EMPIRE CITY COUNCIL AGENDA
May 12, 2026 - 7:00 PM, Empire City Hall

A. Call Meeting to Order and Flag Pledge

B. Roll Call

C. Approve the Agenda

D. Consent Agenda

D.1 Minutes of the 4/28/2026 Meeting; 5/5/2026 Planning Commission Meeting; 5/11/2026 Park & Rec. Commission Meeting

D.2 Bill List as of 5/12/2026

D.3 Profit & Loss / Budget Comparison as of 5/12/2026

E. Visitors

The Visitors Forum is intended to afford the public the opportunity to address concerns to the City Council. Each presenter will have no more than five (5) minutes to speak. Topics of discussion are restricted to local governmental topics rather than private agendas. The Council may discuss but will not take formal action on visitors' forum presentations.

F. Committee Reports:

Maintenance / Sewer and Water / Road and Bridges

1. Maintenance Report

Law Enforcement

1. Statistics Reports for April 2026

Park & Rec

Engineering

1. Continued Discussion on Proposed Water Tower Timeline
2. Discussion on Proposed Housing Market Study

Planning

1. Consider Application for IUP Renewal and Expansion From McNamara Contracting (Berg West Mining Operation)
2. Consider Application for IUP Expansion from Fischer Mining, LLC (Fischer Mining Operation)
3. 2040 MUSA Comprehensive Plan Amendment Update
4. Consider Adopting Ordinance No. 170, Establishing A Reasonable Accommodation Process in Accordance with the Fair Housing Act and Summary for Publication

G. Old Business

H. New Business

H.1 Consider Appointing Shannon Coyne as Deputy Clerk

I. Meetings: Food Truck Night 5/15/2026, 5-8PM; Planning Commission Meeting 5/19/2026,

8PM; Memorial Day Holiday 5/25/2026; City Council Meeting 5/26/2026, 7PM

J. FYI

J.1 Charter - Cable Lineup Changes

K. Adjournment

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Charles Seipel-Teng, Clerk-Administrator
RE:	Minutes of the 4/28/2026 Meeting; 5/5/2026 Planning Commission Meeting; 5/11/2026 Park & Rec. Commission Meeting

Attachment(s): *4 28 26 Council Minutes.pdf*
5 5 26 PC Minutes.pdf
PR Minutes 5 11 26.pdf

CITY OF EMPIRE

Empire City Council Meeting Minutes
April 28, 2026

The meeting of the Empire City Council was called to order by Acting Mayor Eric Hanson at 7:00 PM.

Present were: Council Members: Danny Rubio; Marla Vagts.

Also present were Brian Hilgardner, Consulting Engineer with Bolton & Menk; Jenni Faulkner, consulting planner with Bolton & Menk; Hanah Martin, Dakota County Sheriff's Deputy; Jerod Waltman, Maintenance Supervisor; Charles Seipel-Teng, Clerk-Administrator. Mayor Melanie Lee and Council Member Mark Page were absent.

A. Call Meeting to Order and Flag Pledge

B. Roll Call

C. Approve the Agenda

Marla Vagts made a motion to approve. Danny Rubio seconded. Motion carried 3-0

D. Consent Agenda

D.1 Minutes of the 4/14/2026 City Council Meeting; 4/27/2026 Park & Rec. Commission Meeting

D.2 Bill List as of 4/28/2026

D.3 Cash Balance Report as of 4/28/2026

D.4 Consider Approving Mobile Food Unit Licenses

Danny Rubio made a motion to approve. Marla Vagts seconded. Motion carried 3-0

E. Visitors

Alan Full on Biscayne Ave. asked about the status of the proposed county trail that will run through the Met Council WWTP site. He stated that the Met Council site has impacted drainage in the area.

F. Committee Reports:

Maintenance / Sewer and Water / Road and Bridges

1. **Maintenance Report**
   Jerod Waltman reported that staff are grading gravel roads and hydrant flushing. KLM has provided a proposed color scheme for the repainting of the existing water tower. The green color can be identified. Council indicated that they would like to look at a few more options and whatever theme is decided should carry over to the design of the new water tower.

2. **Information on Proposed Salt Storage Facility at Maintenance Shop Property**
   Jerod Waltman presented quotes for the installation of a salt storage shed behind the public works building. The proposal for the shed calls for a proposed budget amendment that would replace the purchase of the woodchipper, under capital outlay, with the shed. The request for the shed is a result of a change in how salt can be obtained from Dakota County. The new policy for how salt can be accessed went into effect this past winter, resulting in the City only able to purchase salt by appointment and typically during regular office hours. Therefore, Empire would have an increased amount of time with salt sitting on its trucks with extreme overtime duration.

   Tarping salt on the asphalt parking lot is also not a good idea over longer periods of time because when snow melts or rain falls, even though the salt pile is tarped, we still have runoff down the storm drains. This also takes more time with constantly loading and unloading product.

   Waltman has put together two scenarios, one in which staff installs the canopy themselves, and the other in which we have the company we purchase the canopy from and have them erect the canopy. The base block and the asphalt are included in each cost estimate.

   In addition to receiving quotes for materials, we have received estimates for the canopy section of the proposed shed from Greystone Construction and Rasmar. Staff would construct the block wall on which the canopy would be placed. The City has the option to also install the canopy (Rasmar and first Greystone Construction option). This option would require the rental of a lift. The last option from Greystone calls for their construction team to install the canopy. Walman indicated that he believes staff can install the canopy, but it might take a bit more time and require the rental of some equipment to assist in construction.

   Danny Rubio asked if it might be possible to work with Farmington or Dakota County to provide an alternative to storage. Waltman noted that staff have reached out to Farmington. There were some concerns on Farmington's side. Staff have concerns about accessing a shared site. Council discussed the benefits of having some autonomy when it comes to storing salt. Waltman noted that the canopy on the shed could be a green color to match the roof of the public works building. A site plan review should be conducted for the structure per ordinance. Council discussed whether staff should start the site plan review process prior to a formal decision on whether to proceed. Council directed staff to seek input from the Planning Commission on a preliminary site plan, with a more formal review to follow. Brian Hilgardner noted that something simple like the salt shed should not take much consulting review time.

Law Enforcement
Deputy Martin reported that things went well at the New Year's Celebration at the Cambodian Temple. With the larger turnout there was adequate parking and for the most part traffic followed the signs and turned right when exiting. Some that turned left were pulled over and cited.

Park & Rec
Eric Hanson reported that the Food Truck night event is ready to go on May 15. He noted that the Park & Rec. Commission thanked Dawn McCracken for her service to the community for the past 5 years.

Engineering

1. **Engineering Report / Water Tower Timeline Update**
   Brian Hilgardner presented a revised timeline for the proposed water tower that includes an expedited option with design to take place this summer and bidding and award to take place in the fall of this year. The goal with this timeline is to save on the cost of the project as the cost for materials and labor are anticipated to increase drastically over the next few years. In this option, it is anticipated that construction will be completed in late 2029.

   Staff have discussed working more closely with property owners directly adjacent to the water tower site to have a better idea on development timelines, number of housing units, and what access to Highway 3 will look like. Council has also discussed conducting a housing study to provide the City with more data on housing demand prior to issuing debt for the tower. This expiated timeline would call for the housing study to be conducted in 2026, and the study should take a couple of months to complete.

   At the May 12th Council meeting, City Council can discuss this proposed timeline and see how a housing study may fit into the 2026 Budget.

Planning

1. **Information on Draft Ordinance for Reasonable Accommodations Requests**
   Charles Seipel-Teng reported that more information on the proposed ordinance, from the City's attorney include the recommendation that the appeal process apply to the applicant only, the City can consider a requirement that adjacent property owners be notified of a decision to grant a special accommodations request permit and the ordinance can be tailored to what the City would like to trigger a notice requirement, and that review of the application be conducted by staff with appeal going to the City Council.

   Seipel-Teng indicated that Mayor Lee had questions about the process and how staff will process these applications. Seipel-Teng noted that he and Jenni Faulker will review the draft ordinance and reach out to other cities to see if they have a similar ordinance and how applications are reviewed.

G. Old Business None.

H. New Business

H.1 Information on Flint Hills Community Advisory Council

Kevin Carroll, David Tsurusaki, and Tobin Lay with the Flint Hills Community Advisory Council provided the City Council with information on their organization and indicated that it has been a long time since the Council had a representative from Empire. They are seeking applications for an Empire representative. Members of the Advisory Council can serve consecutive 3-year terms. They believe that they have a great working relationship with the refinery and the management of Flint Hills take the recommendation of the Advisory Council very seriously. City Council thanked the Advisory Council members for the information.

H.2 Consider Adopting Position Classification & Compensation Study

Charles Seipel-Teng reported that recommendations as proposed by City Council at the April 14th meeting resulting from the draft study include; effective May 1, moving employees into the recommended step and grade closest to their current pay, including a 3% COLA increase for all employees, a step increase upon an acceptable performance review of the employee on the employees anniversary date, and that all stipends for licenses for the maintenance workers be included in their base pay.

The plan recommendations will require an amendment to the 2026 Budget. Seipel-Teng indicated that he thinks the implementation of the plan recommended in the study will be valuable when hiring new employees, especially as the City grows. Seipel-Teng also noted that step increases will be based on the outcome of employee reviews and are up to the discretion of the City and this is noted in the proposed Plan Administration Guidelines.

Danny Rubio made a motion to approve the Position Classification & Compensation Study Report and Plan Administration Guidelines, as well as the recommendations for implementation in 2026 as discussed. Marla Vagts seconded. Motion carried 3-0

H.3 Consider Adopting Amendments to the City's Personnel Policy and Position Job Descriptions

Seipel-Teng reported that he has worked with the Abdo consultants to add recommended language into the existing job descriptions and the descriptions have been reformatted. The amendments to the Personnel Policy include removing the licenses stipend from the maintenance worker positions and noting that reviews will take place prior to the employee's anniversary date.

Marla Vagts made a motion to approve the amendments to the Personnel Policy and Job Descriptions. Danny Rubio seconded. Motion carried 3-0

H.4 Consider Amendments to the 2026 Budget

The budget amendment includes adjustments for wages based on the recommendations to be implemented from the Position Classification & Compensation Study, moving the Deputy Clerk Position from 32 hours per week to 40 hours per week, and replacing the purchase of the woodchipper in capital outlay at an expense of $25,000 to the construction of a salt storage shed at the maintenance shop in the amount of $28,000. The revenue to adjust the expenditures would come from Capital Outlay purchase of investments. Seipel-Teng noted that the amendment to the budget resulting from the Compensation Study should not have to be an item that comes up in the future as staff will use the plan when preparing future draft budgets.

Danny Rubio made a motion to approve. Marla Vagts seconded. Motion carried 3-0

H.5 Consider Development of Formal Position Reclassification and Review Policy
Seipel-Teng indicated that the City has the option to have Abdo prepare a formal review policy for the new Compensation and Classification study for $1,900. Council directed staff to work with the Personnel Committee to draft a policy.

I. Meetings: Planning Commission Meeting 5/5/2026, 8PM; Park & Rec. Commission Meeting 5/11/2026, 7PM; City Council Meeting 5/12/2026 7PM; Food Truck Night 5/15/2026, 5-8PM

J. FYI

K. Adjournment

Danny Rubio made a motion to adjourn. Marla Vagts seconded. Motion carried 3-0. The City Council meeting ended at 8:50 PM.

_____
Melanie Lee, Mayor

_____
Charles Seipel-Teng, Clerk - Administrator

CITY OF EMPIRE

Empire Planning Commission Meeting Minutes
May 5, 2026, Empire City Hall

Chair Jared Sachs called the meeting to order at 8:00 PM**.**

Present were: Jared Sachs, Elizabeth Haas, Doug Clark, Gina Maunu. Also present were City Council Liaison, Danny Rubio; Clerk-Administrator-Charles Seipel-Teng; Consulting Planner, Madison Richard; Consulting Engineer, Brad Fisher

Absent were: Commission member Julie Stulz

1. Agenda Items

1.1 Public Hearing #1- Consider Application for IUP Renewal and Expansion from McNamara (Berg West Mining Operation)

Charles Seipel-Teng read the public hearing notice and noted that the City has not received comment from the public prior to the hearing.

Madison Richard presented the planning memo. The current lot size is 129 acres, with existing mining limits of approximately 102 acres. The applicant is proposing to continue the operations of mineral extraction that have taken place on the property for the past eight years. The applicant is requesting an extension of the existing IUP with an amendment to the mining limits that will add approximately 14 acres to the phasing plan and constitute phase 3. The additional acres include a drainageway, known as Tributary No. 5 to the Vermillion River, and its associated floodplain. The applicant will need to provide an updated stormwater pollution and prevention plan to the satisfaction of the City Engineer, prior to commencement of Phase 3.

The applicant has provided a haul back management plan, noting that the material considered for importing includes topsoil, clean fill, and unregulated fill. The mineral extraction ordinance now requires that mining operators pave site access roads up to at least 150 feet from the entrance. This will be required by August 30, 2026. The applicant is requesting that this renewal of the five-year term for this permit, which would put the expiration of the permit to May 12, 2031.

The mining site is in the AUAR study area. Upon expiration, the applicant can request an extension for further operation at the site.

No public comment was provided. Representatives from McNamara noted that paving the access road up to 150 feet from the entrance will not be an issue.

Elizabeth Haas made a motion to close the public hearing. Doug Clark seconded. Motion carried 4-0.

The Planning Commission discussed the potential long-term impacts to the drainage resulting from this project. Brad Fisher noted that the applicant will be required to restore the site to existing grade so that water will flow through the tributary after site reclamation.

Doug Clark made a motion to recommend approval of the IUP amendment and renewal for the McNamara Berg mining operation. Gina Maunu seconded. Motion carried 4-0.

1.2 Public Hearing #2- Consider Application for IUP Expansion from Fischer Mining, LLC (Fischer Mining Operation)

Charles Seipel-Teng read the public hearing notice and noted that the City has not received comment from the public prior to the hearing.

Madison Richard presented the planning memo. The current lot size is 427 acres and comprises of two parcels, one near the intersection of Highway 3 and 170th Street and the other northwest of the intersection of Biscayne Ave. and 170th Street. The proposed increase in mining activity with this application pertains to the parcel near Biscayne Ave., consisting of phase 2. The applicant is requesting an amendment to the mining limits of the existing IUP that will add approximately 10 acres to the phasing plan. This new phase is expected to be mined by 2030. The additional acres include a drainageway, known as Tributary No. 5 to the Vermillion River, and its associated floodplain. The applicant will need to provide an updated stormwater pollution and prevention plan to the satisfaction of the City Engineer, prior to commencement of Phase 2.

The applicant has provided a haul back management plan, noting that the material considered for importing includes topsoil, clean fill, and unregulated fill. The mineral extraction ordinance now requires that mining operators pave site access roads up to at least 150 feet from the entrance. This will be required for all entrances by August 30, 2026. The existing IUP expires on December 31, 2027, and the applicant is not requesting an extension of the permit term.

The mining site is in the AUAR study area. Upon expiration, the applicant can request an extension for further operation at the site.

Greg Featherstone, a resident near the site, noted that currently trucks are parking along 170th Street in the morning waiting to access the entrance just to the east of Highway 3. He is concerned that this may create a safety hazard. He noted that it is good that the access road will be required to be paved as the trucks coming onto the road at the entrance near Highway 3 have caused some damage to 170th Street and there have been issues with gravel being carried out onto the road.

Representatives from McNamara Contracting, owner of the mining operation, noted that they will work to address the trucks parking on 170th Street. In their plans to pave the access road, they will work with the city to repave the shoulder of 170th Street to restore smooth pavement to the entrance.

Elizabeth Haas made a motion to close the public hearing. Doug Clark seconded. Motion carried 4-0.

The Planning Commission asked if the contact information for this existing IUP remains valid after the purchase of AVR by McNamara Contracting. Representatives from McNamara noted that the contact information for the mining operation remains the same.

Elizabeth Haas made a motion to recommend approval of the IUP amendment for expansion of the Fischer mining operation. Doug Clark seconded. Motion carried 4-0.

1.3 Proposed Home at 3265 220th St. E

Patrick Flynn is proposing to build a new home on this property. The City's database does not indicate that a building right exists on the property. Staff have found planning memos from when the parcel was subdivided as the Oakwood Knoll subdivision in 2009 indicating that building rights have been transferred to this, and three other parcels along Highway 50.

The property owner provided the City with a copy of the Agreement to Transfer Residential Building Rights indicating that this property contains a building right.

The property contains an existing storage building that is a nonconforming use as there is no primary structure on the property.

The Planning Commission noted that the home needs to be considered one single family dwelling.

The Planning Commission directed staff to update the building right database to reflect the transfer of building rights to the parcels in the Oakwood Knoll subdivision.

1.4 Discussion on Proposed 2040 MUSA Comprehensive Plan Amendment Update - AUAR Area

Madison Richard presented a memo outlining recommendations that staff have made to the proposed MUSA extensions as a part of the 2040 Comprehensive Plan amendment. The proposed map includes phasing and an overlay of existing mining IUP's. The planning Commission recommended that the Siewert parcel be included in the 2040+

category. Staff will present more information on proposed zoning recommendations related to this amendment to the Comprehensive Plan.

1.5 Review of Site Plan Application for Salt Storage Shed at the Empire Maintenance Facility

Staff provided information on a Site Plan application for a proposed salt storage facility behind the City's maintenance shop. The facility meets zoning requirements and will be screened by the shop building, existing trees to the north and a berm to the east. The Planning Commission recommended that the canopy consists of a tan color to match the existing maintenance building. Staff should verify that water from the site will not leave the property. Pavement on the site should connect with the existing paved parking lot.

Doug Clark made a motion to adjourn. Gina Maunu seconded. The meeting ended at 9:20 PM.

Respectfully submitted, Charles Seipel-Teng
Clerk-Administrator

Empire Park and Recreation Minutes

May 11th, 2026, 7:00 PM

The meeting was called to order by Chair Fahey. Present were Kacie Fahey, Amanda Stender, Nicole Bower, AB Morales, Josh Lindgren, Eric Hanson, and Charles Seipel-Teng.

Deputy Hanah Martin indicated that in lieu of the Bike Rodeo this year, she is proposing a Bike Ride with Deputies to take place from 10-11 AM on Tuesday, June 16. The ride would start at Stelzel Field parking lot and ideally go to the Farmington DQ. Deputy Martin will reach out to the DQ to see if they will be willing to offer a free cone to kids that wear their helmets.

There will be a handful of deputies to make sure that kids can safely cross Highway 3.

There will be advanced registration to manage the number of participants. The Committee approved this request and will help to promote the event once a flyer has been provided by the Sheriff's Office.

In addition, Deputy Martin has already begun planning for this year's Trunk-or-Treat event and is requesting use of the Stelzel Fields parking lot from 10am to 12pm on Saturday, October 24th. The Committee approved the use of the parking lot for this event and will promote it later this year with the help of the Sheriff's Office.

There will be no meeting on Monday, May 25th due to the Memorial Day Holiday.

The Dakota County Library and Metro Mosquito Control have both confirmed their attendance at the Empire Celebration. The library will run their tent along with the horse game while Metro Mosquito will have a tent with educational material. If successful, we may be able to ask them to host an activity in the future. Charlie will continue to coordinate logistics.

All food vendors have been confirmed for Food Truck Night this Friday and Committee members returned their signs which have been posted around the city. At the end of the night, Kacie will pass out feedback surveys to the vendors so we can review for changes when planning future events. Next year, we need to price permanent sandwich board signs that can be revised each year.

Charlie confirmed Sunday Night Entertainment slots. Committee members who haven't yet signed up should email him to get on the schedule. Right now, Sunday, July 26th is the only date needing one additional volunteer.

Charlie noted that it is anticipated that the new Deputy Clerk will start on June 1st.

The meeting was adjourned at 7:40 PM.

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Charles Seipel-Teng, Clerk-Administrator
RE:	Bill List as of 5/12/2026

Attachment(s): *Bill List.pdf*
_Claim RegisterÂ©.pdf

City of Empire

Claims List for Approval (April 29- May 12, 2026)

Invoices Paid Previous to Claims List Batch

29-Apr-26	EFT	Elan Financial Services	Postage/ Paper/ Egg Hunt Supply	1,591.68
30-Apr-26	EFT	United States Treasury	Federal Withholding	4,441.67
30-Apr-26	EFT	Minnesota Dept. of Revenue	State Withholding	826.91
30-Apr-26	EFT	PERA	Retirement	2,396.23
4-May-26	28717	Xcel Energy	Electricity	227.08
5-May-26	EFT	United States Treasury	Federal Withholding	253.42
5-May-26	EFT	Minnesota Dept. of Revenue	State Withholding	20.00
5-May-26	EFT	PERA	Retirement	85.00
		SEE ATTACHED CLAIMS REGISTER REPORT		**105,717.41**

Subtotal	115,559.40
Payroll	13,889.92
Total	**129,449.32**

CITY OF EMPIRE

*Claim Register©

051226PAY

MAY 2026

Claim Type

Claim# 6307 *CITY OF EMPIRE*

Cash Payment	G 101-21030 Flex Account		Flex Withholding			$20.00
Invoice						
Transaction Date	5/12/2026	Due 12:00:00 AM	Checking	10100	**Total**	$20.00

Claim# 6308 *ECM Publishers*

Cash Payment	E 101-41000-351	Legal Notices Publishing	Legal Publications (Fischer IUP)			$44.55
Invoice 1096452						
Cash Payment	E 101-41000-351	Legal Notices Publishing	Legal Publications (McNamara IUP)			$44.55
Invoice 1096453						
Transaction Date	5/12/2026		Checking	10100	**Total**	$89.10

Claim# 6309 *McCracken, Dawn*

Cash Payment	E 101-41410-331	Travel Expense	Jan-April Mileage			$149.35
Invoice						
Transaction Date	5/12/2026		Checking	10100	**Total**	$149.35

Claim# 6310 *PSN Payment Systems* Ck# 000899E 5/5/2026

Cash Payment	E 101-41510-433	Dues and Subscriptions	April Payment Processing Services			$100.00
Invoice						
Transaction Date	5/12/2026	Due 12:00:00 AM	Checking	10100	**Total**	$100.00

Claim# 6311 *Gopher State One Call*

Cash Payment	E 600-49400-315	Locates	April 2026 Locates			$117.45
Invoice 6040952						
Transaction Date	5/12/2026		Checking	10100	**Total**	$117.45

Claim# 6312 *Dakota County Sheriffs Office*

Cash Payment	E 101-42000-317	Law Enforcement Contract	Q1 2026 Deputy Contract			$42,832.50
Invoice						
Transaction Date	5/12/2026		Checking	10100	**Total**	$42,832.50

Claim# 6313 *Highland Sanitation Inc.*

Cash Payment	E 101-43000-384	Refuse Disposal				$21.00
Invoice 1521940						
Cash Payment	E 101-45000-384	Refuse Disposal				$0.00
Invoice 1521940						
Transaction Date	5/12/2026		Checking	10100	**Total**	$21.00

Claim# 6314 *Flyte HCM*

Cash Payment	E 101-41000-307	Management Fees	Flex Plan			$27.75
Invoice 1667477						
Transaction Date	5/12/2026		Checking	10100	**Total**	$27.75

Claim# 6315 *AT & T*

Cash Payment	E 101-43000-321	Telephone	Maint. Cell Phone			$25.56
Invoice						
Cash Payment	E 600-49400-321	Telephone	Maint. Cell Phone			$25.55
Invoice						
Transaction Date	5/12/2026		Checking	10100	**Total**	$51.11

