each affected individual if communication normally occurs in that medium and the procedure is otherwise consistent with the provisions regarding electronic records and signatures contained in 15 U.S.C. 7001.

c. **Substitute notice** may be provided if the cost of providing the written notice required to each affected individual would exceed \$250,000 or the affected class of individuals to be notified exceeds 500,000 or the County does not have sufficient contact information to notify affected individuals. Substitute notice consists of all the following:

- i. **E-mail notice** if Steele County has an e-mail address for the affected individuals;
- ii. **Conspicuous posting** of the notice on Steele County's website for a minimum of 45 days and
- iii. **Notification to major media** outlets that reach the general public.

Subpart D. Coordination with Credit Reporting Agencies. Credit reporting agencies assist individuals in responding to a notice of a security breach. Such agencies should be notified in advance of sending notice of security breach incidents that may significantly increase calls to agencies for assistance.

If notice is required to be given to 1,000 or more individuals at one time, Steele County shall notify without unreasonable delay all consumer reporting agencies that compile and maintain files on consumers on a nationwide basis as defined in 15 U.S.C. 1681a, of the timing, distribution and content of the notice to be sent. Such contacts shall include but not be limited to the following:

- Equifax:
U.S. Consumer Services
Equifax Information Services, LLC.
Phone: 1-800-525-6285
- Experian:
Experian Security Assistance
P.O. Box 72
Allen, TX 75013
1-888-397-3742
- TransUnion:
Phone: 1-800-680-7289

Subpart E. Documentation. The responsible authority or designee must complete a Breach of Security Incident Response Summary for each reported breach regardless of whether notice is given. The form should be completed beginning at the time of the initial report or as soon thereafter as reasonably practical.

Where appropriate, all documentation related to the breach and investigation shall be labeled and maintained as not public pursuant to the applicable data privacy classification including but not limited to, “security information” as defined by Minn. Stat. 13.37, Subd. 1(a). The form shall be retained by the responsible authority in accordance with the applicable records retention policy.

Potential Not Public Data Breach Report

Name of Reporting Person(s): _____

Department or Office: _____

Division: _____

Email: _____

Telephone Number: _____

Date of Report: _____

Time of Report: _____

Date and Time of Discovery of Potential Breach: _____

To Extent Known Date and Time of Potential Breach: _____

Type of Data Involved: _____

Method of Breach to Extent Known or Suspected: _____

Number of Affected Persons: _____

Additional Comments: _____

Signature of Reporting Person

This report must be promptly completed and forwarded to Steele County Attorney Robert Jarrett. It may be emailed to Robert.Jarrett@SteeleCountyMn.gov.

For any assistance or questions, email Robert Jarrett or call 507-444-7780.

APPENDIX D

STEELE COUNTY DATA PRACTICES ACT

Data Request Forms

DATA REQUEST FORM – MEMBERS OF THE PUBLIC

Date of the Request: _____

I am requesting access to data in the following way:

☐ Inspection ☐ Copies ☐ Both inspection and copies ☐ Email

Note: inspection is free, but reproduction costs must be prepaid before you receive the copies.

Contact Information

Name: _____

Address: _____

Phone number: _____

Email address: _____

You do not have to provide any of the above contact information. However, if you want us to mail/email you copies of the data, we will need some type of contact information. In addition, if we do not understand your request and need to get clarification from you, without contact information, we will not be able to begin processing your request until you contact us.

The data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form. If you need assistance with technical wording, terminology, or are unsure about the use or meanings of acronyms, please contact the RA. However, please be advised that the RA cannot give you legal advice regarding your request.

We will respond to your request as soon as reasonably possible.

DATA REQUEST FORM – DATA SUBJECTS

Date of the Request: _____

To request data as a data subject, you must show a valid government-issued ID, such as a Driver's License, ID card, Minnesota Tribal ID, military ID, or passport as proof of identify.

I am requesting access to data in the following way:

☐ Inspection ☐ Copies ☐ Both inspection and copies

Note: inspection is free, but reproduction costs must be prepaid before you receive the copies.

Contact Information

Data Subject Name: _____

Parent/Guardian Name (if applicable): _____

Address: _____

Phone number: _____ Email address: _____

Staff Verification

Identification Provided: _____

These are the data I am requesting:

Describe the data you are requesting as specifically as possible. If you need more space, please use the back of this form. If you need assistance with technical wording, terminology, or are unsure about the use or meanings of acronyms, please contact the RA. However, please be advised that the RA cannot give you legal advice regarding your request.

We will respond to your request within 10 business days.