Claim# 6316 *Jerod Waltman*

Cash Payment	E 101-43000-417	Uniforms	2026 Boot Reimbursement			$150.00
Invoice						

CITY OF EMPIRE

*Claim Register©

051226PAY

MAY 2026

Transaction Date	5/12/2026			Checking	10100	**Total**	$150.00
Claim#	6317 *Pellici Hardware & Rental*						
Cash Payment	E 101-43000-580	Other Equipment		Street Misc. Items			$64.99
Invoice							
Cash Payment	E 101-41000-215	Shop Materials		Shop Supply			$56.96
Invoice							
Transaction Date	5/12/2026			Checking	10100	**Total**	$121.95
Claim#	6318 *Dakota Co.Property Tax & Rec.*						
Cash Payment	E 600-49400-300	Professional Services		2025 Special Assessments			$391.00
Invoice							
Transaction Date	5/12/2026			Checking	10100	**Total**	$391.00
Claim#	6319 *Xcel Energy*						
Cash Payment	E 101-41000-381	Electric Utilities		51-6291687-0 Town Hall			$0.00
Invoice							
Cash Payment	E 101-41000-381	Electric Utilities		51-9344076-7 Maint. Bldg.			$133.36
Invoice							
Cash Payment	E 101-45000-381	Electric Utilities		51-0203701-8 Ballfield			$0.00
Invoice							
Cash Payment	E 101-43000-381	Electric Utilities		51-6005472-6 Street Lgt.			$1,643.37
Invoice							
Cash Payment	E 101-43000-381	Electric Utilities		51-8372975-3 Street Lgt.			$0.00
Invoice							
Cash Payment	E 600-49400-381	Electric Utilities		51-7928991-1 Well			$0.00
Invoice							
Cash Payment	E 600-49400-381	Electric Utilities		51-5015068-6 Well			$0.00
Invoice							
Cash Payment	E 600-49400-381	Electric Utilities		51-4664833-7 Tower			$0.00
Invoice							
Cash Payment	E 600-49450-381	Electric Utilities		51-6960047-5 Lift Station			$0.00
Invoice							
Cash Payment	E 101-43000-381	Electric Utilities		51-001330188-0 170th St. Roundabout			$0.00
Invoice							
Transaction Date	5/12/2026			Checking	10100	**Total**	$1,776.73
Claim#	6320 *Johnson, Brian*						
Cash Payment	R 600-49400-37110	Rate Class I		W/S Overpayment			$21.83
Invoice							
Transaction Date	5/12/2026	Due 12:00:00 AM		Checking	10100	**Total**	$21.83
Claim#	6324 *Met Council Environmental Srv*						
Cash Payment	E 600-49450-385	Sewer Service		June 2026 Sewer Service			$18,904.45
Invoice							
Transaction Date	5/12/2026	Due 12:00:00 AM		Checking	10100	**Total**	$18,904.45
Claim#	6325 *Premium Waters, Inc.*						
Cash Payment	E 101-41510-208	Other Supplies		Maint. / City Hall Water			$8.76
Invoice	877811-04-26						
Transaction Date	5/12/2026	Due 12:00:00 AM		Checking	10100	**Total**	$8.76
Claim#	6326 *McCarthy Well Company*						

CITY OF EMPIRE

*Claim Register©

051226PAY

MAY 2026

Cash Payment	E 600-49400-402	Repair & Maintenance	Annual Well Pump Inspection				$650.00
Invoice 30405							
Transaction Date	5/12/2026		Checking	10100	**Total**		$650.00
Claim#	6327 *Vermillion Elevator, Inc*						
Cash Payment	E 101-45000-225	Landscaping Materials	Parks Lawn Seed				$1,427.75
Invoice							
Transaction Date	5/12/2026		Checking	10100	**Total**		$1,427.75
Claim#	6328 *Sunbelt Rentals, Inc.*						
Cash Payment	E 101-43000-402	Repair & Maintenance	Stump Grinder Rental				$436.34
Invoice 182834863							
Transaction Date	5/12/2026		Checking	10100	**Total**		$436.34
Claim#	6329 *Zarnoth Brush Works, Inc.*						
Cash Payment	E 101-43000-402	Repair & Maintenance	Street Cold Patch Material				$334.00
Invoice 0206115-IN							
Transaction Date	5/12/2026	Due 12:00:00 AM	Checking	10100	**Total**		$334.00
Claim#	6330 *Geary, Erika*						
Cash Payment	R 600-49400-37110	Rate Class I	W/S Overpayment July 2025				$103.07
Invoice							
Transaction Date	5/12/2026	Due 12:00:00 AM	Checking	10100	**Total**		$103.07
Claim#	6331 *Bolton & Menk Inc.*						
Cash Payment	E 101-41000-310	Planner Fees	Planning Services				$11,833.00
Invoice							
Transaction Date	5/12/2026		Checking	10100	**Total**		$11,833.00
Claim#	6332 *Inspectron, Inc.*						
Cash Payment	E 101-41000-300	Professional Services	April 2026 Inspections				$6,584.97
Invoice 1828							
Transaction Date	5/12/2026	Due 12:00:00 AM	Checking	10100	**Total**		$6,584.97
Claim#	6333 *ESRI*						
Cash Payment	E 101-41510-433	Dues and Subscriptions	Additional Edit User				$395.00
Invoice 900245214							
Transaction Date	5/12/2026		Checking	10100	**Total**		$395.00
Claim#	6334 *ABDO*						
Cash Payment	E 101-41000-300	Professional Services	Comp & Class Study Final				$2,400.00
Invoice 523962							
Transaction Date	5/12/2026		Checking	10100	**Total**		$2,400.00
Claim#	6335 *Eby Courtney*						
Cash Payment	E 101-45000-392	Program Expenses	March / April Cardio Strength Class				$240.00
Invoice							
Transaction Date	5/12/2026	Due 12:00:00 AM	Checking	10100	**Total**		$240.00
Claim#	6336 *Helm Electric, Inc.*						
Cash Payment	E 101-43000-402	Repair & Maintenance	Light Repair at 19430 Carmel Trl.				$260.97
Invoice 17529b							
Transaction Date	5/12/2026		Checking	10100	**Total**		$260.97
Claim#	6337 *Independent Black Dirt*						

CITY OF EMPIRE

*Claim Register©

051226PAY

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Cash Payment	E 101-43000-402	Repair & Maintenance	Blvd. Seed Repair			$135.00
Invoice 001126						
Transaction Date	5/12/2026		Checking	10100	**Total**	$135.00
Claim#	6338 *Electric Pump*					
Cash Payment	E 600-49450-402	Repair & Maintenance	Annual Lift Station Inspection			$300.00
Invoice 038518						
Transaction Date	5/12/2026		Checking	10100	**Total**	$300.00
Claim#	6339 *Sherwin-Williams*					
Cash Payment	E 101-43000-224	Street Maintenance Materi	Stripe Paint			$241.49
Invoice						
Cash Payment	E 101-45000-208	Other Supplies	Stripe Paint			$241.49
Invoice						
Transaction Date	5/12/2026		Checking	10100	**Total**	$482.98
Claim#	6340 *Hydra Power Hydraulics*					
Cash Payment	E 101-43000-404	Equipment Repairs	Street Equip. Repair			$594.03
Invoice 30834						
Transaction Date	5/12/2026		Checking	10100	**Total**	$594.03
Claim#	6341 *MVTL Laboratories, Inc.*					
Cash Payment	E 600-49400-314	Water Testing	Water Testing			$59.00
Invoice 1356979						
Cash Payment	E 600-49400-314	Water Testing	Water Testing			$29.00
Invoice 1356981						
Cash Payment	E 600-49400-314	Water Testing	Water Testing			$29.00
Invoice 1356983						
Transaction Date	5/12/2026	Due 12:00:00 AM	Checking	10100	**Total**	$117.00
Claim#	6342 *Minnesota Energy Resources*					
Cash Payment	E 101-41000-383	Gas Utilities	0504967034 City Hall			$70.86
Invoice						
Cash Payment	E 101-41000-383	Gas Utilities	0505361442 Maint. Gas			$228.06
Invoice						
Cash Payment	E 600-49400-383	Gas Utilities	0502990841 Water Gas			$93.96
Invoice						
Transaction Date	5/12/2026		Checking	10100	**Total**	$392.88
Claim#	6343 *Toshiba America Business Solutions*					
Cash Payment	E 101-41510-570	Office Equipment and Fur	Copy Machine Billing			$15.75
Invoice 6827266						
Transaction Date	5/12/2026		Checking	10100	**Total**	$15.75
Claim#	6344 *CHARTER COMMUNICATIONS*					
Cash Payment	E 101-41000-321	Telephone	Phone / Internet Service			$242.32
Invoice						
Transaction Date	5/12/2026		Checking	10100	**Total**	$242.32
Claim#	6345 *BlueCross BlueShield of MN*					
Cash Payment	G 101-21025	Health Insurance	Health Ins. Withholding			$520.60
Invoice						
Cash Payment	E 101-43000-131	Health	Road Health Ins			$1,159.13
Invoice						

CITY OF EMPIRE

*Claim Register©

051226PAY

MAY 2026

Cash Payment Invoice	E 600-49400-131	Health		Water Health Ins		$1,159.13
Cash Payment Invoice	E 101-41510-131	Health		Admin Health Ins		-$826.50
Cash Payment Invoice	E 101-45000-131	Health		Parks Health Ins		$1,159.13
Transaction Date	5/12/2026		Checking	10100	**Total**	$3,171.49
Claim#	6346 *BARTOSH, ALYSSA*					
Cash Payment Invoice	R 101-41000-36220	Rents and Royalties		PW Rental 6/21/26 Cancellation		$250.00
Transaction Date	5/12/2026	Due 5/11/2026	Checking	10100	**Total**	$250.00
Claim#	6347 *Campbell Knutson*					
Cash Payment Invoice	E 101-41610-304	Legal Fees		Prosecuting Attorney		$3,759.88
Transaction Date	5/12/2026	Due 12:00:00 AM	Checking	10100	**Total**	$3,759.88
Claim#	6348 *Krueger Excavating*					
Cash Payment Invoice 5821	E 600-49400-402	Repair & Maintenance		Water Repair - 19930 Butternut Trial		$6,688.00
Transaction Date	5/12/2026		Checking	10100	**Total**	$6,688.00
Claim#	6349 *Popp Stacey*					
Cash Payment Invoice	E 101-45000-392	Program Expenses		April 2026 Yoga Class		$120.00
Transaction Date	5/12/2026		Checking	10100	**Total**	$120.00

Claim Type	**Total**	**$105,717.41**

Pre-Written Checks	$100.00
Checks to be Generated by the Compute	$105,617.41
Total	$105,717.41

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Charles Seipel-Teng, Clerk-Administrator
RE:	Profit & Loss / Budget Comparison as of 5/12/2026

Attachment(s): *Profit & Loss Annual.pdf*
Profit & Loss Monthly.pdf

	AMOUNT	ACTUAL	VARIANCE
5/12/2026			
GENERAL REVENUE			
R 101-41000-31010 Ad Valorem Property Tax Revenu	$984,122.60	$6,116.61	*-$978,005.99*
R 101-41000-31020 Delinquent Ad Valorem Taxes	$0.00	$0.00	*$0.00*
R 101-41000-31030 Mobile Home Tax Revenue	$12.00	$20.88	*$8.88*
R 101-41000-31040 Fiscal Disparities Tax	$125,000.00	$53,357.30	*-$71,642.70*
R 101-41000-31702 Solar Production Tax	$0.00	$0.00	*$0.00*
R 101-41000-32100 Business License and Permits	$5,000.00	$425.00	*-$4,575.00*
R 101-41000-32200 Non Business License - Permits	0.00	$1,100.00	*$1,100.00*
R 101-41000-32211 Permit Fee / New Construction	75,000.00	$15,352.90	*-$59,647.10*
R 101-41000-32212 Remodel	500.00	$0.00	*-$500.00*
R 101-41000-32213 Mechanical	2,500.00	$2,175.00	*-$325.00*
R 101-41000-32214 Repair	500.00	$0.00	*-$500.00*
R 101-41000-32215 Plumbing	2,500.00	$1,750.00	*-$750.00*
R 101-41000-32216 Demolition	0.00	$0.00	*$0.00*
R 101-41000-32217 Septic	0.00	$0.00	*$0.00*
R 101-41000-32260 Driveway Permit	200.00	$135.00	*-$65.00*
R 101-41000-32261 Right of Way Permit	1,500.00	$1,868.75	*$368.75*
R 101-41000-32262 Mining Permit	50,000.00	$50,965.25	*$965.25*
R 101-41000-32263 Grading Permit	750.00	$0.00	*-$750.00*
R 101-41000-32265 Other Permits	$350.00	$220.00	*-$130.00*
R 101-41000-33100 Federal Grants and Aids	$0.00	$0.00	*$0.00*
R 101-41000-33400 State Grants and Aids	$66,554.00	$0.00	*-$66,554.00*
R 101-41000-33426 Argicultural Market Value Cred	$5,000.00	$1,629.78	*-$3,370.22*
R 101-41000-33428 State-Payments in Lieu of Tax	$5,000.00	$0.00	*-$5,000.00*
R 101-41000-33429 State PERA Aid	$0.00	$0.00	*$0.00*
R 101-41000-33600 Grants and Aids From Local Gov	$1,000.00	$0.00	*-$1,000.00*
R 101-41000-33640 Other Grant	$0.00	$0.00	*$0.00*
R 101-41000-34000 Charges for Services	$0.00	$14,960.06	*$14,960.06*
R 101-41000-34103 Zoning and Subdivision Fees	$85,000.00	$38,818.50	*-$46,181.50*
R 101-41000-34107 Assessment Searches	$0.00	$0.00	*$0.00*

	AMOUNT	ACTUAL	VARIANCE
R 101-41000-34108 Admin. Charges to Other Funds	$0.00	$0.00	*$0.00*
R 101-41000-34109 Franchise Fees	$87,500.00	$1,087.66	*-$86,412.34*
R 101-41000-34110 Developer Fees	$5,000.00	$70,509.24	*$65,509.24*
R 101-41000-34111 Bldg. Inspection / Plan Review	$50,000.00	$9,378.15	*-$40,621.85*
R 101-41000-34200 Public Safety	$0.00	$0.00	*$0.00*
R 101-41000-34202 Special Fire Protection Servic	$0.00	$0.00	*$0.00*
R 101-41000-34950 State Surcharge (Bldg. Permits	$2,500.00	$736.43	*-$1,763.57*
R 101-41000-35101 Court Fines	$23,000.00	$13,338.12	*-$9,661.88*
R 101-41000-35102 Parking Fines	$0.00	$0.00	*$0.00*
R 101-41000-35104 Other Fines	$0.00	$0.00	*$0.00*
R 101-41000-35105 Administrative Penalties	$0.00	$0.00	*$0.00*
R 101-41000-35200 Forfeits	$0.00	$0.00	*$0.00*
R 101-41000-36100 Special Assessments	$0.00	$0.00	*$0.00*
R 101-41000-36101 Principal	$0.00	$0.00	*$0.00*
R 101-41000-36102 Penalties and Interest	$0.00	$0.00	*$0.00*
R 101-41000-36200 Miscellaneous Revenues	$0.00	$0.00	*$0.00*
R 101-41000-36210 Interest Earnings	$175,000.00	$103,025.41	*-$71,974.59*
R 101-41000-36220 Rents and Royalties	$20,000.00	$14,203.25	*-$5,796.75*
R 101-41000-36230 Contributions and Donations (P	$0.00	$0.00	*$0.00*
	$1,773,488.60	**$401,173.29**	***-$1,372,315.31***
ROAD & BRIDGE REVENUE			
R 101-43000-31701 Gravel Tax	$130,000.00	$151,530.77	*$21,530.77*
R 101-43000-34304 Public Lighting	$23,500.00	$8,656.37	*-$14,843.63*
R 101-43000-34305 Storm Water Management	$18,500.00	$7,651.17	*-$10,848.83*
R 101-43000-34306 Storm Wtr/ Street Lgt Penalty	$0.00	$101.73	*$101.73*
R 101-43000-36200 Miscellaneous Revenues	$0.00	$0.00	*$0.00*
	$172,000.00	**$167,940.04**	***-$4,059.96***
PARK & RECREATION REVENUE			
R 101-45000-34740 Park and Recreation Concession	$0.00	$0.00	*$0.00*

	AMOUNT	ACTUAL	VARIANCE
R 101-45000-34780 Park & Trail Fees	$0.00	$39,696.83	*$39,696.83*
R 101-45000-34790 Program Fees	$2,500.00	$970.00	*-$1,530.00*
R 101-45000-36220 Rents and Royalties	$13,000.00	$25.00	*-$12,975.00*
R 101-45000-36230 Contributions and Donations (P	$3,500.00	$0.00	*-$3,500.00*
	$19,000.00	**$40,691.83**	***$21,691.83***
DEBT SERVICE FUND REVENUE			
R 301-47100-31010 Ad Valorem Property Tax Revenu	$341,670.00	$1,883.83	*-$339,786.17*
R 301-47100-36210 Interest Earnings	$0.00	$0.00	*$0.00*
	$341,670.00	**$1,883.83**	***-$339,786.17***
CAPITAL IMPROVEMENT FUND			
R 450-41000-31010 Ad Valorem Property Tax Revenu	$310,000.00	$1,710.01	*-$308,289.99*
Sale of Investments	$0.00	$0.00	*$0.00*
	$310,000.00	**$1,710.01**	***-$308,289.99***
TOTAL GENERAL FUND REVENUE	**$2,616,158.60**	**$613,399.00**	***-$1,998,699.64***
WATER FUND REVENUE			
R 600-49400-31300 Sales & Use Tax	$0.00	$337.18	*$337.18*
R 600-49400-36210 Interest Earnings	$60,000.00	$13,886.96	*-$46,113.04*
R 600-49400-37110 Rate Class I	$358,900.00	$97,250.26	*-$261,649.74*
R 600-49400-37150 Connection/Reconnection Fees	$35,000.00	$0.00	*-$35,000.00*
R 600-49400-37160 Penalties and Forfeited Discou	$4,500.00	$850.73	*-$3,649.27*
R 600-49400-37170 New Water Meter Charge	$2,800.00	$0.00	*-$2,800.00*
Sale of Investments	$137,000.00	$0.00	*-$137,000.00*
	$598,200.00	**$112,325.13**	***-$348,874.87***
SEWER FUND REVENUE			
R 600-49450-37210 Rate Class 1	$196,800.00	$72,821.58	*-$123,978.42*
R 600-49450-37250 Connection/Reconnection Fees	$28,000.00	$0.00	*-$28,000.00*
R 600-49450-37260 Penalties and Forfeited Discou	$4,000.00	$862.94	*-$3,137.06*

	AMOUNT	ACTUAL	VARIANCE
R 600-49450-37270 Sewer Inspection Fee	$50.00	$0.00	*-$50.00*
R 600-49450-37290 SAC Charges	$0.00	-$7,380.45	*-$7,380.45*
	$228,850.00	**$66,304.07**	***-$162,545.93***
TOTAL ENTERPRISE FUND REVENUE	**$827,050.00**	**$178,629.20**	***-$511,420.80***
TOTAL ENTERPRISE & GENERAL FUND	**$3,443,208.60**	**$792,028.20**	***-$2,510,120.44***

5/12/2026

GENERAL EXPENDITURE

E 101-41000-106 City Council / Committee Wages	$16,000.00	$3,825.00	*$12,175.00*
E 101-41000-121 PERA Contributions	$900.00	$191.25	*$708.75*
E 101-41000-122 FICA Contributions	$1,100.00	$292.69	*$807.31*
E 101-41000-143 MN Paid Leave Insurance	$145.00	$16.84	*$128.16*
E 101-41000-211 Cleaning Supplies	$700.00	$54.11	*$645.89*
E 101-41000-215 Shop Materials	$8,500.00	$2,363.37	*$6,136.63*
E 101-41000-221 Equipment Parts	$3,500.00	$1,020.19	*$2,479.81*
E 101-41000-223 Building Repair Supplies	$2,500.00	$1,806.68	*$693.32*
E 101-41000-300 Professional Services	$105,000.00	$46,016.77	*$58,983.23*
E 101-41000-303 Engineering Fees	$82,000.00	$48,848.50	*$33,151.50*
E 101-41000-307 Management Fees	$700.00	$138.75	*$561.25*
E 101-41000-310 Planner Fees	$150,000.00	$71,711.17	*$78,288.83*
E 101-41000-312 Fire Contract	$445,112.60	$156,733.16	*$288,379.44*
E 101-41000-313 Ambulance Contract	$500.00	$500.00	*$0.00*
E 101-41000-321 Telephone	$4,500.00	$1,211.64	*$3,288.36*
E 101-41000-351 Legal Notices Publishing	$3,100.00	$1,435.50	*$1,664.50*
E 101-41000-362 Property Insurance	$19,166.00	$15,271.00	*$3,895.00*
E 101-41000-381 Electric Utilities	$7,000.00	$1,477.38	*$5,522.62*
E 101-41000-383 Gas Utilities	$7,500.00	$4,128.32	*$3,371.68*
E 101-41000-437 Other (State Surcharge)	$5,000.00	$1,820.20	*$3,179.80*
E 101-41000-490 Donations to Civic Organizatio	$1,000.00	$0.00	*$1,000.00*

	AMOUNT	ACTUAL	VARIANCE
E 101-41120-107 Legislative Committees	$8,500.00	$1,920.00	*$6,580.00*
E 101-41120-122 FICA Contributions	$0.00	$146.89	*-$146.89*
E 101-41120-143 MN Paid Leave Insurance	$0.00	$8.54	*-$8.54*
E 101-41410-104 Wages-temp	$3,500.00	$0.00	*$3,500.00*
E 101-41410-143 MN Paid Leave Insurance	$31.00	$0.00	*$31.00*
E 101-41410-203 Forms and Paper	$650.00	$0.00	*$650.00*
E 101-41410-208 Other Supplies	$1,000.00	$452.66	*$547.34*
E 101-41410-203 Professional Services	$1,200.00	$0.00	*$1,200.00*
E 101-41410-331 Travel Expense	$300.00	$0.00	*$300.00*
E 101-41410-351 Legal Notices Publishing	$200.00	$0.00	*$200.00*
E 101-41410-580 Other Equipment	$2,100.00	$115.00	*$1,985.00*
E 101-41510-101 Full-time Wages	$165,000.00	$55,399.06	*$109,600.94*
E 101-41510-121 PERA Contributions	$12,000.00	$4,084.30	*$7,915.70*
E 101-41510-122 FICA Contributions	$12,000.00	$4,446.87	*$7,553.13*
E 101-41510-131 Health	$26,000.00	$6,230.68	*$19,769.32*
E 101-41510-132 Dental	$1,000.00	$289.14	*$710.86*
E 101-41510-133 Life	$2,000.00	$928.51	*$1,071.49*
E 101-41510-143 MN Paid Leave Insurance	$326.00	$121.89	*$204.11*
E 101-41510-151 Workers Comp Insurance	$3,000.00	$2,888.53	*$111.47*
E 101-41510-201 Accessories	$2,000.00	$357.62	*$1,642.38*
E 101-41510-203 Forms and Paper	$900.00	$380.70	*$519.30*
E 101-41510-208 Other Supplies	$500.00	$680.96	*-$180.96*
E 101-41510-308 Instructors' Fees	$500.00	$0.00	*$500.00*
E 101-41510-309 EDP, Software and Design	$11,000.00	$3,801.97	*$7,198.03*
E 101-41510-322 Postage	$2,100.00	$15.90	*$2,084.10*
E 101-41510-331 Travel Expense	$800.00	$171.09	*$628.91*
E 101-41510-433 Dues and Subscriptions	$16,000.00	$14,778.17	*$1,221.83*
E 101-41510-570 Office Equipment and Furnishin	$4,000.00	$149.61	*$3,850.39*
E 101-41530-301 Auditing and Accounting Servic	$20,000.00	$20,150.00	*-$150.00*
E 101-41610-304 Legal Fees	$35,000.00	$22,956.73	*$12,043.27*
E 101-42000-317 Law Enforcement Contract	$171,330.00	$77,693.50	*$93,636.50*

		AMOUNT	ACTUAL	VARIANCE
		$1,366,860.60	**$577,030.84**	***$789,829.76***
ROAD & BRIDGE EXPENDITURE				
E 101-43000-101	Full-time Wages	$75,000.00	$24,896.56	*$50,103.44*
E 101-43000-121	PERA Contributions	$5,000.00	$1,867.23	*$3,132.77*
E 101-43000-122	FICA Contributions	$5,000.00	$2,186.93	*$2,813.07*
E 101-43000-131	Health	$15,500.00	$6,740.93	*$8,759.07*
E 101-43000-132	Dental	$1,000.00	$296.92	*$703.08*
E 101-43000-133	Life	$1,200.00	$212.09	*$987.91*
E 101-43000-143	MN Paid Leave Insurance	$726.00	$54.76	*$671.24*
E 101-43000-151	Workers Comp Insurance	$2,800.00	$1,312.97	*$1,487.03*
E 101-43000-212	Motor Fuels	$19,000.00	$6,023.85	*$12,976.15*
E 101-43000-221	Equipment Parts	$6,500.00	$2,212.90	*$4,287.10*
E 101-43000-224	Street Maintenance Materials	$95,000.00	$9,779.31	*$85,220.69*
E 101-43000-303	Engineering Fees	$20,000.00	$2,701.50	*$17,298.50*
E 101-43000-308	Instructors' Fees	$400.00	$0.00	*$400.00*
E 101-43000-321	Telephone	$500.00	$127.84	*$372.16*
E 101-43000-362	Property Insurance	$1,000.00	$984.75	*$15.25*
E 101-43000-381	Electric Utilities	$23,000.00	$9,344.94	*$13,655.06*
E 101-43000-384	Refuse Disposal	$1,650.00	$1,842.63	*-$192.63*
E 101-43000-402	Repair & Maintenance	$130,000.00	$6,867.31	*$123,132.69*
E 101-43000-404	Equipment Repairs	$10,000.00	$1,145.91	*$8,854.09*
E 101-43000-417	Uniforms	$1,500.00	$834.32	*$665.68*
E 101-43000-433	Dues and Subscriptions	$1,500.00	$1,255.19	*$244.81*
E 101-43000-580	Other Equipment	$5,000.00	$1,841.21	*$3,158.79*
		$421,276.00	**$82,530.05**	***$338,745.95***
PARK & RECREATION EXPENDITURE				
E 101-45000-101	Full-time Wages	$74,000.00	$27,116.42	*$46,883.58*
E 101-45000-121	PERA Contributions	$5,500.00	$2,033.71	*$3,466.29*
E 101-45000-122	FICA Contributions	$5,500.00	$2,348.17	*$3,151.83*

		AMOUNT	ACTUAL	VARIANCE
E 101-45000-131	Health	$15,500.00	$6,740.95	*$8,759.05*
E 101-45000-132	Dental	$1,000.00	$296.92	*$703.08*
E 101-45000-133	Life	$1,000.00	$212.10	*$787.90*
E 101-45000-143	MN Paid Leave Insurance	$330.00	$59.65	*$270.35*
E 101-45000-151	Workers Comp Insurance	$3,000.00	$1,292.46	*$1,707.54*
E 101-45000-208	Other Supplies	$11,000.00	$1,876.37	*$9,123.63*
E 101-45000-221	Equipment Parts	$5,000.00	$1,031.04	*$3,968.96*
E 101-45000-225	Landscaping Materials	$5,000.00	$1,737.75	*$3,262.25*
E 101-45000-362	Property Insurance	$8,279.00	$9,142.00	*-$863.00*
E 101-45000-381	Electric Utilities	$4,000.00	$813.67	*$3,186.33*
E 101-45000-384	Refuse Disposal	$3,500.00	$31.25	*$3,468.75*
E 101-45000-392	Program Expenses	$15,000.00	$4,597.33	*$10,402.67*
E 101-45000-403	Improvements Other Than Buildi	$9,000.00	$0.00	*$9,000.00*
E 101-45000-404	Equipment Repairs	$4,000.00	$276.00	*$3,724.00*
E 101-45000-415	Rental - Other	$4,500.00	$735.24	*$3,764.76*
E 101-45000-580	Other Equipment	$1,000.00	$451.67	*$548.33*
		$176,109.00	**$60,341.03**	***$115,316.30***

OTHER

E 101-49200-141	Insurance Premiums (Work Comp)	$0.00	$0.00	*$0.00*
		$0.00	**$0.00**	***$0.00***

DEBT SERVICE FUND EXPENDITURE

E 301-47100-601	Bond Principal	$285,000.00	$285,000.00	*$0.00*
E 301-47100-611	Bond Interest	$36,100.00	$20,900.00	*$15,200.00*
E 301-47100-620	Fiscal Agents Fees	$1,000.00	$550.00	*$450.00*
		$322,100.00	**$306,450.00**	***$15,650.00***

CAPITAL OUTLAY EXPENDITURE

E 450-43000-402	Repair & Maintenance	$0.00	$0.00	*$0.00*
E 450-43000-416	Machinery	$12,500.00	$0.00	*$12,500.00*
E 450-43000-540	Heavy Machinery	$0.00	$0.00	*$0.00*

	AMOUNT	ACTUAL	VARIANCE
E 450-45000-403 Improvements Other Than Buildings	$0.00	$43,574.32	*-$43,574.32*
E 450-45000-416 Machinery	$62,500.00	$46,156.85	*$16,343.15*
E 450-45000-580 Other Equipment	$0.00	$0.00	*$0.00*
Purchase of Investments	$235,000.00	$0.00	*$235,000.00*
	$310,000.00	**$89,731.17**	***$220,268.83***
TOTAL GENERAL FUND EXPENDITURE	**$2,596,345.60**	**$1,116,083.09**	**$1,479,810.84**
WATER FUND EXPENDITURE			
E 600-49400-101 Full-time Wages	$87,000.00	$32,115.84	*$54,884.16*
E 600-49400-121 PERA Contributions	$7,300.00	$2,408.70	*$4,891.30*
E 600-49400-122 FICA Contributions	$7,300.00	$2,592.25	*$4,707.75*
E 600-49400-131 Health	$15,500.00	$6,740.93	*$8,759.07*
E 600-49400-132 Dental	$1,000.00	$296.96	*$703.04*
E 600-49400-133 Life	$1,100.00	$212.10	*$887.90*
E 600-49400-143 MN Paid Leave Insurance	$383.00	$70.65	*$312.35*
E 600-49400-151 Workers Comp Insurance	$3,000.00	$1,523.04	*$1,476.96*
E 600-49400-203 Forms and Paper	$400.00	$338.00	*$62.00*
E 600-49400-216 Chemical Products	$20,000.00	$2,012.32	*$17,987.68*
E 600-49400-221 Equipment Parts	$16,000.00	$5.70	*$15,994.30*
E 600-49400-240 Small Tools & Minor	$4,000.00	$215.17	*$3,784.83*
E 600-49400-300 Professional Services	$500.00	$2,591.50	*-$2,091.50*
E 600-49400-303 Engineering Fees	$150,000.00	$15,225.00	*$134,775.00*
E 600-49400-309 EDP, Software and Design	$4,000.00	$0.00	*$4,000.00*
E 600-49400-314 Water Testing	$1,500.00	$911.79	*$588.21*
E 600-49400-315 Locates	$1,000.00	$276.80	*$723.20*
E 600-49400-316 Licenes & Permits	$5,000.00	$0.00	*$5,000.00*
E 600-49400-321 Telephone	$2,000.00	$127.84	*$1,872.16*
E 600-49400-322 Postage	$3,100.00	$1,032.00	*$2,068.00*
E 600-49400-362 Property Insurance	$3,116.00	$4,035.23	*-$919.23*
E 600-49400-381 Electric Utilities	$25,000.00	$5,902.48	*$19,097.52*

	AMOUNT	ACTUAL	VARIANCE
E 600-49400-383 Gas Utilities	$2,000.00	$932.38	*$1,067.62*
E 600-49400-386 State Surcharge	$11,500.00	$4,737.65	*$6,762.35*
E 600-49400-402 Repair & Maintenance	$150,000.00	$9,358.42	*$140,641.58*
E 600-49400-411 Land	$0.00	$290,863.05	*-$290,863.05*
E 600-49400-433 Dues and Subscriptions	$1,500.00	$0.00	*$1,500.00*
E 600-49400-438 (Other) State Tax	$0.00	$483.00	*-$483.00*
E 600-49400-580 Other Equipment	$1,000.00	$106.34	*$893.66*
	$524,199.00	**$385,115.14**	***$139,083.86***
SEWER FUND EXPENDITURE			
E 600-49450-303 Engineering Fees	$0.00	$0.00	*$0.00*
E 600-49450-308 Instructors' Fees	$500.00	$0.00	*$500.00*
E 600-49450-331 Travel Expense	$0.00	$0.00	*$0.00*
E 600-49450-362 Property Insurance	$50.00	$159.00	*-$109.00*
E 600-49450-381 Electric Utilities	$400.00	$77.17	*$322.83*
E 600-49450-385 Sewer Service	$226,853.00	$94,522.25	*$132,330.75*
E 600-49450-402 Repair & Maintenance	$75,000.00	$0.00	*$75,000.00*
E 600-49450-420 Depreciation Expense	$0.00	$0.00	*$0.00*
	$302,803.00	**$94,758.42**	***$208,044.58***
TOTAL ENTERPRISE FUND EXPENDITURE	**$827,002.00**	**$479,873.56**	***$347,128.44***
TOTAL ENTERPRISE & GENERAL FUND EXP.	**$3,423,347.60**	**$1,595,956.65**	***$1,826,939.28***

TOTAL ENTERPRISE FUND REVENUE	**$178,629.20**
TOTAL ENTERPRISE FUND EXPENDITURE	**$479,873.56**
BALANCE TO INVEST ENTERPRISE FUND	($301,244.36)

TOTAL GENERAL REVENUE	**$613,399.00**
TOTAL GENERAL EXPENDITURE	**$1,116,083.09**
BALANCE TO INVEST GENERAL FUND	($502,684.09)

Less Amount Invested in Budget $0.00 Investments Purchased

($502,684.09)

4/30/2026	BUDGETED AMOUNT	JANUARY (A)	FEBRUARY (A)	MARCH (A)	APRIL (A)	MAY	JUNE	JULY
GENERAL REVENUE								
R 101-41000-31010 Ad Valorem Property Tax Revenu	$1,005,222.60	$6,116.61	$0.00	$0.00	$0.00	$0.00	$0.00	$502,611.30
R 101-41000-31020 Delinquent Ad Valorem Taxes	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-31030 Mobile Home Tax Revenue	$12.00	$20.88	$0.00	$0.00	$0.00	$0.00	$0.00	$12.00
R 101-41000-31040 Fiscal Disparities Tax	$125,000.00	$53,357.30	$0.00	$0.00	$0.00	$0.00	$0.00	$62,500.00
R 101-41000-31702 Solar Production Tax	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-32100 Business License and Permits	$5,000.00	$0.00	$175.00	$150.00	$100.00	$0.00	$0.00	$0.00
R 101-41000-32200 Non Business License - Permits	$0.00	$0.00	$0.00	$0.00	$1,100.00	$0.00	$0.00	$0.00
R 101-41000-32211 Permit Fee / New Construction	$75,000.00	$4,355.95	$868.75	$3,088.25	$4,158.90	$10,500.00	$10,000.00	$10,000.00
R 101-41000-32212 Remodel	$500.00	$0.00	$0.00	$0.00	$0.00	$250.00	$0.00	$0.00
R 101-41000-32213 Mechanical	$2,500.00	$425.00	$500.00	$500.00	$375.00	$200.00	$200.00	$200.00
R 101-41000-32214 Repair	$500.00	$0.00	$0.00	$0.00	$0.00	$250.00	$0.00	$0.00
R 101-41000-32215 Plumbing	$2,500.00	$250.00	$375.00	$125.00	$625.00	$200.00	$200.00	$200.00
R 101-41000-32216 Demolition	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-32217 Septic	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R101-41000-32260 Driveway Permit	$200.00	$0.00	$0.00	$0.00	$135.00	$0.00	$200.00	$0.00
R 101-41000-32261 Right of Way Permit	$1,500.00	$0.00	$540.00	$779.25	$549.50	$125.00	$125.00	$125.00
R 101-41000-32262 Mining Permit	$50,000.00	$0.00	$0.00	$0.00	$50,965.25	$0.00	$0.00	$0.00
R 101-41000-32263 Grading Permit	$750.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$750.00
R 101-41000-32265 Other Permits	$350.00	$0.00	$0.00	$60.00	$120.00	$0.00	$0.00	$0.00
R 101-41000-33100 Federal Grants and Aids	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-33400 State Grants and Aids	$66,554.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$66,554.00
R 101-41000-33426 Argicultural Market Value Cred	$5,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$2,500.00
R 101-41000-33428 State-Payments in Lieu of Tax	$5,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-33429 State PERA Aid	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-33600 Grants and Aids From Local Gov	$1,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-33640 Other Grant	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-34000 Charges for Services	$0.00	$0.00	$0.00	$0.00	$14,960.06	$0.00	$0.00	$0.00
R 101-41000-34103 Zoning and Subdivision Fees	$85,000.00	$406.00	$635.00	$15,000.00	$22,777.50	$7,000.00	$7,000.00	$7,500.00
R 101-41000-34107 Assessment Searches	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

R 101-41000-34108 Admin. Charges to Other Funds	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-34109 Franchise Fees	$87,500.00	$0.00	$1,043.00	$0.00	$955.15	$0.00	$2,500.00	$13,000.00
R 101-41000-34110 Developer Fees	$5,000.00	$0.00	$0.00	$0.00	$70,509.24	$0.00	$0.00	$0.00
R 101-41000-34111 Bldg. Inspection / Plan Review	$50,000.00	$2,701.37	$418.44	$1,763.61	$2,622.04	$4,500.00	$4,500.00	$5,500.00
R 101-41000-34200 Public Safety	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-34900 Other Charges	$10.00	$0.00	$0.00	$0.00	$0.00	$0.00	$10.00	$0.00
R 101-41000-34950 State Surcharge (Bldg. Permits	$2,500.00	$240.83	$34.00	$120.13	$192.38	$0.00	$625.00	$0.00
R 101-41000-35101 Court Fines	$23,000.00	$2,577.68	$1,501.48	$2,429.67	$3,214.56	$1,900.00	$1,900.00	$1,900.00
R 101-41000-35102 Parking Fines	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-35105 Administrative Penalties	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-35200 Forfeits	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-36100 Special Assessments	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-36101 Principal	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-36102 Penalties and Interest	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-36200 Miscellaneous Revenues	$0.00	0	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-41000-36210 Interest Earnings	$175,000.00	$41,671.87	$1,382.70	$14,204.60	$45,450.99	$0.00	$10,000.00	$35,000.00
R 101-41000-36220 Rents and Royalties	$20,000.00	$1,100.00	$9,167.25	$275.00	$1,325.00	$3,000.00	$2,500.00	$1,750.00
R 101-41000-36230 Contributions and Donations (P	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	$1,794,598.60	**$113,223.49**	**$16,640.62**	**$38,495.51**	**$220,135.57**	**$27,925.00**	**$39,760.00**	**$710,102.30**
ROAD & BRIDGE REVENUE								
R 101-41000-36210 Interest Earnings	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-43000-31701 Gravel Tax	$130,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$130,000.00
R 101-43000-33100 Federal Grants and Aids	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-43000-33400 State Grants and Aids	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-43000-33610 County Grants and Aids for Hig	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-43000-34000 Charges for Services	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-43000-34301 Street, Sidewalk and Curb Repa	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-43000-34303 Transportation Fee	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-43000-34304 Public Lighting	$23,500.00	$2,073.98	$2,283.11	$205.07	$2,531.33	$2,500.00	$1,000.00	$2,500.00
R 101-43000-34305 Storm Water Management	$18,500.00	$1,914.97	$2,107.11	$187.88	$2,177.09	$2,000.00	$1,000.00	$2,000.00
R 101-43000-34306 Storm Wtr/ Street Lgt Penalty	$0.00	$0.11	$37.33	$35.13	$17.44	$0.00	$0.00	$0.00
R 101-43000-36200 Miscellaneous Revenues	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	$172,000.00	**$3,989.06**	**$4,427.55**	**$428.08**	**$4,725.86**	**$4,500.00**	**$2,000.00**	**$134,500.00**

PARK & RECREATION REVENUE								
R 101-45000-34740 Park and Recreation Concession	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
R 101-45000-34780 Park & Trail Fees	$0.00	$0.00	$0.00	$0.00	$39,696.83	$0.00	$0.00	$0.00
R 101-45000-34790 Program Fees	$2,500.00	$210.00	$235.00	$115.00	$180.00	$208.00	$208.00	$208.00
R 101-45000-36220 Rents and Royalties	$13,000.00	$0.00	$0.00	$0.00	$25.00	$2,600.00	$2,600.00	$2,600.00
R 101-45000-36230 Contributions and Donations (P	$3,500.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	$19,000.00	**$210.00**	**$235.00**	**$115.00**	**$39,901.83**	**$2,808.00**	**$2,808.00**	**$2,808.00**
DEBT SERVICE FUND REVENUE								
R 301-47100-31010 Ad Valorem Property Tax Revenu	$341,670.00	$1,883.83	$0.00	$0.00	$0.00	$0.00	$170,835.00	$0.00
R 301-47100-36210 Interest Earnings	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	$341,670.00	**$1,883.83**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$170,835.00**	**$0.00**
CAPITAL IMPROVEMENT FUND								
R 450-41000-31010 Ad Valorem Property Tax Revenu	$310,000.00	$1,710.01	$0.00	$0.00	$0.00	$0.00	$142,450.00	$0.00
Sale of Investments	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	$310,000.00	**$1,710.01**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$142,450.00**	**$0.00**
TOTAL GENERAL FUND REVENUE	**$2,637,268.60**	**$121,016.39**	**$21,303.17**	**$39,038.59**	**$264,763.26**	**$35,233.00**	**$357,853.00**	**$847,410.30**
WATER FUND REVENUE								
R 600-49400-31300 Sales & Use Tax	$0.00	$133.22	$0.00	$0.00	$203.96	$0.00	$0.00	$0.00
R 600-49400-36210 Interest Earnings	$60,000.00	$13,886.96	$0.00	$0.00	$0.00	$0.00	$0.00	$15,000.00
R 600-49400-37110 Rate Class I	$358,900.00	$26,122.31	$26,702.22	$3,332.46	$26,145.69	$35,000.00	$20,000.00	$30,000.00
R 600-49400-37150 Connection/Reconnection Fees	$35,000.00	$0.00	$0.00	$0.00	$0.00	$5,000.00	$5,000.00	$5,000.00
R 600-49400-37160 Penalties and Forfeited Discou	$4,500.00	$247.70	$229.18	$176.91	$119.51	$0.00	$1,000.00	$0.00
R 600-49400-37170 New Water Meter Charge	$2,800.00	$0.00	$0.00	$0.00	$0.00	$0.00	$1,000.00	$0.00
Sale of Investments	$137,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$139,845.00	$0.00
	$598,200.00	**$40,390.19**	**$26,931.40**	**$3,509.37**	**$26,469.16**	**$40,000.00**	**$166,845.00**	**$50,000.00**
SEWER FUND REVENUE								
R 600-49450-37210 Rate Class 1	$196,800.00	$18,983.13	$19,620.02	$2,047.88	$20,218.57	$15,000.00	$10,000.00	$25,500.00
R 600-49450-37250 Connection/Reconnection Fees	$28,000.00	$0.00	$0.00	$0.00	$0.00	$5,000.00	$5,000.00	$5,000.00
R 600-49450-37260 Penalties and Forfeited Discou	$4,000.00	$247.61	$169.73	$189.70	$89.47	$0.00	$1,000.00	$0.00
R 600-49450-37270 Sewer Inspection Fee	$50.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$50.00
R 600-49450-37290 SAC Charges	$0.00	-$7,380.45	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00

	$228,850.00	$11,850.29	$19,789.75	$2,237.58	$20,308.04	$20,000.00	$16,000.00	$30,550.00
TOTAL ENTERPRISE FUND REVENUE	**$827,050.00**	**$52,240.48**	**$46,721.15**	**$5,746.95**	**$46,777.20**	**$60,000.00**	**$182,845.00**	**$80,550.00**
TOTAL ENTERPRISE & GENERAL FUND REVENU	**$3,464,318.60**	**$173,256.87**	**$68,024.32**	**$44,785.54**	**$311,540.46**	**$95,233.00**	**$540,698.00**	**$927,960.30**

4/30/2026

GENERAL EXPENDITURE

E 101-41000-106 City Council / Committee Wages	$16,000.00	$0.00	$1,020.00	$935.00	$1,020.00	$1,330.00	$1,330.00	$1,330.00
E 101-41000-121 PERA Contributions	$900.00	$0.00	$51.00	$46.75	$51.00	$75.00	$75.00	$75.00
E 101-41000-122 FICA Contributions	$1,100.00	$0.00	$78.05	$71.55	$78.05	$91.66	$91.70	$91.66
E 101-41000-143 MN Paid Leave Insurance	$145.00	$0.00	$4.49	$4.12	$4.49	$0.00	$0.00	$36.25
E 101-41000-211 Cleaning Supplies	$700.00	$0.00	$51.36	$0.00	$2.75	$58.33	$58.33	$58.33
E 101-41000-215 Shop Materials	$8,500.00	$261.42	$195.30	$781.65	$1,068.04	$708.00	$708.00	$708.00
E 101-41000-221 Equipment Parts	$3,500.00	$0.00	$1,020.19	$0.00	$0.00	$290.00	$290.00	$294.00
E 101-41000-223 Building Repair Supplies	$2,500.00	$1,550.61	$0.00	$0.00	$256.07	$0.00	$0.00	$500.00
E 101-41000-300 Professional Services	$105,000.00	$13,837.91	$10,193.15	$2,744.30	$10,256.44	$10,000.00	$10,000.00	$10,000.00
E 101-41000-303 Engineering Fees	$82,000.00	$3,997.00	$18,812.00	$10,255.00	$15,784.50	$6,800.00	$6,800.00	$6,800.00
E 101-41000-307 Management Fees	$700.00	$27.75	$27.75	$27.75	$27.75	$58.00	$58.00	$58.00
E 101-41000-310 Planner Fees	$150,000.00	$14,933.50	$30,510.17	$5,378.50	$9,056.00	$15,000.00	$15,000.00	$15,000.00
E 101-41000-312 Fire Contract	$445,112.60	$0.00	$0.00	$72,739.13	$83,994.03	$0.00	$0.00	$83,994.03
E 101-41000-313 Ambulance Contract	$500.00	$0.00	$500.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 101-41000-321 Telephone	$4,500.00	$242.31	$242.31	$242.38	$242.32	$375.00	$375.00	$375.00
E 101-41000-351 Legal Notices Publishing	$3,100.00	$103.95	$420.75	$346.50	$475.20	$258.00	$258.00	$258.00
E 101-41000-362 Property Insurance	$19,166.00	$0.00	$0.00	$0.00	$15,271.00	$0.00	$0.00	$0.00
E 101-41000-381 Electric Utilities	$7,000.00	$465.26	$277.83	$600.93	$0.00	$583.00	$583.00	$583.00
E 101-41000-383 Gas Utilities	$7,500.00	$1,149.24	$1,238.97	$919.27	$521.92	$450.00	$250.00	$400.00
E 101-41000-437 Other (State Surcharge)	$5,000.00	$1,507.20	$0.00	$0.00	$313.00	$0.00	$1,250.00	$0.00
E 101-41000-490 Donations to Civic Organizatio	$1,000.00	$0.00	$0.00	$0.00	$0.00	$1,000.00	$0.00	$0.00
E 101-41120-107 Legislative Committees	$8,500.00	$0.00	$240.00	$320.00	$750.00	$708.00	$708.00	$708.00
E 101-41120-122 FICA Contributions	$0.00	$0.00	$0.00	$24.48	$57.38	$0.00	$0.00	$0.00
E 101-41120-143 MN Paid Leave Insurance	$0.00	$0.00	$18.36	$1.44	$3.31	$0.00	$0.00	$0.00
E 101-41410-104 Wages-temp	$3,500.00	$0.00	$1.08	$0.00	$0.00	$0.00	$0.00	$0.00

E 101-41410-143 MN Paid Leave Insurance	$31.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 101-41410-203 Forms and Paper	$650.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$50.00
E 101-41410-208 Other Supplies	$1,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 101-41410-203 Professional Services	$1,200.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 101-41410-331 Travel Expense	$300.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 101-41410-351 Legal Notices Publishing	$200.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$150.00
E 101-41410-580 Other Equipment	$2,100.00	$115.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 101-41510-101 Full-time Wages	$179,950.00	$13,894.33	$12,340.82	$13,857.96	$15,305.95	$15,568.87	$15,568.87	$15,568.87
E 101-41510-121 PERA Contributions	$12,000.00	$1,042.07	$925.57	$1,039.34	$1,077.32	$1,100.00	$1,100.00	$1,100.00
E 101-41510-122 FICA Contributions	$12,000.00	$1,035.54	$916.69	$1,325.26	$1,169.38	$1,000.00	$1,000.00	$1,000.00
E 101-41510-131 Health	$26,000.00	$2,132.08	$1,117.34	$1,903.88	$1,903.88	$2,170.00	$2,160.00	$2,170.00
E 101-41510-132 Dental	$1,000.00	$81.32	$81.32	$81.32	$45.18	$83.33	$83.33	$83.33
E 101-41510-133 Life	$2,000.00	$207.16	$224.44	$234.69	$262.22	$166.00	$166.00	$166.00
E 101-41510-143 MN Paid Leave Insurance	$326.00	$30.57	$27.15	$30.50	$33.67	$0.00	$0.00	$81.50
E 101-41510-151 Workers Comp Insurance	$3,000.00	$0.00	$0.00	$1,755.00	$0.00	$0.00	$0.00	$0.00
E 101-41510-201 Accessories	$2,000.00	$0.00	$71.00	$54.75	$231.87	$0.00	$200.00	$200.00
E 101-41510-203 Forms and Paper	$900.00	$135.00	$131.57	$9.16	$104.97	$200.00	$0.00	$0.00
E 101-41510-208 Other Supplies	$500.00	$8.76	$0.00	$277.78	$113.31	$0.00	$0.00	$0.00
E 101-41510-308 Instructors' Fees	$500.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 101-41510-309 EDP, Software and Design	$11,000.00	$0.00	$0.00	$0.00	$3,801.97	$0.00	$1,000.00	$500.00
E 101-41510-322 Postage	$2,100.00	$0.00	$0.00	$15.90	$0.00	$0.00	$500.00	$0.00
E 101-41510-331 Travel Expense	$800.00	$171.09	$0.00	$0.00	$0.00	$67.00	$67.00	$67.00
E 101-41510-433 Dues and Subscriptions	$16,000.00	$5,914.00	$225.00	$8,044.17	$100.00	$272.00	$272.00	$272.00
E 101-41510-570 Office Equipment and Furnishin	$4,000.00	$34.82	$9.42	$21.33	$68.29	$1,000.00	$0.00	$0.00
E 101-41530-301 Auditing and Accounting Servic	$20,000.00	$4,800.00	$9,600.00	$4,800.00	$950.00	$0.00	$0.00	$0.00
E 101-41610-304 Legal Fees	$35,000.00	$5,299.08	$7,636.50	$2,384.81	$3,876.46	$2,916.00	$2,916.00	$2,920.00
E 101-42000-317 Law Enforcement Contract	$171,330.00	$34,861.00	$0.00	$0.00	$0.00	$42,832.50	$0.00	$0.00
	$1,381,810.60	**$107,837.97**	**$98,209.58**	**$131,274.60**	**$168,277.72**	**$105,160.69**	**$62,868.23**	**$145,597.97**
ROAD & BRIDGE EXPENDITURE								
E 101-43000-101 Full-time Wages	$76,020.00	$6,755.36	$5,555.20	$6,475.28	$6,110.72	$6,390.00	$6,390.00	$6,390.00
E 101-43000-121 PERA Contributions	$5,000.00	$506.64	$416.66	$485.65	$458.30	$420.00	$420.00	$420.00
E 101-43000-122 FICA Contributions	$5,000.00	$513.32	$422.74	$785.63	$465.24	$416.66	$416.66	$416.66
E 101-43000-131 Health	$15,500.00	$2,437.55	$673.85	$1,235.20	$1,235.20	$1,290.00	$1,290.00	$1,290.00