APPENDIX E

STEELE COUNTY DATA PRACTICES ACT

How to Request Data from a Minnesota Government Entity

APPENDIX E

HOW TO REQUEST DATA FROM A MINNESOTA GOVERNMENT ENTITY

Part 1: Submit request to responsible authority

Ask to review access policies and procedures and locate the responsible authority.

Submit your request to the government entity's responsible authority unless the entity has a policy that directs you to make your request to a different person.

- State agencies - commissioner, chief executive officer or individual appointed by the agency's governing body
- Cities or school districts - employee appointed by the city or school district's governing body
- Counties - each elected official (sheriff, county auditor, etc.) for her/his office
 - A county governing body must appoint an employee to be the responsible authority for information maintained outside of Steele County's elected official's office
 - The responsible authority for a county social services office is the director of that office
- Constitutional offices - attorney general, state auditor, secretary of state

Part 2: Requesting information

Make your request under the MN Government Data Practices Act, not the federal FOIA

State that you are requesting information under Minnesota Statutes, Chapter 13.

Part 3: Ask for access to data rather than asking questions

Under the Data Practices Act, a government entity is required to respond if you ask to inspect or get copies of government data, but it does not have to answer questions. The first bullet is a question that a government entity is not required to respond to under Chapter 13. The second bullet is an example of a proper request for government data.

- Why did the county board decide to end the park program?
- I would like to inspect all data that document the county board's decision to end the park program.

Part 4: Ask to inspect data before asking for copies

Inspection is free but you may be charged for copies of government data. Ask for an estimate of the costs if you decide you want copies after inspection.

Part 5: Ask for a written denial

Ask for the specific statutory basis in writing if the entity redacts or withholds any data. An entity is required to give you this information.

Note: *An entity cannot require you to identify yourself or ask why you are requesting the information. You may want to provide contact information so the entity can respond if your request needs clarification.*

Data Practices Office, Minnesota Department of Administration <https://mn.gov/admin/data-practices/>. info.ipad@state.mn.us .
651.296.6733 2017



Data Request

To: [REDACTED]

Tue, Nov 19, 2024 at 11:03 AM

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

From: [REDACTED]

Date: Tue, Nov 19, 2024, 9:02 AM

Subject: Re: FW: Data Request

To: Fry, Renae <Renae.Fry@steelecountymn.gov>

Cc: Jarrett, Robert <Robert.Jarrett@steelecountymn.gov>, Sponholz, Paul <Paul.Sponholz@steelecountymn.gov>

Hello Renae,

The details and timeline of the first request are still valid. We are simply collaborating on where to start. I'd like not to "reset" the clock on our request. As Rob suggested, we can just review the data as it becomes available.

Thank you,

M [REDACTED] S [REDACTED]

On Tue, Nov 19, 2024, 7:46 AM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

M [REDACTED]

Will you send a confirmation email telling us you are rescinding your first data request and also submit a new data request for just the emails you mentioned. If you want more information after reviewing the results of the new data request, you can resubmit the first data request.

Renae

Renae Fry, JD, ICMA - CM

County Administrator

[Steele County • 630 Florence Avenue • Owatonna, MN 55060](#)

Phone: 507-444-7431

Renae.Fry@SteeleCountyMN.gov



Driven to deliver quality services in a respectful and fiscally responsible way.

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From: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Sent: Tuesday, November 19, 2024 8:22 AM
To: [REDACTED]
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>; Sponholz, Paul <Paul.Sponholz@SteeleCountyMN.gov>
Subject: RE: FW: Data Request

Mr. S [REDACTED]

I apologize, I was communicating with Matt Stinson, the Wabasha County Attorney, at the time - my mistake on your name.

We will start with Paul Sponholz's emails with WSB.

Thanks,

Rob

Robert J. Jarrett

Steele County Attorney

Direct: 507-444-7786

From: [REDACTED]
Sent: Monday, November 18, 2024 5:42 PM
To: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Cc: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

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Mr Jarrett,

I'm assuming that email was intended for me.

I think starting with any and all of Paul's electronic and written communications with WSB is what we will want to see first.

Regarding the information found on the county's website, we are already intimately familiar with all of that, but thanks for the suggestion.

Regards,

M■■■S■■■

On Fri, Nov 15, 2024, 7:53 AM Jarrett, Robert <Robert.Jarrett@steelecountymn.gov> wrote:

Mr. Stinson,

FOIA is a federal law that applies to the federal government, so does not apply to the County.

County government in Minnesota follows the Chapter 13 Government Data Practices Act. Chapter 13 does not provide specific timelines for the data you requested.

As Ms. Fry stated below, we are obligated to ensure every item is reviewed to ensure we are not releasing private or confidential data as defined by Minnesota statute. Steele County does not have a full-time position to review data, so we will get it done in the normal course of business. IT has already begun the data request search on our servers and is estimating thousands of emails already. Each of those will need to be reviewed prior to release. So the estimate of months is not unreasonable.