E 101-43000-132	Dental	$1,000.00	$74.23	$74.23	$74.23	$74.23	$83.00	$83.00	$83.00
E 101-43000-133	Life	$1,200.00	$43.43	$50.33	$57.42	$60.91	$100.00	$100.00	$100.00
E 101-43000-143	MN Paid Leave Insurance	$726.00	$14.86	$12.22	$14.24	$13.44	$0.00	$0.00	$181.50
E 101-43000-151	Workers Comp Insurance	$2,800.00	$0.00	$0.00	$1,755.00	$0.00	$0.00	$0.00	$0.00
E 101-43000-212	Motor Fuels	$19,000.00	$684.61	$3,496.69	$205.39	$1,637.16	$1,500.00	$1,000.00	$1,000.00
E 101-43000-221	Equipment Parts	$6,500.00	$1,596.41	$410.82	$0.00	$205.67	$500.00	$500.00	$500.00
E 101-43000-224	Street Maintenance Materials	$95,000.00	$3,816.97	$4,214.15	$1,236.70	$270.00	$5,000.00	$5,000.00	$60,000.00
E 101-43000-303	Engineering Fees	$20,000.00	$721.50	$1,055.00	$0.00	$925.00	$5,000.00	$2,500.00	$2,500.00
E 101-43000-308	Instructors' Fees	$400.00	$0.00	$0.00	$0.00	$0.00	$400.00	$0.00	$0.00
E 101-43000-321	Telephone	$500.00	$25.57	$25.57	$25.57	$25.57	$40.00	$40.00	$51.00
E 101-43000-362	Property Insurance	$1,000.00	$0.00	$0.00	$0.00	$984.75	$0.00	$0.00	$0.00
E 101-43000-381	Electric Utilities	$23,000.00	$1,820.26	$1,662.86	$2,499.82	$1,718.63	$1,900.00	$1,920.00	$1,920.00
E 101-43000-384	Refuse Disposal	$1,650.00	$11.77	$195.05	$1,006.11	$608.70	$137.50	$137.50	$137.50
E 101-43000-402	Repair & Maintenance	$130,000.00	$0.00	$40.00	$0.00	$5,661.00	$2,500.00	$50,000.00	$50,000.00
E 101-43000-404	Equipment Repairs	$10,000.00	$0.00	$276.00	$275.88	$0.00	$1,000.00	$1,000.00	$1,000.00
E 101-43000-417	Uniforms	$1,500.00	$150.00	$150.00	$0.00	$384.32	$0.00	$0.00	$500.00
E 101-43000-433	Dues and Subscriptions	$1,500.00	$810.00	$445.19	$0.00	$0.00	$0.00	$0.00	$500.00
E 101-43000-580	Other Equipment	$5,000.00	$0.00	$1,666.99	$0.00	$109.23	$0.00	$1,000.00	$0.00
		$422,296.00	**$19,982.48**	**$20,843.55**	**$16,132.12**	**$20,948.07**	**$26,677.16**	**$71,797.16**	**$126,989.66**
PARK & RECREATION EXPENDITURE									
E 101-45000-101	Full-time Wages	$77,864.00	$7,687.66	$6,500.36	$6,814.30	$6,114.10	$6,343.00	$6,343.00	$6,343.00
E 101-45000-121	PERA Contributions	$5,500.00	$576.57	$487.52	$511.07	$458.55	$470.00	$470.00	$470.00
E 101-45000-122	FICA Contributions	$5,500.00	$582.60	$490.88	$808.78	$465.91	$458.33	$458.33	$458.33
E 101-45000-131	Health	$15,500.00	$2,437.55	$673.85	$1,235.21	$1,235.21	$1,290.00	$1,290.00	$1,290.00
E 101-45000-132	Dental	$1,000.00	$74.23	$74.23	$74.23	$74.23	$83.00	$83.00	$83.00
E 101-45000-133	Life	$1,000.00	$43.44	$50.33	$57.42	$60.91	$83.00	$83.00	$83.00
E 101-45000-143	MN Paid Leave Insurance	$330.00	$16.91	$14.30	$14.99	$13.45	$0.00	$0.00	$82.50
E 101-45000-151	Workers Comp Insurance	$3,000.00	$0.00	$0.00	$1,755.00	$0.00	$0.00	$0.00	$0.00
E 101-45000-208	Other Supplies	$11,000.00	$0.00	$0.00	$255.70	$1,379.18	$1,500.00	$1,000.00	$1,500.00
E 101-45000-221	Equipment Parts	$5,000.00	$83.12	$710.18	$8.99	$228.75	$1,000.00	$0.00	$1,000.00
E 101-45000-225	Landscaping Materials	$5,000.00	$0.00	$0.00	$0.00	$310.00	$1,000.00	$1,000.00	$1,000.00
E 101-45000-362	Property Insurance	$8,279.00	$0.00	$0.00	$0.00	$9,142.00	$0.00	$0.00	$0.00
E 101-45000-381	Electric Utilities	$4,000.00	$166.93	$0.00	$330.74	$316.00	$333.00	$333.00	$333.00

E 101-45000-384 Refuse Disposal	$3,500.00	$0.00	$0.00	$0.00	$31.25	$0.00	$0.00	$700.00
E 101-45000-392 Program Expenses	$15,000.00	$530.00	$0.00	$1,311.57	$2,395.76	$500.00	$1,000.00	$1,000.00
E 101-45000-403 Improvements Other Than Buildi	$9,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$9,000.00	$0.00
E 101-45000-404 Equipment Repairs	$4,000.00	$0.00	$276.00	$0.00	$0.00	$1,000.00	$0.00	$1,000.00
E 101-45000-415 Rental - Other	$4,500.00	$183.81	$183.81	$183.81	$183.81	$0.00	$500.00	$0.00
E 101-45000-580 Other Equipment	$1,000.00	$0.00	$0.00	$725.01	$451.67	$1,000.00	$0.00	$0.00
	$179,973.00	**$12,382.82**	**$9,461.46**	**$14,086.82**	**$22,860.78**	**$15,060.33**	**$21,560.33**	**$15,342.83**
DEBT SERVICE FUND EXPENDITURE								
E 301-47100-601 Bond Principal	$285,000.00	$285,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 301-47100-611 Bond Interest	$36,100.00	$20,900.00	$0.00	$0.00	$0.00	$0.00	$0.00	$15,200.00
E 301-47100-620 Fiscal Agents Fees	$1,000.00	$550.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	$322,100.00	**$306,450.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$15,200.00**
CAPITAL OUTLAY EXPENDITURE								
E 450-43000-402 Repair & Maintenance	$0.00	$0.00	$43,574.32	$0.00	$0.00	$0.00	$0.00	$0.00
E 450-43000-416 Machinery	$12,500.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 450-43000-540 Heavy Machinery	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 450-45000-403 Improvements Other Than Buildings	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$28,000.00	$0.00
E 450-45000-416 Machinery	$62,500.00	$46,156.85	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 450-45000-580 Other Equipment	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Purchase of Investments	$180,900.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	$255,900.00	**$46,156.85**	**$43,574.32**	**$0.00**	**$0.00**	**$0.00**	**$28,000.00**	**$0.00**
TOTAL GENERAL FUND EXPENDITURE	**$2,563,579.60**	**$492,960.12**	**$172,238.91**	**$161,493.54**	**$212,470.89**	**$146,898.18**	**$184,225.72**	**$303,630.46**
WATER FUND EXPENDITURE								
E 600-49400-101 Full-time Wages	$89,845.00	$8,215.68	$7,468.80	$8,215.68	$8,215.68	$7,250.00	$7,250.00	$7,250.00
E 600-49400-121 PERA Contributions	$7,300.00	$616.18	$560.16	$616.18	$616.18	$608.33	$608.33	$608.33
E 600-49400-122 FICA Contributions	$7,300.00	$590.98	$533.48	$881.75	$586.04	$608.33	$608.33	$608.33
E 600-49400-131 Health	$15,500.00	$2,437.55	$673.85	$1,235.20	$1,235.20	$1,290.00	$1,290.00	$1,290.00
E 600-49400-132 Dental	$1,000.00	$74.24	$74.24	$74.24	$74.24	$83.00	$83.00	$83.00
E 600-49400-133 Life	$1,100.00	$43.43	$50.35	$57.42	$60.90	$91.66	$91.66	$91.66
E 600-49400-143 MN Paid Leave Insurance	$383.00	$18.08	$16.42	$18.07	$18.08	$0.00	$0.00	$95.75

E 600-49400-151 Workers Comp Insurance	$3,000.00	$0.00	$0.00	$1,755.00	$0.00	$0.00	$0.00	$0.00
E 600-49400-203 Forms and Paper	$400.00	$338.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 600-49400-216 Chemical Products	$20,000.00	$40.00	$1,952.32	$10.00	$10.00	$1,666.00	$1,666.00	$1,666.00
E 600-49400-221 Equipment Parts	$16,000.00	$0.00	$5.70	$0.00	$0.00	$1,300.00	$1,300.00	$1,500.00
E 600-49400-240 Small Tools & Minor	$4,000.00	$0.00	$0.00	$0.00	$215.17	$0.00	$1,000.00	$0.00
E 600-49400-300 Professional Services	$500.00	$2,200.50	$0.00	$0.00	$0.00	$500.00	$0.00	$0.00
E 600-49400-303 Engineering Fees	$150,000.00	$2,475.00	$3,830.00	$4,185.00	$4,735.00	$10,000.00	$15,000.00	$15,000.00
E 600-49400-309 EDP, Software and Design	$4,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$2,000.00
E 600-49400-314 Water Testing	$1,500.00	$112.00	$112.00	$117.00	$453.79	$125.00	$125.00	$125.00
E 600-49400-315 Locates	$1,000.00	$17.55	$89.15	$17.55	$35.10	$100.00	$100.00	$100.00
E 600-49400-316 Licenes & Permits	$5,000.00	$0.00	$0.00	$0.00	$0.00	$1,000.00	$0.00	$1,000.00
E 600-49400-321 Telephone	$2,000.00	$25.58	$25.57	$25.57	$25.57	$160.00	$160.00	$160.00
E 600-49400-322 Postage	$3,100.00	$0.00	$15.40	$0.00	$1,016.60	$0.00	$1,000.00	$0.00
E 600-49400-362 Property Insurance	$3,116.00	$0.00	$0.00	$0.00	$4,035.23	$0.00	$0.00	$0.00
E 600-49400-381 Electric Utilities	$25,000.00	$1,284.25	$839.66	$3,157.30	$394.19	$2,083.00	$2,083.00	$2,083.00
E 600-49400-383 Gas Utilities	$2,000.00	$245.54	$254.89	$215.94	$122.05	$75.00	$75.00	$75.00
E 600-49400-386 State Surcharge	$11,500.00	$1,621.65	$3,116.00	$0.00	$0.00	$0.00	$2,875.00	$0.00
E 600-49400-402 Repair & Maintenance	$150,000.00	$0.00	$1,723.75	$0.00	$296.67	$50,000.00	$10,000.00	$10,000.00
E 600-49400-411 Land	$0.00	$290,863.05	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 600-49400-433 Dues and Subscriptions	$1,500.00	$0.00	$0.00	$0.00	$0.00	$0.00	$500.00	$0.00
E 600-49400-438 (Other) State Tax	$0.00	$483.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 600-49400-580 Other Equipment	$1,000.00	$0.00	$0.00	$0.00	$106.34	$1,000.00	$0.00	$0.00
	$527,044.00	**$311,702.26**	**$21,341.74**	**$20,581.90**	**$22,252.03**	**$77,940.32**	**$45,815.32**	**$43,736.07**
SEWER FUND EXPENDITURE								
E 600-49450-303 Engineering Fees	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 600-49450-308 Instructors' Fees	$500.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 600-49450-331 Travel Expense	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
E 600-49450-362 Property Insurance	$50.00	$0.00	$0.00	$0.00	$159.00	$0.00	$0.00	$0.00
E 600-49450-381 Electric Utilities	$400.00	$37.40	$12.16	$27.61	$0.00	$33.00	$33.00	$33.00
E 600-49450-385 Sewer Service	$226,853.00	$18,904.45	$18,904.45	$18,904.45	$18,904.45	$18,904.00	$18,904.00	$18,904.00
E 600-49450-402 Repair & Maintenance	$75,000.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$60,000.00
E 600-49450-420 Depreciation Expense	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	$302,803.00	**$18,941.85**	**$18,916.61**	**$18,932.06**	**$19,063.45**	**$18,937.00**	**$18,937.00**	**$78,937.00**

TOTAL ENTERPRISE FUND EXPENDITURE	**$829,847.00**	**$330,644.11**	**$40,258.35**	**$39,513.96**	**$41,315.48**	**$96,877.32**	**$64,752.32**	**$122,673.07**
TOTAL ENTERPRISE & GENERAL FUND REVENU	**$3,464,318.60**	$173,256.87	$68,024.32	$44,785.54	$311,540.46	$95,233.00	$540,698.00	$927,960.30
TOTAL ENTERPRISE & GENERAL FUND EXP.	**$3,393,426.60**	$823,604.23	$212,497.26	$201,007.50	$253,786.37	$243,775.50	$248,978.04	$426,303.53
PROFIT / LOSS		**($650,347.36)**	**($144,472.94)**	**($156,221.96)**	**$57,754.09**	**($148,542.50)**	**$291,719.96**	**$501,656.77**
PROJECTED CASH BALANCE	**$8,533,260.29**							

AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER	TOTAL
$0.00	$0.00	$0.00	$0.00	$502,611.30	**$1,011,339.21**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$32.88**
$0.00	$0.00	$0.00	$0.00	$0.00	**$115,857.30**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$5,000.00	$0.00	$0.00	**$5,425.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$1,100.00**
$10,000.00	$10,000.00	$10,000.00	$2,500.00	$0.00	**$75,471.85**
$250.00	$0.00	$0.00	$0.00	$0.00	**$500.00**
$200.00	$300.00	$200.00	$200.00	$200.00	**$3,500.00**
$0.00	$250.00	$0.00	$0.00	$0.00	**$500.00**
$200.00	$300.00	$200.00	$200.00	$200.00	**$3,075.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$335.00**
$125.00	$125.00	$125.00	$125.00	$125.00	**$2,868.75**
$0.00	$0.00	$0.00	$0.00	$0.00	**$50,965.25**
$0.00	$0.00	$0.00	$0.00	$0.00	**$750.00**
$100.00	$50.00	$0.00	$100.00	$0.00	**$430.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$66,554.00**
$0.00	$0.00	$0.00	$0.00	$2,500.00	**$5,000.00**
$5,000.00	$0.00	$0.00	$0.00	$0.00	**$5,000.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$1,000.00	$0.00	$0.00	$0.00	**$1,000.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$14,960.06**
$7,000.00	$7,500.00	$7,000.00	$7,000.00	$7,000.00	**$95,818.50**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**

$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$13,000.00	$13,000.00	$13,000.00	$13,000.00	$13,000.00	**$82,498.15**
$0.00	$0.00	$0.00	$0.00	$0.00	**$70,509.24**
$4,500.00	$4,500.00	$4,500.00	$4,000.00	$4,000.00	**$43,505.46**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$10.00**
$0.00	$625.00	$0.00	$0.00	$625.00	**$2,462.34**
$2,000.00	$1,900.00	$1,900.00	$2,000.00	$1,900.00	**$25,123.39**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$10,000.00	$35,000.00	$0.00	$5,000.00	**$197,710.16**
$1,750.00	$1,750.00	$1,500.00	$1,500.00	$1,500.00	**$27,117.25**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$44,125.00	**$51,300.00**	**$78,425.00**	**$30,625.00**	**$538,661.30**	**$1,909,418.79**

$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$130,000.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$2,500.00	$1,000.00	$2,500.00	$2,000.00	$1,000.00	**$22,093.49**
$1,500.00	$1,000.00	$2,000.00	$1,000.00	$1,000.00	**$17,887.05**
$0.00	$0.00	$0.00	$0.00	$0.00	**$90.01**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$4,000.00	**$2,000.00**	**$4,500.00**	**$3,000.00**	**$2,000.00**	**$170,070.55**

$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$39,696.83**
$208.00	$208.00	$212.00	$208.00	$208.00	**$2,408.00**
$2,600.00	$2,600.00	$0.00	$0.00	$0.00	**$13,025.00**
$3,500.00	$0.00	$0.00	$0.00	$0.00	**$3,500.00**
$6,308.00	**$2,808.00**	**$212.00**	**$208.00**	**$208.00**	**$58,629.83**
$0.00	$0.00	$0.00	$0.00	$170,835.00	**$343,553.83**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	**$0.00**	**$0.00**	**$0.00**	**$170,835.00**	**$343,553.83**
$0.00	$0.00	$0.00	$0.00	$144,450.00	**$288,610.01**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	**$0.00**	**$0.00**	**$0.00**	**$144,450.00**	**$288,610.01**
$54,433.00	**$56,108.00**	**$83,137.00**	**$33,833.00**	**$856,154.30**	**$2,770,283.01**
$0.00	$0.00	$0.00	$0.00	$0.00	**$337.18**
$0.00	$0.00	$0.00	$0.00	$15,000.00	**$43,886.96**
$35,000.00	$20,000.00	$30,000.00	$45,000.00	$28,900.00	**$326,202.68**
$5,000.00	$5,000.00	$0.00	$5,000.00	$0.00	**$30,000.00**
$0.00	$1,000.00	$0.00	$0.00	$1,500.00	**$4,273.30**
$0.00	$800.00	$0.00	$0.00	$0.00	**$1,800.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$139,845.00**
$40,000.00	**$26,800.00**	**$30,000.00**	**$50,000.00**	**$45,400.00**	**$406,500.12**
$15,000.00	$10,000.00	$25,500.00	$15,200.00	$10,100.00	**$187,169.60**
$5,000.00	$3,000.00	$0.00	$0.00	$0.00	**$23,000.00**
$0.00	$1,000.00	$0.00	$0.00	$1,000.00	**$3,696.51**
$0.00	$0.00	$0.00	$0.00	$0.00	**$50.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**-$7,380.45**

$20,000.00	**$14,000.00**	**$25,500.00**	**$15,200.00**	**$11,100.00**	**$206,535.66**
$60,000.00	**$40,800.00**	**$55,500.00**	**$65,200.00**	**$56,500.00**	**$752,880.78**
$114,433.00	**$96,908.00**	**$138,637.00**	**$99,033.00**	**$912,654.30**	**$3,523,163.79**
$1,330.00	$1,330.00	$1,330.00	$1,330.00	$1,370.00	**$13,655.00**
$75.00	$75.00	$75.00	$75.00	$75.00	**$748.75**
$91.66	$91.66	$91.66	$91.66	$91.66	**$960.97**
$0.00	$0.00	$36.25	$0.00	$36.25	**$121.85**
$58.33	$58.33	$58.37	$58.33	$58.33	**$520.79**
$708.00	$712.00	$708.00	$708.00	$708.00	**$7,974.41**
$290.00	$290.00	$294.00	$294.00	$294.00	**$3,356.19**
$0.00	$0.00	$500.00	$0.00	$500.00	**$3,306.68**
$10,000.00	$10,000.00	$7,000.00	$7,000.00	$7,000.00	**$108,031.80**
$6,800.00	$6,800.00	$6,800.00	$7,000.00	$6,800.00	**$103,448.50**
$58.00	$58.00	$58.00	$62.00	$58.00	**$579.00**
$10,000.00	$10,000.00	$10,000.00	$10,000.00	$15,000.00	**$159,878.17**
$0.00	$0.00	$83,994.03	$0.00	$83,994.03	**$408,715.25**
$0.00	$0.00	$0.00	$0.00	$0.00	**$500.00**
$375.00	$375.00	$375.00	$375.00	$375.00	**$3,969.32**
$258.00	$262.00	$258.00	$258.00	$258.00	**$3,414.40**
$0.00	$0.00	$0.00	$0.00	$0.00	**$15,271.00**
$583.00	$583.00	$587.00	$583.00	$583.00	**$6,012.02**
$450.00	$450.00	$550.00	$900.00	$900.00	**$8,179.40**
$0.00	$1,250.00	$0.00	$0.00	$1,250.00	**$5,570.20**
$0.00	$0.00	$0.00	$0.00	$0.00	**$1,000.00**
$708.00	$712.00	$708.00	$708.00	$708.00	**$6,978.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$81.86**
$0.00	$0.00	$0.00	$0.00	$0.00	**$23.11**
$1,500.00	$0.00	$0.00	$2,000.00	$0.00	**$3,501.08**

$0.00	$0.00	$0.00	$31.00	$0.00	**$31.00**
$300.00	$0.00	$0.00	$300.00	$0.00	**$650.00**
$400.00	$0.00	$0.00	$600.00	$0.00	**$1,000.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$250.00	$0.00	$0.00	$50.00	$0.00	**$300.00**
$0.00	$0.00	$50.00	$0.00	$0.00	**$200.00**
$0.00	$0.00	$0.00	$0.00	$2,100.00	**$2,215.00**
$15,568.87	$15,568.87	$15,568.87	$15,568.87	$15,568.87	**$179,950.02**
$1,100.00	$1,100.00	$1,100.00	$1,100.00	$1,100.00	**$12,884.30**
$1,000.00	$1,000.00	$1,000.00	$1,000.00	$1,000.00	**$12,446.87**
$2,170.00	$2,160.00	$2,170.00	$2,170.00	$2,170.00	**$24,397.18**
$83.33	$83.33	$83.33	$83.33	$83.37	**$955.82**
$166.00	$166.00	$166.00	$166.00	$174.00	**$2,264.51**
$0.00	$0.00	$81.50	$0.00	$81.50	**$366.39**
$0.00	$0.00	$0.00	$0.00	$0.00	**$1,755.00**
$200.00	$0.00	$200.00	$200.00	$200.00	**$1,557.62**
$200.00	$0.00	$0.00	$0.00	$300.00	**$1,080.70**
$250.00	$0.00	$0.00	$0.00	$0.00	**$649.85**
$250.00	$0.00	$0.00	$0.00	$0.00	**$250.00**
$500.00	$1,000.00	$500.00	$500.00	$500.00	**$8,301.97**
$0.00	$500.00	$0.00	$0.00	$600.00	**$1,615.90**
$67.00	$63.00	$67.00	$67.00	$67.00	**$703.09**
$272.00	$272.00	$272.00	$272.00	$272.00	**$16,459.17**
$0.00	$1,000.00	$0.00	$0.00	$1,000.00	**$3,133.86**
$0.00	$0.00	$0.00	$0.00	$0.00	**$20,150.00**
$2,916.00	$2,916.00	$2,916.00	$2,916.00	$2,916.00	**$42,528.85**
$42,832.50	$0.00	$0.00	$42,832.50	$0.00	**$163,358.50**
$101,810.69	**$58,876.19**	**$137,598.01**	**$99,299.69**	**$148,192.01**	**$1,365,003.35**
$6,390.00	$6,390.00	$6,390.00	$6,390.00	$6,390.00	**$76,016.56**
$420.00	$420.00	$420.00	$420.00	$420.00	**$5,227.25**
$416.66	$416.66	$416.66	$416.74	$416.66	**$5,520.29**
$1,290.00	$1,290.00	$1,290.00	$1,290.00	$1,310.00	**$15,921.80**

$83.00	$83.00	$83.00	$83.00	$87.00	**$964.92**
$100.00	$100.00	$100.00	$100.00	$100.00	**$1,012.09**
$0.00	$0.00	$181.50	$0.00	$181.50	**$599.26**
$0.00	$0.00	$0.00	$0.00	$0.00	**$1,755.00**
$1,000.00	$1,000.00	$1,000.00	$2,000.00	$2,000.00	**$16,523.85**
$1,000.00	$500.00	$500.00	$500.00	$500.00	**$6,712.90**
$10,000.00	$5,000.00	$1,000.00	$1,000.00	$0.00	**$96,537.82**
$2,500.00	$1,000.00	$1,000.00	$1,000.00	$500.00	**$18,701.50**
$0.00	$0.00	$0.00	$0.00	$0.00	**$400.00**
$40.00	$40.00	$49.00	$40.00	$40.00	**$442.28**
$0.00	$0.00	$0.00	$0.00	$0.00	**$984.75**
$1,920.00	$1,920.00	$1,900.00	$1,920.00	$1,920.00	**$23,021.57**
$137.50	$137.50	$137.50	$137.50	$137.50	**$2,921.63**
$5,000.00	$3,500.00	$3,500.00	$3,500.00	$3,500.00	**$127,201.00**
$1,000.00	$1,000.00	$0.00	$1,000.00	$1,000.00	**$7,551.88**
$0.00	$0.00	$500.00	$0.00	$0.00	**$1,684.32**
$0.00	$0.00	$500.00	$0.00	$0.00	**$2,255.19**
$1,000.00	$0.00	$1,000.00	$0.00	$1,000.00	**$5,776.22**
$32,297.16	**$22,797.16**	**$19,967.66**	**$19,797.24**	**$19,502.66**	**$417,732.08**

$6,343.00	$6,343.00	$6,343.00	$6,343.00	$6,343.00	**$77,860.42**
$470.00	$470.00	$470.00	$470.00	$470.00	**$5,793.71**
$458.33	$458.33	$458.33	$458.33	$458.37	**$6,014.85**
$1,290.00	$1,290.00	$1,290.00	$1,290.00	$1,310.00	**$15,921.82**
$83.00	$83.00	$83.00	$83.00	$87.00	**$964.92**
$83.00	$83.00	$83.00	$83.00	$87.00	**$880.10**
$0.00	$0.00	$82.50	$0.00	$82.50	**$307.15**
$0.00	$0.00	$0.00	$0.00	$0.00	**$1,755.00**
$1,000.00	$1,000.00	$1,000.00	$1,000.00	$500.00	**$10,134.88**
$500.00	$500.00	$500.00	$500.00	$0.00	**$5,031.04**
$1,000.00	$0.00	$0.00	$0.00	$0.00	**$4,310.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$9,142.00**
$333.00	$333.00	$333.00	$333.00	$337.00	**$3,481.67**

$700.00	$700.00	$700.00	$700.00	$0.00	**$3,531.25**
$8,500.00	$500.00	$500.00	$500.00	$500.00	**$17,237.33**
$0.00	$0.00	$0.00	$0.00	$0.00	**$9,000.00**
$0.00	$1,000.00	$0.00	$1,000.00	$0.00	**$4,276.00**
$2,500.00	$0.00	$0.00	$1,500.00	$0.00	**$5,235.24**
$0.00	$0.00	$0.00	$0.00	$0.00	**$2,176.68**
$23,260.33	**$12,760.33**	**$11,842.83**	**$14,260.33**	**$10,174.87**	**$183,054.06**
$0.00	$0.00	$0.00	$0.00	$0.00	**$285,000.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$36,100.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$550.00**
$0.00	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$321,650.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$43,574.32**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$28,000.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$46,156.85**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$117,731.17**
$157,368.18	**$94,433.68**	**$169,908.50**	**$133,357.26**	**$177,869.54**	**$2,406,854.98**
$7,250.00	$7,250.00	$7,250.00	$7,250.00	$7,250.00	**$90,115.84**
$608.33	$608.33	$608.33	$608.33	$608.37	**$7,275.38**
$608.33	$608.33	$608.33	$608.33	$608.37	**$7,458.93**
$1,290.00	$1,290.00	$1,290.00	$1,290.00	$1,310.00	**$15,921.80**
$83.00	$83.00	$83.00	$83.00	$87.00	**$964.96**
$91.66	$91.66	$91.66	$91.66	$91.74	**$945.46**
$0.00	$0.00	$95.75	$0.00	$95.75	**$357.90**

$0.00	$0.00	$0.00	$0.00	$0.00	**$1,755.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$338.00**
$1,666.00	$1,666.00	$1,666.00	$1,666.00	$1,674.00	**$15,348.32**
$1,300.00	$1,300.00	$1,500.00	$1,300.00	$1,300.00	**$10,805.70**
$0.00	$1,000.00	$0.00	$0.00	$1,000.00	**$3,215.17**
$0.00	$0.00	$0.00	$0.00	$0.00	**$2,700.50**
$15,000.00	$15,000.00	$15,000.00	$15,000.00	$10,000.00	**$125,225.00**
$0.00	$0.00	$1,000.00	$0.00	$0.00	**$3,000.00**
$125.00	$125.00	$125.00	$125.00	$125.00	**$1,794.79**
$100.00	$100.00	$100.00	$50.00	$50.00	**$859.35**
$1,000.00	$0.00	$1,000.00	$0.00	$500.00	**$4,500.00**
$170.00	$160.00	$160.00	$160.00	$230.00	**$1,462.29**
$0.00	$600.00	$0.00	$0.00	$0.00	**$2,632.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$4,035.23**
$2,083.00	$2,083.00	$2,083.00	$2,083.00	$2,087.00	**$22,343.40**
$75.00	$125.00	$250.00	$250.00	$250.00	**$2,013.42**
$0.00	$2,875.00	$0.00	$0.00	$2,875.00	**$13,362.65**
$10,000.00	$10,000.00	$10,000.00	$10,000.00	$0.00	**$112,020.42**
$0.00	$0.00	$0.00	$0.00	$0.00	**$290,863.05**
$0.00	$0.00	$500.00	$0.00	$0.00	**$1,000.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$483.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$1,106.34**
$41,450.32	**$44,965.32**	**$43,411.07**	**$40,565.32**	**$30,142.23**	**$743,903.90**

$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$500.00	$0.00	$0.00	$0.00	$0.00	**$500.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$159.00**
$33.00	$33.00	$33.00	$33.00	$37.00	**$345.17**
$18,904.00	$18,904.00	$18,904.00	$18,904.00	$18,909.00	**$226,854.80**
$0.00	$10,000.00	$0.00	$0.00	$0.00	**$70,000.00**
$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**
$19,437.00	**$28,937.00**	**$18,937.00**	**$18,937.00**	**$18,946.00**	**$297,858.97**

$60,887.32	**$73,902.32**	**$62,348.07**	**$59,502.32**	**$49,088.23**	**$1,041,762.87**
$114,433.00	$96,908.00	$138,637.00	$99,033.00	$912,654.30	**$3,523,163.79**
$218,255.50	$168,336.00	$232,256.57	$192,859.58	$226,957.77	**$3,448,617.85**
($103,822.50)	**($71,428.00)**	**($93,619.57)**	**($93,826.58)**	**$685,696.53**	**$74,545.94**
					$8,607,806.23

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Jerod Waltman, Maintenance
RE:	1. Maintenance Report

For the proposed repainting of the existing water tower, the online color tool provided by KLM can be viewed here:
https://www.tnemec.com/color-tool/

Some colors that look similar to our online presence include: 08SF, 14GN, 21GN, 28GN, 42GN, 98GN

You can plug the code in and it will take you to the color. We can view the colors at the Council Meeting as well. Once we select some colors, KLM can provide us with a color swatch to view in person and a representative from KLM can attend a future Council meeting to discuss color and design. Note: the color on it's own will not affect project pricing, however the design of the tower will.

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Charles Seipel-Teng, Clerk-Administrator
RE:	1. Statistics Reports for April 2026

Attachment(s): *DC - CAD - Metrics - Event Count by Event Type - Empire.pdf*
DC - CAD - Metrics - Event Count by Event Type - Empire - Martin.pdf

Dakota County Sheriff's Office

Event Count by Event Type - Incidents in City of Empire

Start Date: 4/1/2026 12:00:00 AM **End Date:** 5/1/2026 12:00:00 AM

Problem	Count of Incidents
911 Hangup	7
Accident/No injury	4
Admin Background/Permits	3
Alarm Burg/Holdup/Panic	9
Animal Calls	2
Assist Other Juris	2
Civil Assist	5
Community Policing	5
Detail Trfc/Tobacco,etc	5
Disturbance/Disorderly	3
DNR/Hunting/Off Road/Fishing	1
Extra Patrol	8
Fire Alarm	2
Fire Related Call	3
Follow up	7
Fraud Activity RPT	4
Medical	6
Medical/Priority	2
Mental Health Aftercare	5
Misc/Uncategorized	4
Missing Person/Runaway	1
Motorist Assist	14
Ordinance Violation	16
Paper Service/Civil	3
Parking Violation	1
Premise Check	322
Property Lost/Found	3
Public Assist	14
Recreational Fire	1
Road and Driving Comp	7
Suspicious Activity	4

Run Time: 5/1/2026 8:02:40 AM

Incidents at Dakota 911 (2860 160th St W) are excluded from report

Dakota County Sheriff's Office

Event Count by Event Type - Incidents in City of Empire

Start Date: 4/1/2026 12:00:00 AM **End Date:** 5/1/2026 12:00:00 AM

Theft RPT	1
Traffic Stop	216
Utility Callout	1
Warrant Check/Processing	1
Welfare Check	2
Total	***694***

Dakota County Sheriff's Office

Event Count by Event Type - Incidents in City of Empire - Martin, Hanah

Start Date: 4/1/2026 12:00:00 AM **End Date:** 5/1/2026 12:00:00 AM

Problem	Count of Incidents
911 Hangup	1
Accident/No injury	2
Community Policing	4
DNR/Hunting/Off Road/Fishing	1
Extra Patrol	3
Fraud Activity RPT	2
Medical/Priority	1
Missing Person/Runaway	1
Premise Check	52
Property Lost/Found	1
Theft RPT	1
Traffic Stop	20
Total	***89***

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Brian Hilgardner, Consulting Engineer
RE:	1. Continued Discussion on Proposed Water Tower Timeline

Attachment(s): Empire Water Tower Schedules.pdf



Well and Water Tower Project

City of Empire

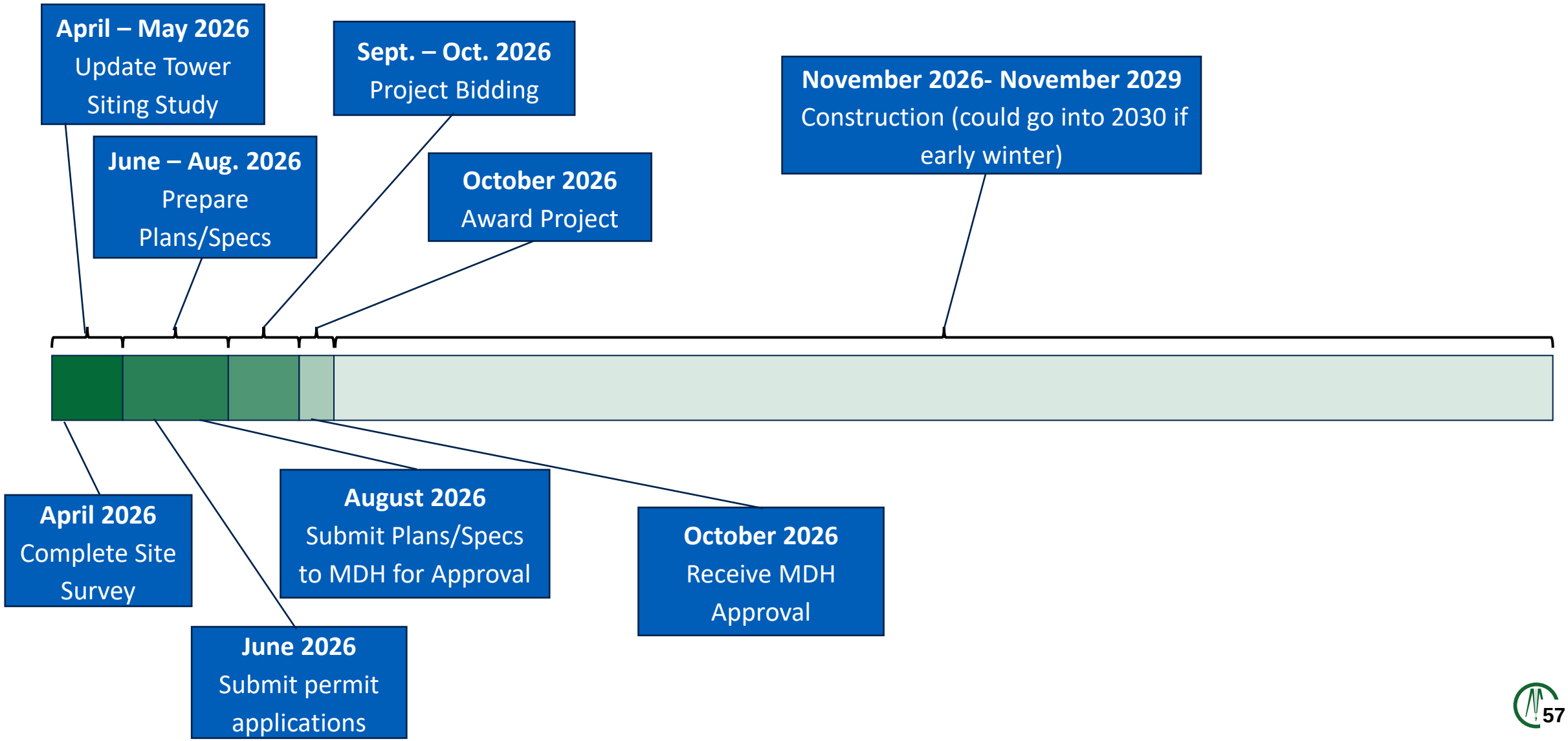
Council Meeting, April 28, 2026

Construction Duration

- Project Reference
  - 2 MG tower in Brooklyn Park
  - Awarded project this winter
  - Contractor submitted project schedule
  - **Project expected to be complete August 2029 (3 years)**
  - Contractor agrees this is typical construction times for towers at this time



Schedule (Fall 2026 Bidding)

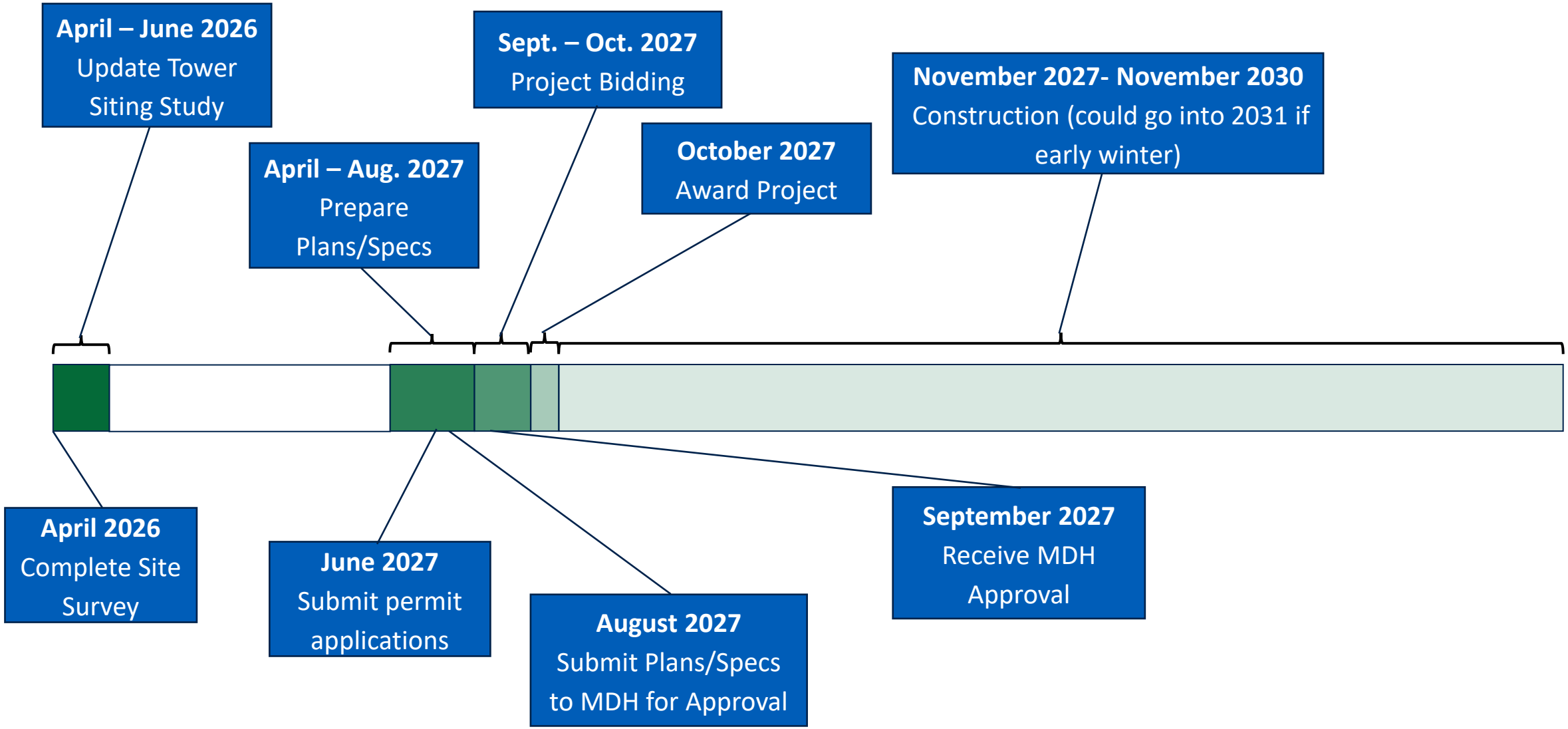


Schedule (Fall 2026 Bidding)

Item	Start	Finish
Update Tower Siting Study	April 2026	May 2026
Complete Site Survey	April 2026	
Submit Permit Applications	June 2026	
Prepare Plans and Specs	June 2026	August 2026
Submit Plans/Specs to MDH	August 2026	
Project Bidding	September 2026	October 2026
Receive MDH Approval	October 2026	
Award Project	October 2026	
Construction	November 2026	November 2029*

*Could bleed into 2030 if there are long winters

Schedule (Fall 2027 Bidding)



Schedule (Fall 2026 Bidding)

Item	Start	Finish
Update Tower Siting Study	April 2026	June 2026
Complete Site Survey	April 2026	
Submit Permit Applications	June 2027	
Prepare Plans and Specs	April 2027	August 2027
Submit Plans/Specs to MDH	August 2027	
Project Bidding	September 2027	October 2027
Receive MDH Approval	September 2027	
Award Project	October 2027	
Construction	November 2027	November 2030*

*Could bleed into 2030 if there are long winters

Thank you!

Questions?

BOLTON & MENK

Real People. Real Solutions.

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Charles Seipel-Teng, Clerk-Administrator
RE:	2. Discussion on Proposed Housing Market Study

As the City Council discusses and expedited timeline for the proposed construction of the new water tower, the City Council should also discuss if it would like to proceed with the proposed market analysis for residential growth.
With the previous discussion of the water tower timeline, the proposal was to consider budgeting to conduct the study in 2027 prior to bonding for the new water tower project.

If bonding will take place this year, the City may want to consider conducting the study prior to issuing the bonds.
The City has received a proposal from LOCi to conduct the study for $10,000. The expense for the study would be paid from Professional Services.

The City budgeted $105,000 for General Professional Services in 2026. This includes $5,600 for the Comp. and Class study, IT support and subscriptions, our consulting building inspector, and other miscellaneous services and inspections. To date, this item has expended $46,015, with a balance of $58,985. The Compensation and Classification Study costs are reflected in the expanded balance as they have been paid. Costs for building inspector will depend on building permit activity for the remainder of the year. Much of this expense offset by increased permit revenue.

City Council and Staff can discuss the possibility of proceeding with the study and potential budget impacts.

Attachment(s): *Letter Agreement_LOCi Consulting LLC_Empire Growth Area Residential Market Analysis_3-6-2026.pdf*

LOCi Consulting LLC
288 Macalester Street
Saint Paul, Minnesota 55105
651-888-8464
grant@lociconsult.com

March 6, 2026

Charles Seipel–Teng
Clerk – Administrator
City of Empire
3385 197th Street
Farmington, MN 55024

Dear Mr. Seipel-Teng:

I am pleased to present an outline of the services LOCi Consulting LLC will provide the City of Empire ("Client") for a market analysis for residential demand at a designated growth area in the city. If it meets with your approval, this letter will serve as our agreement.

The City of Empire has recently completed an Alternative Urban Areawide Review (AUAR) for a growth area within the city of about 3,000 acres. The AUAR outlines developable land uses for this area along with estimates for residential units, commercial space, and park lands and trail systems that could be developed in the area. The next step for this process is to determine how the city will plan and finance the infrastructure that will allow development to occur.

To complete this next phase, the City wants to understand:

1. What is the demand for residential units in this growth area?
2. How does the demand differ across different types and densities of housing?
3. What is the rate of unit absorption and residential land absorption based on residential demand?

Scope of Services—Market Analysis

Background and Site Analysis

Background

1. Review AUAR document.

Site Analysis

1. Complete site analysis of the identified study area, examining and discussing the following attributes:
    - Visibility
    - Access to the site
    - Quality of transportation corridor(s)
    - Adjacent uses
    - Proximity to key demand drivers for residential

Demographic and Economic Analysis

1. Define market area for residential uses in the study area.
2. Provide map of market area(s).
3. Gather and summarize key demographic data:
    - Total population and number of households, 2025 and 2030 (data for 2025 are estimated and data for 2030 are forecasted)
    - Income by age of householder, 2025 and 2030
    - Homeownership and rental rates, 2023
    - For-sale and rental turnover rates, 2023

Competitive Analysis

1. Provide available 3rd party data or studies on the current housing market (i.e. MLS data, CoStar data, etc.).
    - For-sale single-family homes
    - For-sale townhomes and twinhomes
    - Rental townhomes and twinhomes
    - Rental apartments
    - Senior housing
2. Profile **new housing developments** in or near the market area(s). Collect data on pricing, unit sizes, units per acre, occupancy/absorption, and features and amenities.
3. Provide market-based densities for new residential development.
4. Interview up to four developers, real estate brokers, property managers, and others familiar with the residential real estate market in the area.
5. Identify planned or pending housing developments in the market area.

Market Potential and Recommendations

1. Provide high-level forecasts of demand between 2025 and 2030 for:
    - Single family developments
    - Medium density townhomes and twinhomes
    - Apartments
    - Senior housing
2. Provide high-level 10-year projections based on analysis.
3. Provide density recommendations based on competitive market analysis.

Findings and Recommendations

1. Summarize key findings from the analysis.
2. Provide recommendations and guidance for area planning grounded in market analysis.
3. Provide overall recommendations to effectively achieve key city goals:
    - Incentivize the development of housing of all types
    - Increase the city's tax base
    - Understand development timing and marketing strategies

Deliverables

The deliverables for this project will include:

- Draft PowerPoint presentation of the Overall Market Study for city staff review
- One PowerPoint presentation of the Overall Market Study in PDF
- One presentation to the City in person

Timing of Project

The final report will be completed within 45-60 days of receipt of the signed letter agreement. The presentation will be scheduled upon completion of the final report.

Payment

In consideration for the services to be performed, Client agrees to pay LOCi Consulting LLC:

- $10,000

Fees will be due and payable following receipt of an invoice from LOCi Consulting LLC upon completion of the scope outlined in this engagement letter. Compensation for services is due within 30 days of the mailing of the invoice. Finance charges of 1.25% per month will be added to any past due amounts. The invoice will include the following: an invoice number, the dates covered by the invoice, and a summary of the work performed.

If additional meeting time (in addition to the meeting outlined in the Deliverables) or research is requested by the Client beyond the research set forth in the Process Outline, this time (including preparation and travel time) will be billed at LOCi Consulting LLC's normal hourly rate of $250 plus any travel expenses.

Expenses

LOCi Consulting LLC shall be responsible for all other expenses incurred while performing services under this Agreement.

Materials

Other than the materials described below, LOCi Consulting LLC will furnish all materials and equipment used to provide the services required by this Letter Agreement.

Client will make available to LOCi Consulting LLC, at Client's expense, the following:

- Any demographic, competitive, or other data that has been collected by Client to date.
- Any site studies that have been collected or completed by the Client to date.

Confidentiality

LOCi Consulting LLC acknowledges that it may be necessary for Client to disclose certain confidential and proprietary information in order to perform duties under this Agreement. LOCi Consulting LLC will not disclose or use, either during or after the term of this Agreement, any proprietary or confidential information of Client without Client's prior written permission except to the extent necessary to perform services on Client's behalf.

Intellectual Property

LOCi Consulting LLC may create intellectual property (the "Intellectual Property"), during the delivery of services as per this Agreement. This Intellectual Property may include, but not be limited to report formats, methodologies, forecasts, analyses, evaluations, source code, and artwork. Unless otherwise agreed in writing, all such Intellectual Property created by the LOCi Consulting LLC (whether complete or in progress), during the Agreement period, will belong to the LOCi Consulting LLC.

Termination

Either party may terminate this Agreement at any time by giving five days' written notice of termination. LOCi Consulting LLC will be entitled to full payment for services performed prior to the date of termination. This obligation, and any payment obligations pending at termination, survive termination.