If there is a specific email or more specific thing you are looking for, we can certainly get that done much quicker. But right now, you asked for a very broad range of information, which we will comply with within a reasonable period of time. We can give you information in waves as we complete it as well. Since you requested view access, we will not be sending you the information – you will have to come in to view it.

It is not our job to tell you what to request. Tell us what you want and we can estimate how long it will take or respond as the availability. Many of the documents related to the project are already publicly available on the board packets online.

If you'd like to discuss further, please call me. I will be out this afternoon and Monday.

Robert J. Jarrett

County Attorney

Steele County Attorney's Office

[303 S. Cedar Avenue](#)

[Owatonna, MN 55060](#)

Tel: 507-444-7780

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From: [REDACTED]
Sent: Thursday, November 14, 2024 8:11 PM
To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Cc: Jarrett, Robert <Robert.Jarrett@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Hi Renae,

According to FOIA, data should be made reviewable within 20 business days. If that's not feasible, it also specifies that we should be notified, allowing us the chance to narrow the scope. However, we're unable to narrow the request further without understanding what aspects are considered too broad. We believed limiting the request to emails and documentation would suffice. Could you clarify why this is still seen as broad, provide an estimate of the records involved, and suggest ways we might refine the scope? Our goal is to obtain meaningful information within a reasonable timeframe.

On day 20, we look forward to reviewing the information pulled thus far.

Please let us know what aspects are considered too broad so we may help for the clarify.

Regards,

M [REDACTED] S [REDACTED]

On Wed, Nov 13, 2024, 2:47 PM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

M [REDACTED]

As I mentioned before, data requests are processed on top of our day to day responsibilities. Your request is rather broad and involves individuals from multiple departments. The Engineering team is down three people. They are working full time, if not over time, to close out the 2024 projects. They will devote the time as and when they are able to do so, to sift through the files and boxes of documents left behind by the former engineer to find any documents that might potentially meet your required search parameters. IT is working on pulling anything that we have electronically. We expect that the resulting document collection will result in 1,000's of potential results that will need to be reviewed to determine if they are in fact responsive to your request. If so, they will additionally need to be reviewed to determine if they contain private and/or non-public data. So there is no way to expedite the process. That being said, if there is something specific you are looking for, please consider resubmitting your request to more narrowly define your search parameters. If you resubmit your request, I will have my team review the modified request and provide an updated search timeline.

Renae

Renaë Fry, JD, ICMA - CM

County Administrator

Steele County • 630 Florence Avenue • Owatonna, MN 55060

Phone: 507-444-7431

Renaë.Fry@SteeleCountyMN.gov

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From: [REDACTED]
Sent: Tuesday, November 12, 2024 11:35 PM
To: Fry, Renaë <Renaë.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Good evening Renaë,

I think more collaboration on this is needed to narrow down what is going to take the longest time so we may help fine tune what is needed and gain a clear understanding of the time involved in gathering the data. Months is completely unacceptable. So please let us know how we may help.

What has been pulled thus far that we may review?

Regards,

M [REDACTED] S [REDACTED]

On Tue, Nov 12, 2024, 8:27 AM Fry, Renaë <Renaë.Fry@steelecountymn.gov> wrote:

M [REDACTED],

As I indicated below, assembling the documents will take some time – meaning several weeks if not months. I met with the team working on the request and I will send an update as soon as I have a better idea of how long it is taking to assemble the documents and how long it will take to review them for private and/or non-public data.

Renaë

Renae Fry, JD, ICMA - CM

County Administrator

[Steele County • 630 Florence Avenue • Owatonna, MN 55060](#)

Phone: 507-444-7431

Renae.Fry@SteeleCountyMN.gov

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From: [REDACTED]
Sent: Saturday, November 9, 2024 8:59 AM
To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Hi Renae,

Just checking back in on the progress of this data request. Please advise.

Thanks,

M [REDACTED]

On Tue, Oct 29, 2024, 8:46 AM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

M [REDACTED]

Data requests are projects that come on top of the regular duties of employees, so some of the timing of the response is based on the existing work load of the people who need to assemble the documents. In addition, each document gathered needs to be reviewed to make sure that it is responsive to the request and that it does not contain any private or non-public data. I don't think that that documents you requested with contain private or non-public data, but we are still required under data privacy laws to make sure that they don't. So there isn't a fast way to respond. Sorry. If clarification is needed, I will reach out to you.