LOCi Consulting LLC Status

LOCi Consulting LLC is an independent contractor, not Client's employee. LOCi Consulting LLC has the sole right to control and direct the means, manner, and method by which the services required by this Agreement will be performed. LOCi Consulting LLC has the right to perform services for others during the term of this Agreement.

No Partnership

This Agreement does not create a partnership relationship. Neither party has authority to enter into contracts on the other's behalf.

Applicable Law and Jurisdiction

This Agreement will be governed by the laws of the state of Minnesota. Any disputes arising from this Agreement must be handled exclusively in the federal and state courts located in Minnesota.

Exclusive Agreement

This Agreement (including any attached exhibits) is the entire Agreement between LOCi Consulting LLC and Client.

Resolving Disputes

If a dispute arises under this Agreement, the parties agree to first try to resolve the dispute with the help of a mutually agreed-upon mediator in Saint Paul, Minnesota. Any costs and fees other than attorneys' fees associated with the mediation will be shared equally by the parties.

If it proves impossible to arrive at a mutually satisfactory solution through mediation, the parties agree to submit the dispute to binding arbitration in Saint Paul, Minnesota, under the rules of the American Arbitration Association. Judgment upon the award rendered by the arbitrator may be entered in any court having jurisdiction to do so.

However, the complaining party may refuse to submit the dispute to mediation or arbitration and instead bring an action in an appropriate small claims court.

Modifying the Agreement

If any intended changes or any other events beyond the parties' control require adjustments to the Agreement, the parties will make a good-faith effort to agree on all necessary particulars. Such agreements will be put in writing, signed by the parties, and added to this Agreement.

Limited Liability

LOCi Consulting LLC's total liability to Client under this Agreement for damages, costs, and expenses will not exceed $10,000 or the compensation received under this Agreement, whichever is less.

UNLESS A RESULT OF GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, LOCI CONSULTING LLC WILL NOT BE LIABLE FOR CLIENT'S LOST PROFITS OR SPECIAL, INCIDENTAL, OR CONSEQUENTIAL DAMAGES, WHETHER IN AN ACTION, IN CONTRACT OR TORT, EVEN IF LOCI CONSULTING LLC HAS BEEN ADVISED BY CLIENT OF THE POSSIBILITY OF SUCH DAMAGES.

Warranties and Representations

LOCi Consulting LLC does not make and hereby disclaims, and Client hereby waives, any representations or warranties, arising by law or otherwise, regarding the services described in this agreement, or any portion thereof, including, without limitation implied warranties of merchantability, fitness for a particular purpose, non-infringement, or arising from course of dealing, course of performance or usage in trade.

Assignment and Delegation

Neither party may assign any rights nor delegate any duties under this Agreement without the other party's prior written approval. Any assignment or delegation in violation of this section is void.

Acceptance

If this Agreement meets with your approval, please sign below to make this a binding contract between us. Please return one signed copy to LOCi Consulting LLC. Keep one signed copy for your records.

Sincerely,

Grant Martin
Principal
LOCi Consulting LLC

Agreed to by:

Signature: _____

Date: _____

Charles Seipel–Teng
Clerk – Administrator
City of Empire

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Jenni Faulkner, Consulting Planner
RE:	1. Consider Application for IUP Renewal and Expansion From McNamara Contracting (Berg West Mining Operation)

Attachment(s): 2026-05-12 CC Packet_McNamara IUP.pdf

MEMORANDUM

Date: May 12, 2026

To: City of Empire City Council

From: Madison Richard, Consulting Planner
Jenni Faulkner, Consulting Planner

Hearing: Request for an Interim Use Permit to Continue and Expand the existing McNamara (Berg West) Mining Operation

Property Location: Northeast ¼ of Section 8, Township 114 North, Range 19 West

Action Requested

The City Council is asked to make a determination on the request for renewal and expansion of an Interim Use Permit (IUP) for a mining operation in the Agricultural Preservation (AG) district and Mineral Extraction Overlay Area. The City Council may approve, approve with conditions, denial, or may table action based on the need for additional information.

Background

McNamara Contracting, Inc. operates the existing site as a mineral extraction business. The original permit for operating a road construction business was approved on February 13, 2018. The original approval included a maximum use period of five (5) years. In May 2023, Empire approved a five-year renewal of the IUP, terminating February 18, 2028.

There are no known issues or violations with the existing IUP, and there is no history of complaints about noise, odors, or with how McNamara is utilizing the property. A copy of the application is attached to this report.

Existing Conditions

Existing Lot Size:	129 acres (existing mining limits ~102 acres)
Existing Land Use:	Mineral extraction
2040 Future Land Use:	Agricultural
Zoning:	Agricultural Preservation (AG) & Mineral Extraction Overlay Area

Existing Use

The applicant is proposing to continue operations of a mineral extraction business and, which has existed at the site for the past eight years. The property is zoned Agriculture (AG) and within the Mineral Extraction Overlay Area, which permits mineral extraction with an IUP.

Attached is the existing IUP. It contains many conditions that are not proposed to change including:

- Hours of operation are from 6:00 a.m. through 6:00 p.m., Monday through Saturday (with the option to open ½ hour before and 1 hour after operational hours for the staging and loading of vehicles used for material hauling). No mineral extraction operations shall occur on Sundays or specific listed holidays.
- Trucking routes are limited to Biscayne Avenue between 170th Street and the plant entrance, 170th Street between State Highway 3 and Biscayne Avenue, State Highway 3, and County State Aid Highways, except for local product deliveries to properties on other roadways in the City.
- The property shall be reclaimed according to City Ordinances and Plan A prior to the end of the Permit term. The maximum area of excavation, extraction, processing, stockpiling, or other graded and un-reclaimed acreage shall not exceed 50 acres.

Analysis

The applicant, McNamara Contracting Inc., is requesting an extension to the existing IUP to continue the mining operation, with amendments to the mining limits approximately 14 acres to include a drainageway, also known as Tributary No. 5 to the Vermillion River, and its associated floodplain.

Proposed Use

The proposal includes an expansion of the mining area by an additional 14 acres, currently comprised of a floodway and floodplain. During the mining operations, all stormwaters will drain internally to the mine and shall have no downstream flooding impacts. The Applicant shall provide an updated stormwater pollution prevention plan (SWPPP), to the satisfaction of the City Engineer, prior to commencement of Phase 3.

Other than the acreage increase, there will be no additional changes to the previous approved mining, processing, and stockpiling operation. The existing mining activities on site include overburden removal, extraction of aggregates, processing, stockpiling, loading, hauling, and reclamation.

Mineral Extraction Ordinance

The City approved updates to City Ordinance No. 450 – Mineral Extraction in April 2025. The proposed has been evaluated against these updated standards.

One change to the Ordinance included requiring a haul back management plan, including types of fill, where the fill comes from, and what testing shall occur. The Applicant has provided a haul back management plan, noting that the material considered for importing include topsoil, clean fill, and unregulated fill (as defined by the MPCA). Per Section 7, N, the City may permit the depositing of clean and compactable inorganic fill that is able to support the anticipated reclamation use. If the Applicant pursues this operation, they shall submit testing results for the

material to be approved by city staff before the fill material is transferred within the project boundary. Minimally contaminated fill is not allowed within (10) vertical feet of groundwater per Dakota County Ordinance 110 Section 3.12.B.

The other change to the Ordinance requires all access roads from a mineral extraction operation be paved with asphalt or concrete for a distance of at least one hundred fifty (150) feet, measured from the mining side of the public right-of-way, to minimize dust conditions. The Applicant has indicated that Biscayne Avenue is paved to the site entrance. Staff have added a condition that from the Biscayne Avenue right-of-way, the access road shall be paved 150-feet towards the mineral extraction operation.

Wetlands and Floodplain

Per City Ordinance 480, section 6.5, commercial extractive uses are permitted as interim uses.

While the property is in the 100-year Floodplain Overlay District, it is not within the Shoreland Overlay District. Per the Department of Natural Resources (DNR), there are no public waters or trout stream designation of the stream at the location of the proposed mining, so only the water appropriations rules apply. Per City Ordinance 350-C, Section 6.4, which regulated runoff volume control standards, the water quality volume must be treated on projects with one or more acres of impervious surface. The applicant is not proposing any impervious surface additions to the site, so the reconstructed site must conform with 2-year, 24-hour storm pre-development conditions pertaining to runoff.

Per City Ordinance 350-C, Section 9.3, C, "projects involving development…shall establish flood storage, flowage, and drainage easements over areas below the 100-year critical flood elevation of an public water, public waters wetland, or wetland. A water resources assessment was provided that verified no wetlands are located within the proposed mining area. The DNR does not list any public waters in the project area, making this requirement not required.

Phasing

The first phase of the IUP is located directly west of Biscayne Avenue, and includes approximately 38 total acres, approximately 24 acres of which have been reclaimed. The remaining 14 acres continue to be mined. Phase 2 of the operation is located to the west of the active site, and includes approximately 65 acres, approximately 6 acres of which have begun mining.

Phase 3, the proposed phase, is located to the northeast of the active site, and includes approximately 14 acres currently comprised of floodway and floodplain. The applicant estimates approximately 6,000,000 cubic yards of material remain to be excavated from Phases 1 through 3.

Duration

The existing IUP has a duration of five (5) years, which expires on February 28, 2028. The application submission is occurring at the same time as the expansion, to avoid two separate applications.

The applicant has not indicated a request for a specific duration of time. The applicant has indicated the expanded limits will add 3-5 years to the life of the operation, and the remaining life of the mine is estimated at 15-20 years. Staff would recommend a duration of five (5) years, to align with the previous approvals, with the expiration of this IUP as May 12, 2031.

This is within the AUAR Study area where future development is anticipated to occur. At the termination of the IUP, the applicant can request an extension for further operation of this site and use, if needed, and an evaluation based on development patterns and timelines in the AUAR Study area can be reviewed.

Environmental Impact Statement (EIS) Mitigation

Staff have reviewed the application against the EIS Mitigation Plan Checklist, which has been attached to this report. The application appears in compliance with the EIS.

Interim Use Permit

Interim uses are intended to allow uses that may be appropriate in certain zoning districts on a temporary basis, provided specific conditions are placed upon the use to guarantee compatibility with other uses and to guarantee compliance with specific performance standards. This site has an existing IUP for a mineral extraction operation.

In making a recommendation to the City Council, the City Council must consider the findings listed in Section 7.06, D of the Zoning Ordinance. Suggested findings are included in ***bold italics***, as follows:

1. The proposed use is temporary in nature.

   The term of the IUP will be valid for approximately five (5) years, until May 12, 2031. This term is consistent with the previously approved IUP termination date.

2. The proposed use will not negatively impact the public health, safety and welfare.

   The proposed use is in conformance to applicable ordinances and will not negatively impact the public health, safety or welfare.

3. The proposed use is consistent with the Comprehensive Plan and this Ordinance.

   This property is identified for Agricultural uses on the Comprehensive Plan. The AG district permits Mineral Extraction within the Mineral Extraction Overlay as an IUP.

4. The proposed use can be adequately served by utilities and essential services, including fire and police protection.

   Public utilities are not hindered from serving this facility. The use will not increase the need for fire and police protection.

5. The proposed use will be harmonious with surrounding uses.

   The use has existed for multiple years as a Mineral Extraction operation, and neighbors many other mining operations. There have been no recorded complaints about noise or odor. The facilities are located in a farming and rural area and as such are harmonious with the surrounding uses.

6. The proposed use can be adequately served by the existing transportation system or mitigated effectively by the applicant.

   Ingress and egress to the mining operation is limited to Biscayne Avenue (between 170th and the plant entrance), 170th Street (between State Highway 3 and Biscayne Avenue), and State and County Highways. This does not cause any issue to the existing transportation system.

7. The proposed use will meet all relevant performance standards of this Ordinance.

   The proposed use will be consistent with the standards of the Zoning Ordinance, the Mineral Extraction Ordinance, and the applicable sections of the Floodplain and Water Management Ordinance standards related to floodplain management.

8. The potential for any impacts on adjacent properties or the environment can be fully mitigated by conditions of the permit.

   Conditions of approval include requirements for nuisance mitigation, and limits on hours and days for work, road access, and reclamation plans. These conditions will effectively mitigate any potential negative impacts.

9. Activities within proposed use will not create a public nuisance.

   The use will not create a public nuisance.

10. The applicant agrees to the conditions the Township deems appropriate for issuance of the interim use permit.

    The applicant must agree to and comply with conditions of approval.

Planning Commission Discussion

The Planning Commission held a public hearing at the May 5, 2026 regular meeting. The Planning Commission had questions on the potential long-term impacts to the drainage resulting from this project. The City Engineer noted the Applicant will be required to restore the site to existing grade so that water will flow through the tributary after site reclamation. The applicant representative, Justin Zittel, was present and noted that there were no issues with the 150-feet of access road to be added or other additional conditions. No members of the public spoke or submitted public comments.

IUP Recommendation

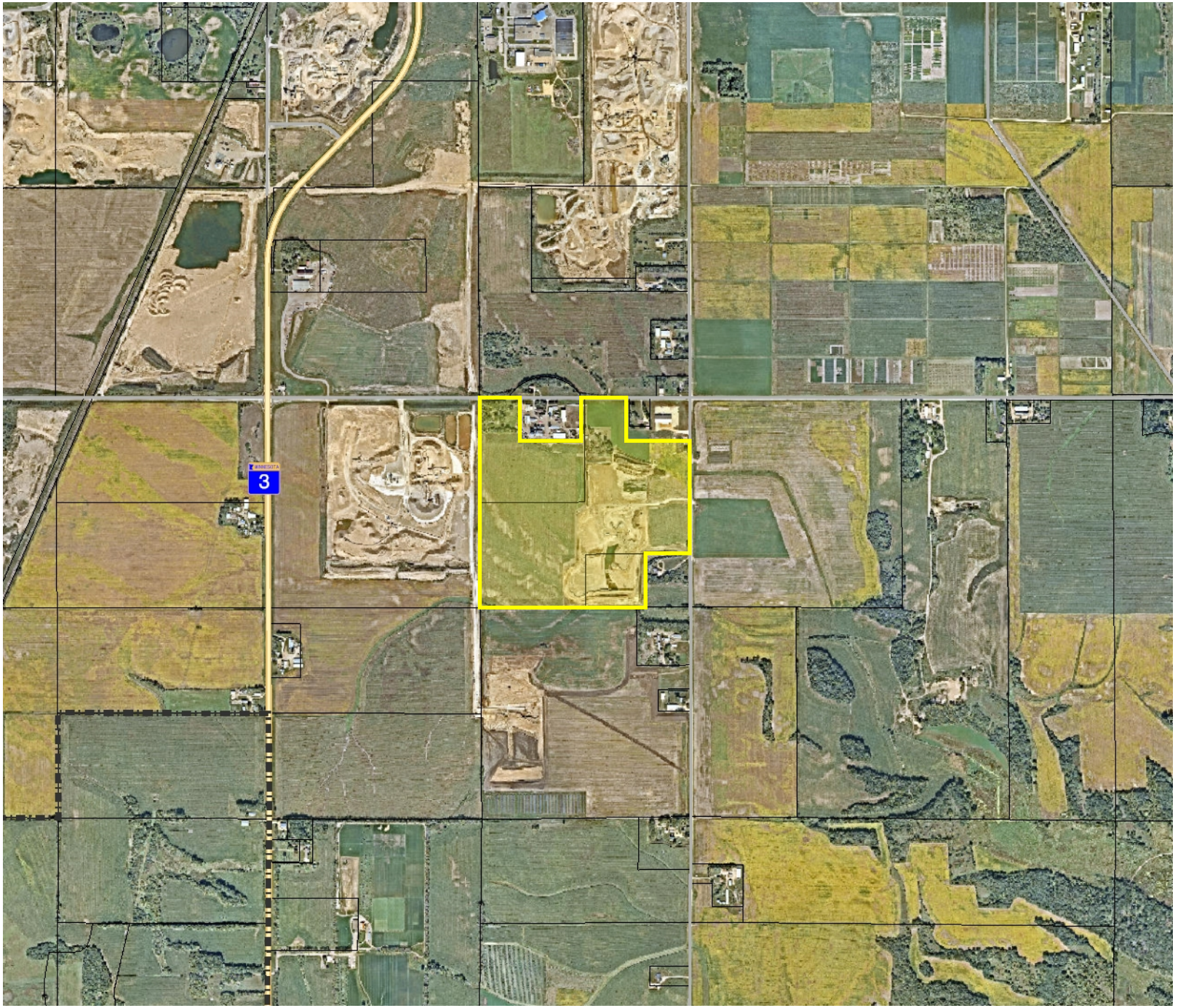
The proposed IUP extension would permit the continuation of the existing road construction business use. Planning Commission recommended approval of the IUP, subject to the following conditions:

1. Previous IUP conditions dated March 2018 and renewed May 2023 shall remain in effect.
2. The IUP renewal is valid upon approval by the City of Empire City Council and shall remain in effect until May 12, 2031, except the IUP shall terminate upon failure to remedy default in any of the conditions of the IUP, provided Empire first served reasonable notice of the default and reasonable opportunity to remedy the default.
3. The updated Condition #3 in the attached IUP is amended to read "Mining on the Property shall occur in three phases, beginning on the easterly half (identified on Plan A as Phase 1), progressing to the west (identified on Plan A as Phase 2), and progressing to the northeast (identified on Plan A as Phase 3)."
4. The previous Condition #3 in the attached 2023 IUP has been amended to read "It shall be McNamara's responsibility to obtain any necessary permits and meet all requirements of City Ordinance 480 and 350-C, and receive the applicable permits from the Department of Natural Resources, FEMA, or other local, state, or federal agencies, regarding any work within the 100-year floodplain, or any alterations that may otherwise impact the floodplain and floodway on the Property".

5. The previous Condition #4 in the attached 2023 IUP has been amended to read "McNamara shall operate the mining facility consistent with all City Ordinances. McNamara shall operate the mining facility consistent with the "Groundwater and Surface Water Monitoring Plan," prepared by Barr Engineering, dated February 2007".
6. Mine operators shall obtain all applicable permits concerning the design, drilling, installation, use and abandonment of groundwater production and dewatering wells per MDNR, MDH and Dakota County Ordinance Number 114.
7. If the Applicant deposits unregulated fill (as defined by the MPCA) per the haul back management plan, they shall submit testing results for the material to be approved by city staff before the fill material is transferred within the project boundary.
8. From the Biscayne Avenue right-of-way, the access road to the mineral extraction operation shall be paved a minimum distance of 150-feet by August 30, 2026.
9. The Applicant shall pay all permit fees and shall reimburse the City for all out-of-pocket expenses incurred in the review and approval of the IUP. The Applicant shall reimburse the City for all out-of-pocket expenses incurred in the enforcement of the IUP.
10. Within one (1) year of reclamation of the site, the Applicant shall submit a planting plan meeting Strategy 2.1 in the EIS Mitigation Plan, related to plantings attracting loggerhead shrikes.
11. Reclamation plan shall be updated to include 'Proposed Groundwater Pond 8', per the Surface Water End Use Plan in the EIS Mitigation Plan.
12. No other use of the property is allowed without an amendment to this IUP or the written consent of the City. The IUP is not assignable or transferable to any other individual or party.
13. The Applicant shall hold the City harmless against all claims or liability in the conduct of the mineral extraction operation or resulting from the issuance of the IUP.

Attachments

A. Location Map
B. Application Materials
C. EIS Mitigation Checklist
D. 2023 IUP
E. Draft IUP



Empire

Legend

- Township Limits
- Roads
  - U.S. Trunk Highway
  - Minnesota Trunk Highway
  - County Highway
  - Ramp
  - Local Roads
- Parcels 06/27/2024
- Site

McNamara - Berg West IUP

0 1,722 Feet

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BOLTON & MENK

Real People. Real Solutions.

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. Empire Township is not responsible for any inaccuracies herein contained.

February 2026

McNamara Contracting, Inc.

Application for
Interim Use Permit Amendment and Reissuance
Berg West Mine
Empire, Minnesota

Sunde Engineering, PLLC.

MCNAMARA CONTRACTING, INC
APPLICATION FOR MINERAL EXTRACTION
INTERIM USE PERMIT AMENDMENT/REISSUANCE
EMPIRE, MINNESOTA

I. INTRODUCTION

McNamara Contracting, Inc. (McNamara) currently operates a sand and gravel mine on property located in Empire, Minnesota (Figure 1: *General Location Map*). The mine (Berg West) is located in the southwest quadrant of the 170th Street and Biscayne Avenue intersection encompassing approximately 129 acres (Site). McNamara is seeking an amendment and reissuance to their existing Interim Use Permit (IUP) which was originally issued by Empire Township in 2018 and reissued in April of 2023. The request is to amend the mining limits to include mining a drainageway known locally as Tributary No. 5 to the Vermillion River and its associated floodplain. McNamara proposes to mine the floodplain and then restore the area to pre-existing conditions within two mining seasons once mining is completed of the area.

The proposed mine area would increase mine limits by approximately 14 acres, and the mine limits would increase from 102 to 116 acres (Figure 2: *Existing and Proposed Mine Limits*). A survey of the floodplain area was conducted by Sathre-Bergquist, Inc on November 7, 2024 and is included as Attachment 1. The survey documents pre-mining topography and represents the proposed restoration grades. A water resources assessment was conducted and is included as Attachment 2 which verifies that there are no wetlands located within the proposed mine area. While mining in the floodplain, all stormwater that would be received by the existing drainageway and floodplain will drain internally to the interior of the mine so there will be no potential for downstream flooding impacts. The drainageway upstream of the site is fed by a culvert under 170th Street that conveys stormwater from the north. Past and current mining on properties to the north has altered the original drainage patterns and reduced the drainage area draining to the drainageway. The floodplain and drainageway downstream of the Berg West Site have been mined and relocated as part of mining operations associated with the Berg East Mine, located immediately east of the Site.

Mining, processing, and stockpiling operations will be conducted on the Site as previously approved. No changes to currently approved mining activities including overburden removal, extraction of aggregates, processing, stockpiling, loading, hauling, and reclamation are proposed. The phasing of operations will also continue as described previously with the additional mining area designated as Phase 3, the final phase of mining operations. The proposed amendment will add 3-5 years onto the anticipated life of the mine. The existing stormwater pollution prevention plan (SWPPP) that the Site operates under will be updated to include Phase 3 prior to commencement of mining activities in that area.

This permit application is submitted to meet the requirements of the City of Empire's Ordinance No. 450 and subsequent amendments, establishing regulations and standards for mineral extraction. The Site is located within the Mineral Extraction Overlay District and within the study area of the Final Environmental Impact Statement for Sand and Gravel Mining and Accessory Uses in Empire Township (EIS), which evaluated the potential environmental impacts associated with mining and accessory uses

within Empire Township. Information contained within that EIS is incorporated by reference[1].

II. APPLICATION FORM

A. Name, address, phone number, contact person for the operator

Mike McNamara
McNamara Contracting
16700 Chippendale Avenue
Rosemount, MN 55068
(651) 322-5500

B. Name, address, phone number of the landowner

The Site is consists of two parcels owned jointly by Bret Berg and Pam Featherstone and a third parcel owned jointly by Pam and Gregory Featherstone.

Bret Berg and Pam Featherstone
2840 170th St.
Farmington, MN 55024
(612) 868-9600

Pam and Gregory Featherstone
17373 Biscayne Ave.
Farmington, MN 55024
(952) 322-2999

C. Acreage and complete legal description of the property on which the facility will be located, including all contiguous property owned by the landowners

The facility is an existing mining operation located on three parcels of property owned by Bret Berg, Pam Featherstone, and Gregory Featherstone encompassing approximately 129 acres. Contiguous property owned by these individuals encompasses an additional 188 acres, including the mined and reclaimed Berg East Mine, and is illustrated on *Figure 3 Site and Contiguous Ownership*. The legal description of the property on which the facility will be located (Berg West mine property) and all contiguous parcels owned by the Bergs and Featherstone's is:

> *The Northwest quarter of Section 9, Township 114, Range 19W*
>
> *AND*
>
> *The Northeast ¼ of Section 8, Township 114, Range 19W except the west 265 feet of the east 765 feet of the North 370 feet of the Northeast ¼. All in Dakota County, Minnesota.*

D. Acreage and complete legal description of the property on which mineral extraction will apply

The Berg West mine is located on property that encompasses 129 acres. The legal description of the property on which the mineral extraction facility is located is:

> *The Northwest ¼ of Northeast ¼ Section 8, Township 114, Range 19W, except the following described parcel: the east 775 feet of the west 1275 feet of the north 562 feet of the Northwest ¼ of the Northeast 1/4 all in Dakota County, Minnesota.*

[1] Final Related Actions Environmental Impact Statement (FEIS) Sand and Gravel Mining and Accessory Uses Empire Township, Dakota County, MN Bolton & Menk, Inc. and Resource Strategies Corporation June, 2005

And

The Southwest ¼ of Northeast ¼ of Section 8, Township 114, Range 19W

And

The East ½ of the Northeast ¼ of Section 8, Township 114, Range 19W except the following described parcels: The north 544.5 feet of the east 800 feet of the East ½ of the Northeast ¼; and the south 660 feet of the east 660 feet of the East ½ of the Northeast ¼; all in Dakota County, Minnesota.

E. Estimated type and quantity of material to be excavated

An estimated 6 million cubic yards (cy) of material remain to be excavated (including approximately 1 million cubic yards within the 14 acres expanded mine limits) of which approximately 2-2.5 million cy will be sold. Material is excavated below the final reclamation grades. The excavated material is screened and processed. Overburden and excess sand generated from processing is used to backfill to the reclamation grades.

F. Estimated time frame to operate the facility

The expanded mine limits will add 3-5 years to the life of the operation. The remaining life of the mine, with the expansion is estimated to be approximately 15-20 years assuming current mining rates and market demand.

G. A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility

The following is a list of equipment and machinery that is used to operate the Site. Under certain circumstances, other pieces of equipment not included in the list below, may also be brought to the Site:

Dozers	Crushing plant
Loaders	Washing plant
Water trucks	Scrapers
Conveyors	Haul trucks
Screening plant	Backhoes

H. A description of the estimated average daily and peak daily number of vehicles accessing the facility, including a breakdown of operator owned and non-operator owned vehicles

Based on production rates over the past several years of operations, the estimated daily number of vehicles accessing the Site and 180 hauling days per season, an average of 67 loads per day (134 truck trips) are generated from the Site. An additional 5-10 other vehicles (employees, customers, maintenance vehicles etc.) may access the Site each day. The estimated peak daily traffic is 125 loads per day (250 truck trips). The AM estimated peak hourly traffic is 20 loads (40 truck trips). Approximately 50% of vehicles will be operator owned and 50% will be rented ITOs.

I. A description of the haul routes within the city to be used in the operation of the facility

The primary haul route will continue to be via paved roads from the Site access point along Biscayne Avenue, north to 170th Street, then west onto 170th Street to TH 3.

III. SUPPORTING DOCUMENTATION

A. Description of existing land uses on subject property and all properties within one-half mile

The Site is located within the sand and gravel mining district studied in the EIS. The existing land uses on the property are mineral extraction and agricultural. Surrounding land uses within ½ mile are predominantly agricultural, rural residential, and mineral extraction. Figure 4: *Land Use,* illustrates the existing land uses of the Site and surrounding properties.

B. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property and all properties within one-half mile

The 2040 Future Land Use Plan in the 2040 Comprehensive Plan (February 2024) for the City of Empire designates the Site and surrounding area as Agriculture with a Mining Overlay. The purpose of the Mineral Extraction Overlay area identifies concentrated locations of high-quality aggregate and areas where mineral extraction may occur. The Comprehensive Plan anticipates that the mining operations within the mining overlay district will include aggregate processing, ready mix concrete plants, asphalt plants, and other aggregate accessory uses, including roadway construction businesses and related uses. Figure 5: *2040 Future Land Use Map*, is an excerpt from Empire's 2040 Comprehensive Plan, dated April 2023. The zoning classification for the Site is shown as Agricultural Preservation on the City's Zoning Map, dated April 2023, even though the site has been permitted since 2018. Zoning designations of the surrounding area are Agricultural Preservation and Mineral Extraction.

C. A description of the soil, vegetation, mineral content and topography of the subject property

Site Soils: The surface soils of the Site are predominantly silt loams and gravelly sandy loams. Most of the Site is characterized by the Waukegan silt loam and Hawick coarse sandy loam. In the expanded mine limits area, the soils are predominantly Hawick gravelly sandy loam and Kennebec silt loam. These soils have formed over outwash plains and stream terraces and are moderately well drained to excessively drained. The Superior Lobe outwash formed during a late Wisconsin glaciation event. Sand and gravel were deposited as the glacier stagnated to the northwest and melted. The meltwater carried sand and gravel. As the meltwater streams lost energy, they deposited the sand and gravel. The outwash consists of fine to coarse sand and gravel. The soil profile is typically about one foot of organic topsoil underlain by one to three feet of clayey sand overburden transitioning into gravelly sand.

Vegetation: Vegetation at the Site consists of agricultural lands typically planted with beans and corn. Reclamation is on-going and the areas initially mined have been reclaimed and returned to agricultural production.

Mineral Content: The origin of the sand and gravel at this Site is from the Superior Lobe. Superior Lobe deposits are characterized by an abundance of pebbles from igneous and metamorphic rocks with little to no shale. The deposit also contains relatively minor amounts of iron oxide and chert making this a very high-quality aggregate for use in bituminous and concrete pavements.

Topography:

The topography of the Site is rolling, varying in elevation from approximately 916-950 feet above mean sea level (msl). Sheet C1: *Existing Conditions,* illustrates the topography of the Site.

D. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half mile of the subject property

General topography and topographic features of the Site and surrounding area are illustrated on Figure 6: *USGS Quad Map Excerpt.* Existing drainage patterns generally include drainage from the west and northwest into and through the Site. A culvert under 170th Street drains land to the north and northwest through the northeastern portion of the Site and exits the Site through a culvert under Biscayne Ave. This drainageway is tributary to the Vermillion River and is known locally as Tributary 5. Under the proposed amendment, the drainageway and associated floodplain will be mined and restored to its original grade and section. An Aquatic Resource Review was conducted by Sunde Engineering, PLLC on July 17, 2024 to investigate the floodplain area for aquatic resources and determined that there are no wetlands or defined channel associated with the drainageway. The Aquatic Resource Review is included as Attachment 2. The photograph below is a view of the drainageway from 170th Street looking across the Site to the southeast.



The FEMA Flood Insurance Rate Maps indicates the location of the 100-year floodplain and floodway areas. The maps are included as Attachment 3. Based on information contained within the EIS and the February 2007 Groundwater and Surface Water Monitoring Plan the water table varies from approximately 910 feet above mean sea level in the southwestern portion of the Site to 900 feet above mean sea level in the northeast corner of the Site. The direction of groundwater flow in the water table aquifer is generally to the northeast.

General topography, groundwater flow, drainage patterns, and existing floodplains of the Site are illustrated on Sheet C1: *Existing Conditions*.

E. A general description of any wells or private sewer systems of record, pipelines, power lines and other utilities or appurtenances on the subject property and adjacent properties

There are no private sewer systems or pipelines known to exist at the Site. A monitoring well is located on the east side of the property just north of the site entrance. Power lines run along both Biscayne Avenue and 170th Street.

F. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property

Based on information presented in the Dakota County Geologic Atlas and the Empire EIS, the depth of the sand and gravel deposit likely extends 50-150 feet below the surface to the top of bedrock consisting primarily of St. Peter Sandstone. Excavation depth will vary depending on the depth of the deposit but is not expected to exceed 10-15 feet below the water table. An estimated 4.7 million cy of material will be removed from the Site within the amended mining limits. The quality of the deposit is excellent because it is associated with the Superior Lobe containing little shale or deleterious substances. Most of the material produced at the Site will be used as construction aggregates including the production of hot-mix asphalt.

G. Existing topography of the subject property, illustrated by contours not exceeding 10-foot intervals

Existing Site topography, shown with a two-foot contour interval, is illustrated on Sheet C1: *Existing Conditions*.

H. Proposed topography of the subject property after mineral extraction has been completed, illustrated by contours not exceeding two-foot interval:

Sheet C3: *Reclamation Plan*, indicates the proposed grades in two-foot contour intervals upon completion of mining and reclamation. Sheet C4: *Floodplain Reclamation Plan* indicates the restored floodplain and drainage area.

I. A Phasing Plan which illustrates the sequencing of mineral Extraction, the locations of processing equipment, mineral stockpiles, staging areas, accessory uses and access routes

Sheet C2: Mining and Phasing Plan shows the mining limits, processing area, stockpile area, phases, and other pertinent mining features.

J. Copies of MPCA application documents and operating permits

The Site operates under a Minnesota Pollution Control Agency (MPCA) NPDES General Permit for Non-metallic Mineral Mining and Associated Activities (MNG490297) which includes construction activities and a site-specific Pollution Prevention Plan. The Site will continue to operate under this same general permit, and the existing stormwater pollution prevention plan (SWPPP) will be updated to include Phase 3 prior to commencement of mining activities in that area. If aggregate washing is needed at the Site, a Minnesota Department of Natural Resources (MDNR) Water Appropriation Permit will be obtained.

K. A description of the site hydrology and drainage characteristics during extraction for each phase. Identify any locations where drainage of any disturbed areas will not be controlled on the subject property and plans to control erosion, sedimentation and water quality of the runoff

During active mining, stormwater will be managed internally, directed to low areas on the mine floor. Diversion swales and berms will be utilized as needed to direct stormwater internally as mining progresses. Best Management Practices (BMPs) will be used to control erosion and sedimentation. The Site will be subject to water quality monitoring of any off-site discharges for total suspended solids consistent with the General NPDES Permit for Non-metallic Mineral Mining and Associated Activities (General NPDES Permit) requirements. Perimeter diversion berms around the active mine area are in place and vegetation has been established. These berms will be extended as needed along property boundaries as mining progresses into Phase 2 and 3. Silt fence will be installed along the outer edge of berms prior to disturbing the earth, and will remain, and be maintained, until vegetation is established.

Berms will be seeded with Minnesota Department of Transportation 25-141 Mesic General Roadside Seed Mix, or similar. Vegetation will be maintained within the setback areas.

Upon the conclusion of mining, the Site will be stabilized by establishing grades that will not exceed 3:1 (horizontal to vertical), except in amended permit area (Phase 3) where the 100-year regulatory floodplain will be restored to pre-existing conditions. Reclamation soils will include the placement of subsoil (minimum 18" of sandy loam) and at least 6" of topsoil for the purposes of returning the property to agricultural production. The floodway and floodplain will be restored to its grade and alignment and returned to agricultural production post-mining.

Both the Vermillion River Watershed Joint Powers Organization (VRWJPO) and City stormwater management rules require no increase in runoff volume beyond the existing conditions for the two-year, 24-hour storm when development creates one acre or more new impervious surface. Reclamation will return the Site to agricultural land with no new impervious surfaces (any impervious surfaces created during the mining operation will be removed) so the volume control requirements in this case would not apply.

L. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, ground water contamination, traffic and aesthetics

1. Noise: Noise will be generated from the Site during stripping, extraction, processing, loading and hauling operations. Noise could potentially impact adjacent rural residences located near the Site.

2. Dust: Dust will be produced during stripping, crushing, and hauling operations and can potentially impact air quality in the immediate vicinity of the Site.

3. Surface Water: Potential impacts to surface waters may include increased suspended solids and changes in stormwater quantity reaching downstream surface waters.

4. Groundwater: Potential impacts to ground water include impacts to groundwater quality.

5. Traffic: Potential impacts associated with traffic were evaluated in the FEIS. Traffic issues in the developing area are significant with or without contribution from mining activities. Mitigation measures to address the additional traffic deficiencies were included in the EIS.

M. A description of the plan to mitigate potential impacts resulting from mineral extraction

1. Noise: The Site will operate in a manner to reduce and minimize noise emissions from the Site. Specifically, these measures include:

    a. Establish sufficient setbacks from receptors
    b. Recess processing equipment below grade
    c. Use of conveyors where feasible
    d. Establishment of perimeter screening berms
    e. Adjustment of types of activities conducted during daytime and nighttime hours as defined by MPCA Rules to ensure compliance with noise standards established by the MPCA.

2. Dust/Air Emissions: As determined in the EIS, the most significant generation of dust (particulate matter (PM) and PM10) will be from unpaved internal haul roads. Some fugitive dust may also be generated from wind picking up PM from aggregate stockpiles. There will be several mitigative measures adopted at the Site to reduce dust emissions. These include:

    a. Use of conveyors within the Site when feasible to reduce haul trucks operating internally within the Site.
    b. Maintenance of a perimeter berm adjacent to active phases to limit windblown dust from leaving the Site and travelling to adjacent roads or residences.
    c. Limiting the area to be stripped to portions of the Site to be mined within the next one or two mining seasons.
    d. Conducting stripping operations in a timely manner.
    e. Establishment of vegetation cover over reclaimed areas of the Site in a timely manner and on a phase-by-phase basis as mining progresses through the Site.
    f. Use of water on unpaved road surface within Site on a routine basis and reduction in silt content of the road surface by application of gravel surfacing materials.
    g. Site operations will comply with all State and Federal air emission requirements.

3. Surface Water: Potential impacts to surface water are eliminated or minimized through implementation of the Pollution Prevention Plan and stormwater Best Management Practices (BMPs). Specific measures implemented at the Site to ensure no downstream impacts include:

    a. Minimizing disturbed areas with exposed soils (accomplished by progressive reclamation of completed mining phases.)
    b. Maintain stormwater patterns to as great of an extent as possible throughout the mining operation using diversion berms and swales
    c. Provide temporary sedimentation basins to treat stormwater encountering disturbed areas or material stockpiles prior to discharge from Site
    d. Install silt fence as needed around perimeter of berm construction areas
    e. Maintain vegetated buffers within setback areas to the extent practical and establish vegetation on perimeter berms.
    f. Establish final grades to maximum slopes of 3:1
    g. Stabilize reclaimed areas by application of topsoil and prompt seeding and mulching to establish vegetation

4. Groundwater: Empire adopted a “Groundwater and Surface Water Monitoring Plan, Sand and Gravel Mining and Gravel Mining and Accessory Uses Empire Township, Dakota County Minnesota dated February 2007 in April 2007. The applicant will comply with the requirements of this plan. Groundwater protection measures will include the following:

    a. Proper storage and handling of fuel in accordance with MPCA Regulations.

5. Traffic: Traffic will remain at similar levels to those generated during the previous five-year IUP renewal.

N. A description of site screening, landscaping and security fencing

Screening berms have been constructed along Biscayne Ave on the east side of Phase 1, and along the southern limits of Phase 1. Additional screening berms will be constructed along the north and south property boundaries as mining progresses into the western half of Phase 2. As mining progresses into Phase 3, the Phase 1 Screening and Diversion Berm along the northern boundary of Phase 1 will be removed and replaced with a screening berm along the northern property boundary in the amended mine limit area. Screening berms will be approximately 5 feet in height, with 3:1 outer slopes and 2:1 inside slopes. All berms will be seeded with Minnesota Department of Transportation 25-141 Mesic General Roadside Seed Mix, or similar, to establish vegetation. Berms may be removed as part of final reclamation activities. The location of the screening berms is illustrated on Sheet C2: *Mining and Phasing Plan.*

O. A description of site rehabilitation in each phase of operation and upon completion of mineral extraction on the subject property

Reclamation activities are occurring and will continue to occur concurrently with mining activities. Currently, approximately 24 acres in the eastern portion of Phase 1 have been reclaimed and reclamation will continue to the west as mining progresses further into Phase 2 and Phase 3. Phase 3 will be mining and reclamation of the 14 acre expanded mine limits and floodplain area. Final reclamation grades will not exceed a 3:1 (H:V) ratio with the top of the slope beginning at least twenty feet from the property line. Final reclamation grades are shown on Sheet C3: *Reclamation Plan* and Sheet C4 *Floodplain Reclamation Plan*. Some variation in final grades may occur based on the Site's soil balance in areas outside of the floodplain, but the floodplain itself will be restored to the original alignment and elevations as existing conditions to restore drainage through the property to the east.

The following reclamation standards will be met to return the site to agricultural production:

Site grading shall meet 90% of proctor density for compactions.
A minimum 18" layer of loamy material shall be spread over compacted final grades.
A minimum 6" layer of topsoil shall be spread over the loamy material.

Subsoil and topsoil are placed on graded areas to be vegetated. After placement of topsoil is complete, the area is seeded and mulched or returned to agricultural production. Portions of a given phase may be left at an intermediate stage of reclamation until completion is practical. Site reclamation will be completed, and all equipment, vehicles, machinery, materials and debris will be removed from the Site within 12 months after completion of extraction procedures.

P. A haul back management plan that includes the types of fill that shall be deposited, where the fill comes from, and what testing shall occur

Haul back refers to trucks coming to the Site with a load of material and then loading the emptied truck with product to be brought to another destination. This strategy results in increased cost efficiency and reduced environmental impact. The material brought to the Site is reclamation backfill material. The haul back management plan includes the following information.

McNamara may import fill to be used in site reclamation. This policy has been developed to document procedures for incoming fill material and topsoil imported to the Site for use as controlled fill. Material to be considered for importing include topsoil, clean fill, and unregulated fill as defined by MPCA.[2]

Material Import Policy:

Clean Fill – Soil that is free of contaminants, unaffected by a spill or release, and suitable for use in construction without posing a risk to human health or the environment.

A. Only non-organic compactable material shall be used as fill and backfill material. All fill material used on Site for placement in any location or depth shall be free of contamination. Recycled or salvaged aggregate, asphaltic pavement, crushed concrete, or scrap shingles shall not be used as reclamation fill.

B. Materials to be free of debris, rubbish, frozen clumps, boulders over 256 mm (10 inches) in size, organic soils, vegetation, or other materials. Do not use fill material that contains stumps, roots and branches 40 mm (1.5 inches) in diameter or larger, logs, wood chips, or other objectionable material.

C. Maintain a manifest of all imported fill material documenting the source of the fill, soil type, and any applicable testing results to verify absence of contamination. Operator to retain copy of manifest.

D. Off Site sources: Soils may be accepted from sites that are unaffected by previous development (farmland, open space Material will be accepted from greenfield sites with no evidence of contamination or likely contamination determined at the field screening. Incoming loads will be inspected to verify that the soil is free from odors and visual contamination such as demolition debris or solid waste. If no known or potential sources of contamination are identified during field evaluation and subsequent load observations, then sampling or laboratory analyses is not necessary.

Unregulated Fill - Soils from previously disturbed areas (residential and commercial developments, road right-of-way, etc.) will be accepted if third party testing is performed to demonstrate that the soils are uncontaminated and meet MPCA definition of unregulated fill. Unregulated fill is excess soil with no field indications of contamination, but which may have been affected by a release of contaminants at concentrations less than the MPCA's field screening and contaminant concentration criteria as follows:

- Free from solid waste, debris, asbestos-containing material, visual staining, and chemical odor
- Organic vapors less than 10 parts per million, as measured by a photoionization detector (PID)

[2]https://www.pca.state.mn.us/sites/default/files/c-rem2-02.pdf and www.pca.state.mn.us/sites/default/files/c-rem1-01.pdf

- For petroleum-impacted soil, less than 100 mg/kg diesel range organics (DRO)/gasoline range organics (GRO)*
- For contaminants detected in soil, less than the MPCA's Residential Soil Reference Values (SRVs) and Tier 1 Soil Leaching Values (SLVs)**

*Note that some detections of DRO in soil may stem from the presence of low-level petroleum hydrocarbons may be present in glacial soils as a result of processes that occurred during deposition of these materials. The limits established above are not zero to account for naturally occurring hydrocarbons. Glacial soils are prevalent in the area. Soils derived from the pulverization of shale during glacial transport have been found to have background concentrations of petroleum hydrocarbons. The levels indicated above are below MPCA regulatory limits for regulated fill soils.
**Naturally-occurring concentrations of some metals, such as arsenic, selenium, or copper, sometimes exceed the SRV or SLV. Such soils are not considered impacted in the absence of a contaminant source or other field or laboratory indications of contamination.

- Placement of unregulated fill will follow MPCAs recommended Best Management Practices2:
- Avoid placing unregulated fill at schools, playgrounds, daycares, and residential properties. Unregulated fill is most suitable for use at industrial or commercial properties.
- Avoid placing unregulated fill in gardens where food for human/animal ingestion will be grown.
- Observe a minimum ten-foot separation distance between unregulated fill and the water table.
- Avoid placing unregulated fill where contaminants may be transported by run-off to lakes, rivers, wetlands, or streams.

E. Maintain a manifest of all imported fill material documenting the source of the fill, soil type, quantity, location laced, and any applicable testing results to verify absence of contamination. Operator to retain copy of manifest.

Q. A description of the method in which complaints about any aspect of the facility operation or off-site transportation are to be received and the method which complaints are to be resolved

Complaints regarding any aspect of the operation should be directed to Joe Hannaman, McNamara Contracting at (612) 655 - 3272. Any complaint received will be investigated and action will be taken as needed specific to the nature of the complaint.

IV. PERFORMANCE STANDARDS

A. Hours of Operation

No change to the hours of operation is proposed. Normal mineral extraction and processing activities will operate as they have in the past between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday. The Site may open one-half hour before and one hour after these hours to allow for the staging and loading of vehicles. The operational hours may also be extended on a temporary basis for government work required by agency contracts, with prior approval by the Board Chair or their representative. In the future longer hours may be requested as allowed in the current mining ordinance. If longer hours are requested, they will be subject to board review and approval.

[2] https://www.pca.state.mn.us/sites/default/files/c-rem2-02.pdf

B. Fencing
The Site is not currently fenced, and no additional fencing is proposed. Access to the Site is controlled by a locking access gate on the Site entrance.

C. Access
Site access will continue to be off Biscayne Ave.

D. Haul Routes
With exception to local area product deliveries, the primary haul routes in Empire include Biscayne to 170th to TH 3.

E. Roadway Dust Control
Biscayne Ave is paved to the Site entrance. Street sweeping will occur as needed to minimize roadway dust.

F. Mineral Extraction Facility Dust Control
Internal haul roads will be watered as a routine dust control measure. Screening berms will be constructed to minimize windblown material leaving the Site. If it is determined that dust generated from the Site is creating a public nuisance, additional watering will be performed. Other remedies to control dust, including additional berming and landscaping and/or paving the Site entrance may be implemented if necessary.

G. Noise
Maximum noise levels at the Site will not exceed MPCA Noise Standards.

H. Vibration
There will be no blasting or large sources of vibration produced at this Site, and the Site will be operated in a manner which minimizes impacts to adjacent properties from vibration of equipment.

I. Air Quality/ Water Quality
The Site will operate in compliance with all required MPCA permits.

J. Accessory Uses
There are no accessory uses proposed for this Site.

K. Unauthorized Storage
Vehicles, equipment or materials not associated with the operation or not in operable condition are not kept or stored at the Site.

L. Setbacks
Extraction: A minimum of 100 feet from any residence, a minimum of 50 feet from any adjacent property (unless the property line is a common mining border), road right-of-way, or public utility. Any future common mining boundaries will not have a setback.

M. Phasing
Phasing is shown on Sheet C2: *Mining and Phasing Plan*.

N. Haul Back Materials and Operations
Any clean imported fill used in reclamation will be consistent with the haul back management plan.

O. Weed Control
Noxious weeds will be controlled to help maintain a reasonable appearance of the Site.

P. Explosives
Explosives will not be used at this Site.

Q. General Compliance
The operator will comply with all federal, state, regional, county and local laws and regulations applicable to the operation.

R. Additional Regulations
The City may impose additional regulations and requirements to the mineral extraction permit to protect public health, safety and welfare.

S. Inactivity:
If less than 5,000 cubic yards of material has been removed in a calendar year after the onset of mining operations, the city may terminate the mineral extraction permit.

T. Rehabilitation Plan:
Reclamation will include backfilling and grading, topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and the final Site reclamation. Sheet C3: *Reclamation Plan*, and Sheet C4: *Floodplain Reclamation Plan*, detail reclamation standards. Grades illustrated on these plan sheets represent general reclamation grades and may be higher if additional backfill material is available, except in the floodplain area which will be restored to pre-mining grades.

Site reclamation standards include:

a) Final grades must not exceed 3:1 (except in floodplain area reclamation where grades may require such conditions).
b) Reclamation grading setback is at least 20 feet from property lines unless the property line is a common mining boundary.
c) Site grading shall meet 90% of proctor density for compactions.
d) A minimum 18” layer of loamy material shall be spread over compacted final grades.
e) A minimum 6” layer of topsoil shall be spread over the loamy material.
f) Seeding and mulching will be in accordance with the Minnesota Department of Transportation specifications for right of way seeding, unless the area is returned to agricultural use.
g) Soil reclamation, seeding and mulching will occur within each phase as final grades have been reached. Processing, storage, and staging areas and haul roads will not be seeded and mulched.
h) Soil erosion and sedimentation control measures will be consistent with MPCA’s “Protecting Water Quality in Urban Areas”
i) Unless otherwise amended or approved by the city, all final grades and Site restoration efforts will be consistent with the reclamation plan.

j) Within 12 months after completion of mineral extraction or after termination of permit, all equipment, vehicles, machinery, materials and debris will be removed from the subject property.

k) Within 12 months after completion of mineral extraction or after completion of termination of the permit Site, rehabilitation must be completed.