Renae

Renaë Fry, JD, ICMA - CM

County Administrator

Steele County • 630 Florence Avenue • Owatonna, MN 55060

Phone: 507-444-7431

Renaë.Fry@SteeleCountyMN.gov

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From: [REDACTED]
Sent: Monday, October 28, 2024 7:30 PM
To: Fry, Renaë <Renaë.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Renaë,

I might also mention that if there is anything we can do to help clarify the request to make things easier for the staff in pulling together the data, please let us know.

If you can share what factors might contribute to the timelines extending over several weeks time, we might be able to help a narrowing down the data request in those areas.

Thanks,

M [REDACTED]

On Mon, Oct 28, 2024, 6:55 PM [REDACTED] wrote:

Thank you Renaë.

On Mon, Oct 28, 2024, 3:48 PM Fry, Renaë <Renaë.Fry@steelecountymn.gov> wrote:

M [REDACTED]

Yes, we understand that this is an inspection only request. That being said, the documents will be assembled as efficiently as possible and that may mean in an electronic or paper form depending on where the information comes from. Regardless of form, you will be given a space here in

administration to review the documents. Lastly, because of the breadth of the request, the county will likely need several weeks to assemble everything. Once the county attorney approves the form of data request, I will work with IT on an estimate of time to assemble the information and will let you know their estimate of time.

Renae

Renae Fry, JD, ICMA - CM

County Administrator

Steele County • 630 Florence Avenue • Owatonna, MN 55060

Phone: 507-444-7431

Renae.Fry@SteeleCountyMN.gov

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From: [REDACTED]
Sent: Monday, October 28, 2024 2:51 PM
To: Fry, Renae <Renae.Fry@SteeleCountyMN.gov>
Subject: Re: FW: Data Request

Thank you, and just to confirm, this is for access to documents we can come look at, not a request to print and send to us.

Thanks,

M [REDACTED]

On Fri, Oct 25, 2024, 2:05 PM Fry, Renae <Renae.Fry@steelecountymn.gov> wrote:

M [REDACTED]

This email confirms receipt of your data request. The request is being reviewed by the County Attorney after which, the request will be assigned to a staff member to assemble the requested documents for inspection. Once the documents are ready for inspection, I will send you an update.

Renae

Renaë Fry, JD, ICMA - CM

County Administrator

[Steele County • 630 Florence Avenue • Owatonna, MN 55060](#)

Phone: 507-444-7431

Renaë.Fry@SteeleCountyMN.gov

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From: [REDACTED]
Sent: Friday, October 25, 2024 7:53 AM
To: Kubicek, Rebecca <Rebecca.Kubicek@SteeleCountyMN.gov>
Cc: [REDACTED]
Subject: Re: Data Request

Hi Rebecca,

Please find attached our most recent data request. Please let us know of any questions you may have.

Thanks,

M [REDACTED]

On Wed, Oct 9, 2024, 9:10 PM [REDACTED] wrote:

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

From: Kubicek, Rebecca <Rebecca.Kubicek@steelecountymn.gov>
Date: Fri, Dec 8, 2023, 11:45 AM
Subject: Data Request
To: [REDACTED]
Cc: Golberg, Scott <Scott.Golberg@steelecountymn.gov>

Hello M [REDACTED]

Scott asked that I follow up with you regarding your request for public data.

When requesting public data, we ask that the attached form be completed and returned to us. This ensures we have an understanding of what you are asking for.

There are three ways to receive data:

You can look at data, or request copies of data that this government entity keeps as long as it is public information, or both. This government entity charges members of the public for copies of government data. These charges are authorized under Minnesota Statutes, section 13.03, subdivision 3(c). You must pay for the copies before we will give them to you. For 100 or fewer pages of black and white, letter or legal size paper copies cost 25¢ for a one-sided copy, or 50¢ for a two-sided copy.

When a charge is not set by statute or rule, the cost is the actual cost of searching for and retrieving the data, and making the copies or electronically transmitting the data (e.g. sending the data by email).

I look forward to receiving the data request from you soon.

Thank you

Rebecca Kubicek

Steele County Executive Assistant

Steele County • 630 Florence Avenue • Owatonna, MN 55060

Phone: 507-444-7432 • Fax: 507-444-7470

Rebecca.Kubicek@co.steele.mn.us

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Rebecca- Please send a public data request form to Melissa. Thank you.

Scott

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From: [REDACTED]
Sent: Friday, December 8, 2023 2:48 AM
To: Golberg, Scott
Cc: [REDACTED]
Subject: County Commissioners Meeting Minutes

Hi Scott,

I was wondering if you could help me find the county Commissioners meeting minutes from 2004-2005? I looked online but those only seem to go back 2 years. Are previous minutes archived somewhere I can look them up?

Thanks,

M [REDACTED]

4 attachments



image002.jpg
2K



image003.png
20K



image002.jpg
2K



image003.png
20K