V. CERTIFICATION

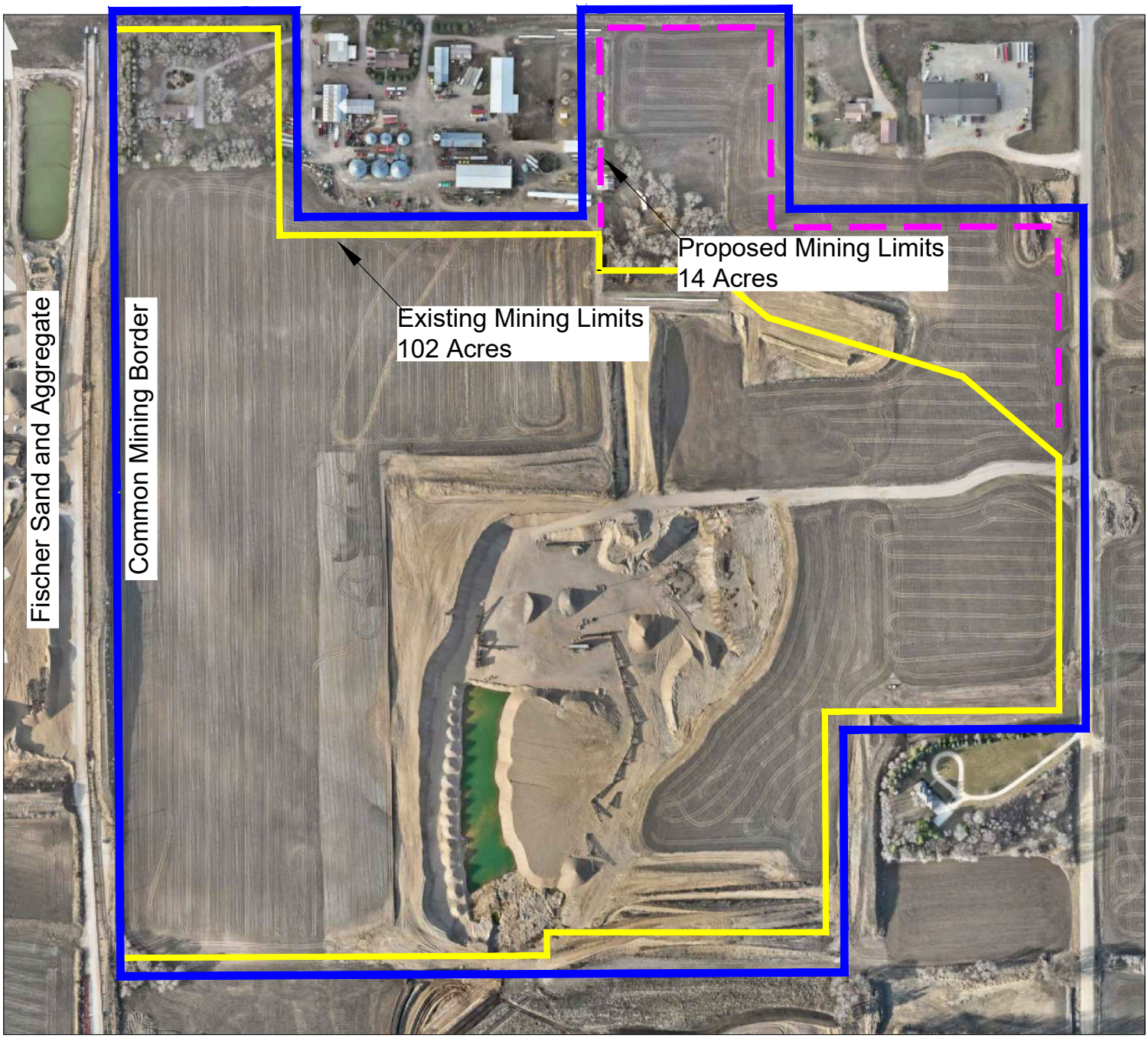
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Civil Engineer under the laws of the State of Minnesota.



_____

Kirsten Pauly, PE

Date: 2/26/2026 Reg. No. 21842



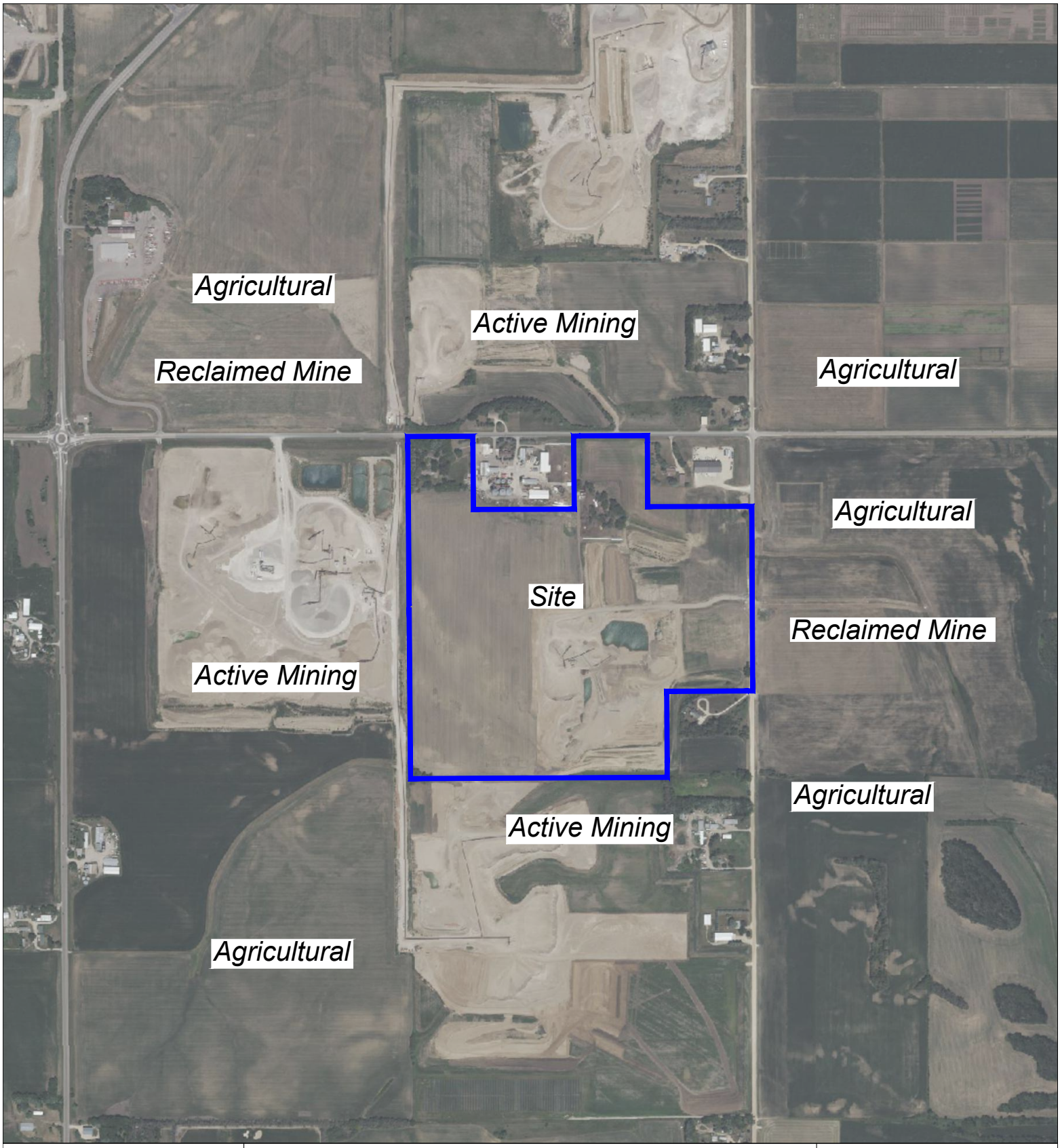
Aerial Photo Provided by Mcnamara Drone Flight Dated 3/18/2024

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Figure 2
Existing and Proposed Mine Limits

Berg West Mine
Empire, Minnesota

Sunde Engineering, PLLC.

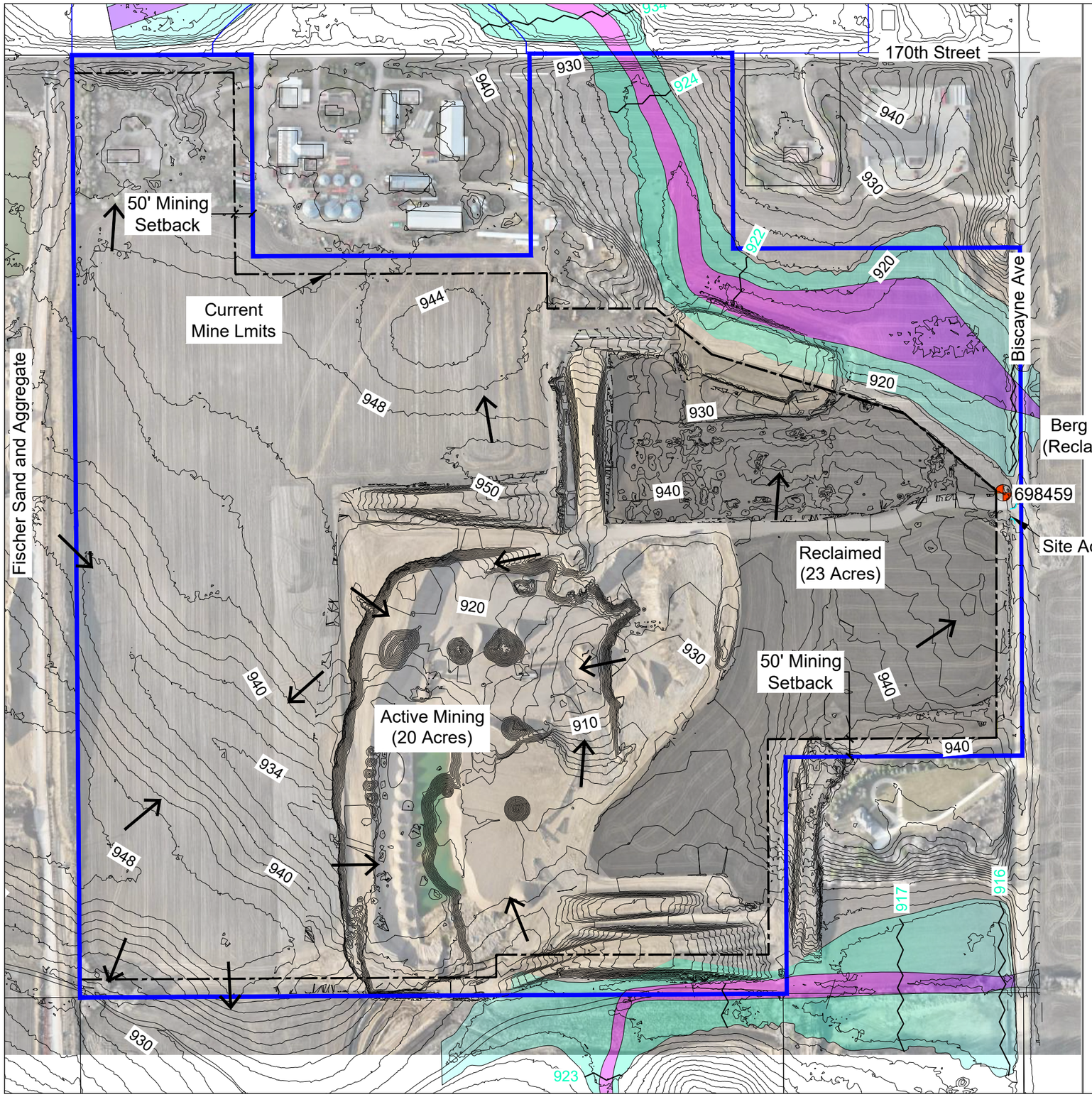


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Figure 4
Surrounding Land Use

Berg West Mine
Empire, Minnesota

Sunde Engineering, PLLC.



Notes:
1. Topography of mining and reclaimed areas from McNamara UAV flight on 12/8/2022 and 7/24/2024.
2. Topography of remainder of Site from 2011 Lidar.
3. Aerial Photo provided by McNamara drone flight dated 3/18/2024.

- Surface Water Flow Direction
- MWI Monitoring Well & Unique Number
- FEMA Floodway
- FEMA Floodplain

N

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Sunde Engineering, PLLC.
CONSULTING CIVIL ENGINEERS
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BLOOMINGTON, MINNESOTA 55437
(952) 881-3344 TELEPHONE
(952) 881-1913 FAX
www.sundecivil.com

McNamara Contracting, Inc.

Berg West
Empire, Minnesota

DATE	REVISION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Kirsten Pauly
DATE: 2/26/2026 REG. NO.: 21842

INFORMATION:

PROJECT NO.:
DRAWN BY:
CHECKED BY:
APPROVED BY:
SCALE:
DATE:

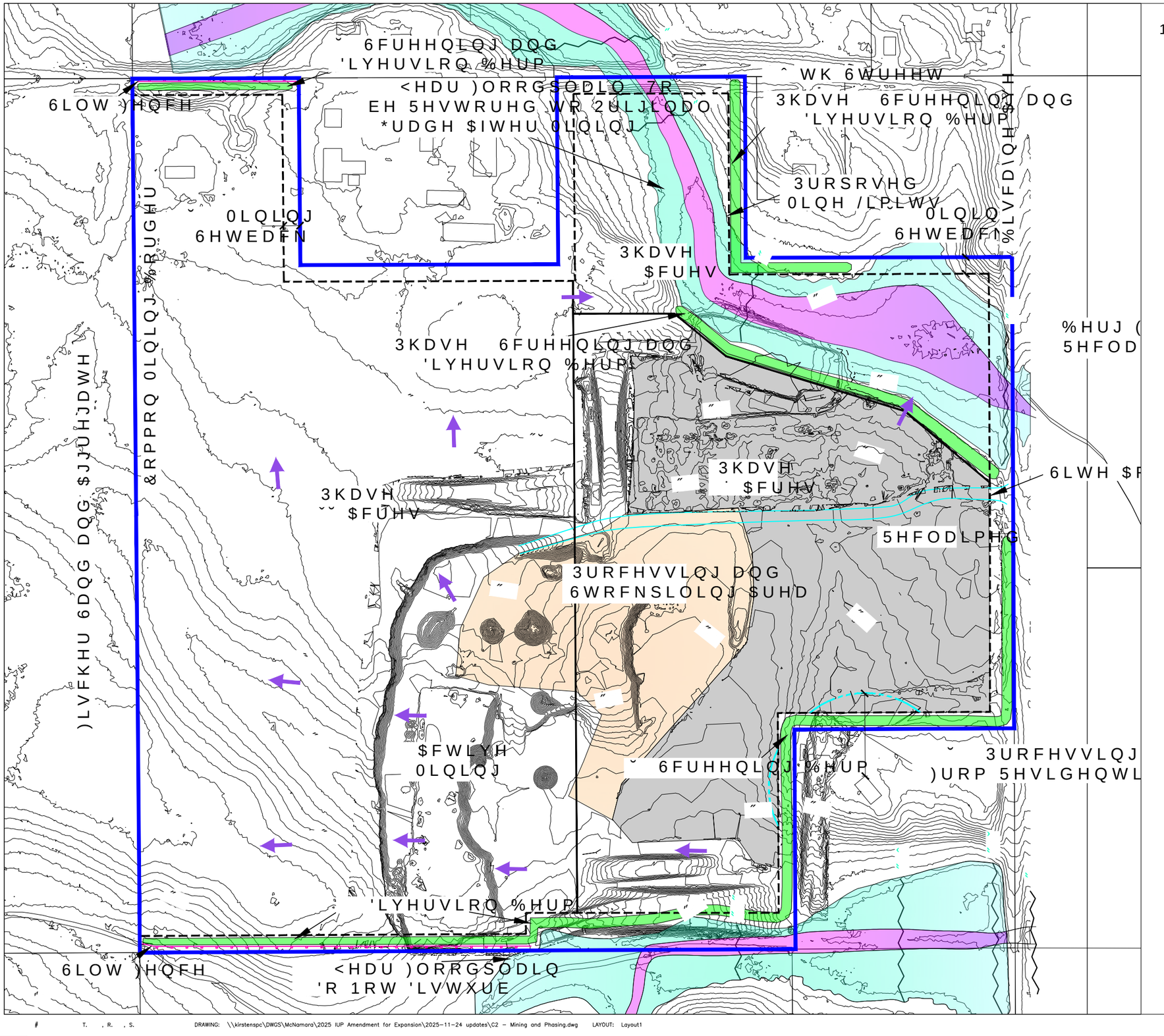
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Existing Conditions

SHEET NO:

C1

1 of 4



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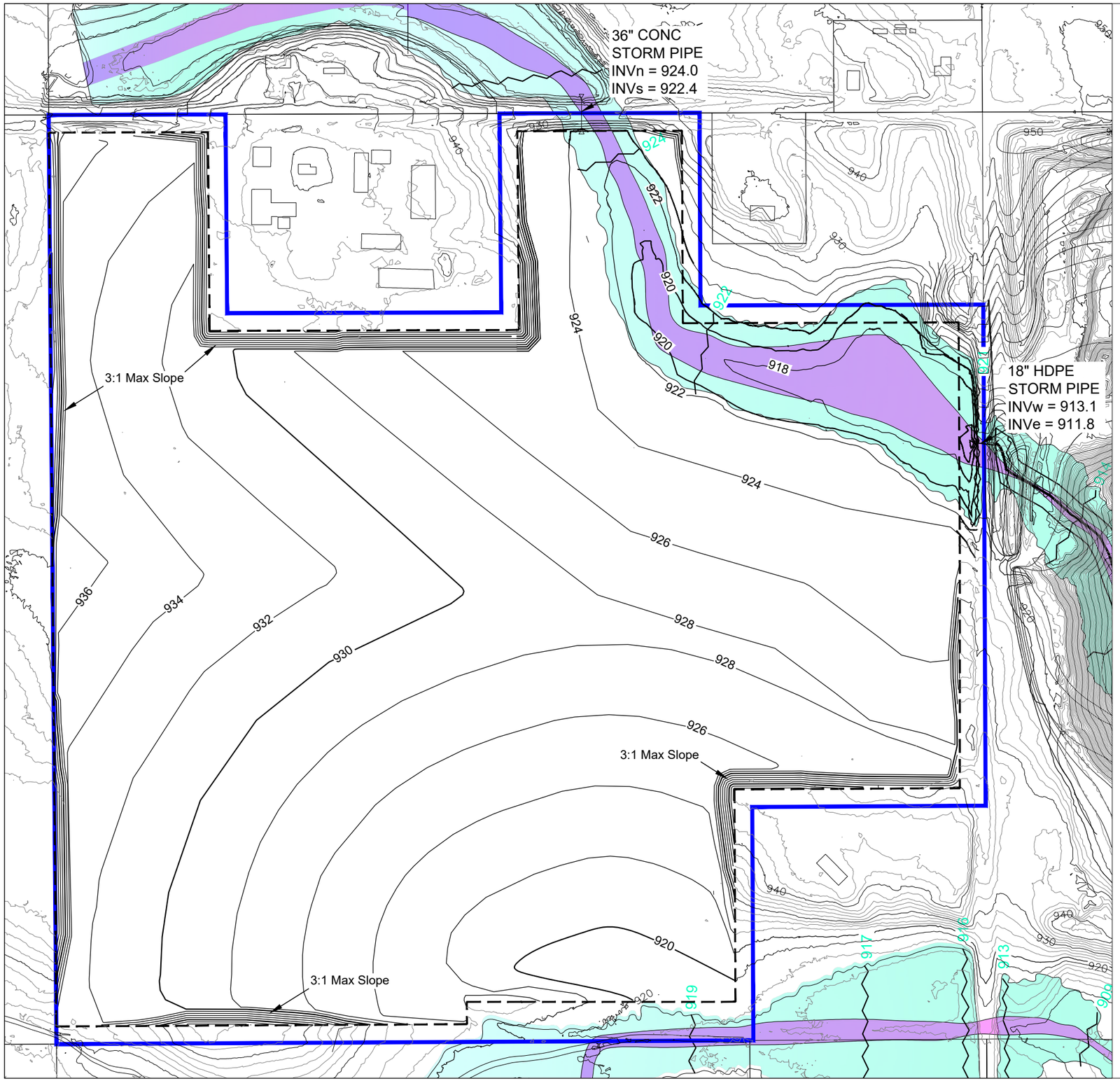
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Notes

1. Final grades may not exceed 3:1 ratio. The top of the slope may begin twenty feet from property lines. Some variation in final grades may occur based on the Site's soil balance.

2. An 18" layer of loamy material will be laid on top of the compacted sand. A minimum of 6" of black dirt will be laid over the loamy material

3. Reclamation will progress in phases and be completed as quickly as practical in order to minimize the amount of open area at any given time.

4. Screening berms may be removed as part of final restoration.

5. Reclamation grades may be adjusted to accommodate site soils balance and to coordinate final grades at the common mining boundary to the west.

5. Area mined within floodplain area will be restored to original conditions established in the Sathre-Bergquist Survey dated November 7, 2024.

N

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SCALE IN FEET

Sunde Engineering, PLLC.
CONSULTING CIVIL ENGINEERS
10830 NESBITT AVENUE SOUTH
BLOOMINGTON, MINNESOTA 55437
(952) 881-3344 TELEPHONE
(952) 881-1913 FAX
www.sundecivil.com

McNamara Contracting, Inc.

Berg West
Empire, Minnesota

DATE	REVISION

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Kirsten Pauly

Kirsten Pauly
DATE: 2/26/2026 REG. NO.: 21842

INFORMATION:

PROJECT NO.:
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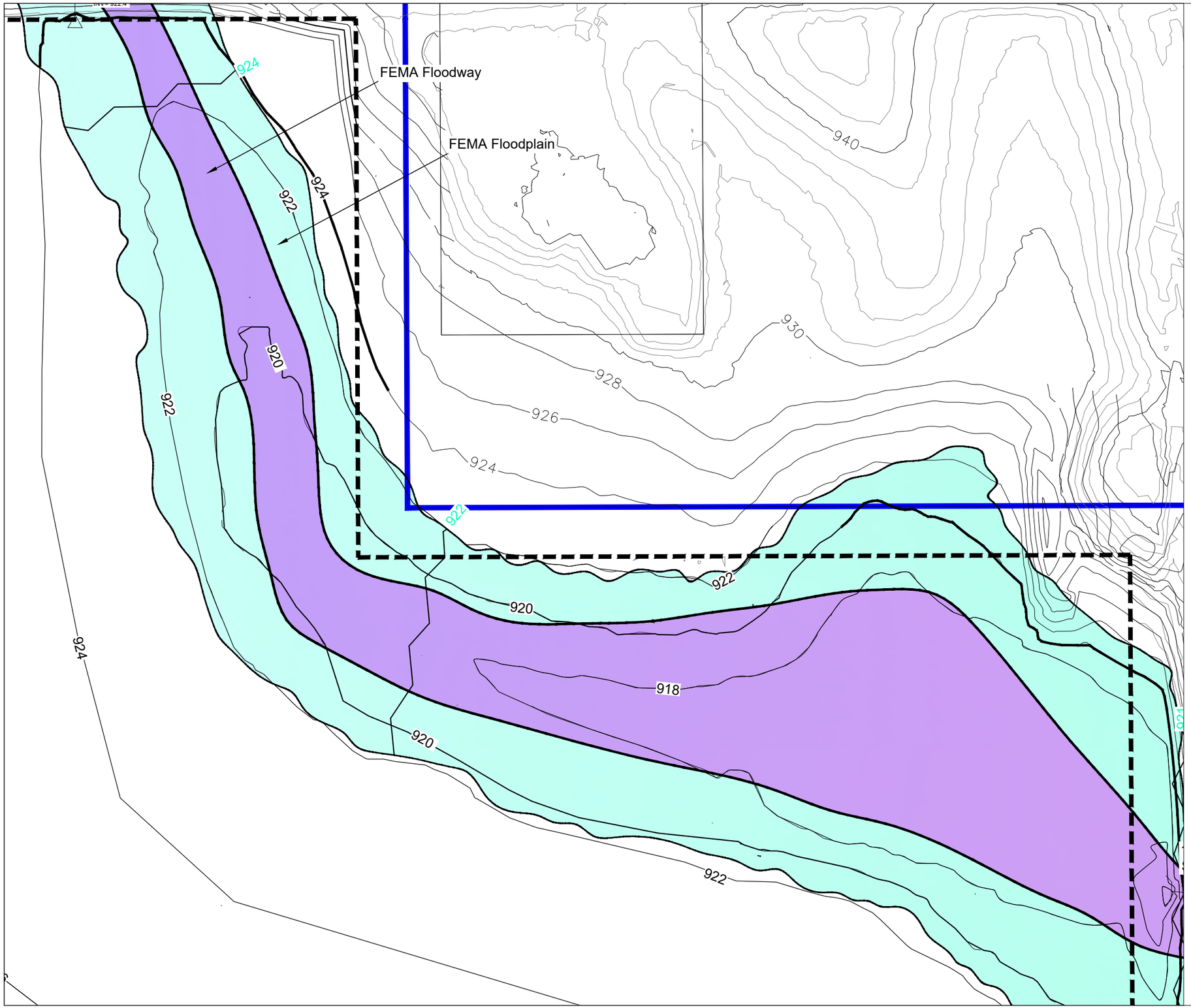
DESCRIPTION:

Reclamation Plan

SHEET NO:

C3

of



Notes

1. Final grades may not exceed 3:1 ratio. The top of the slope may begin twenty feet from property lines. Some variation in final grades may occur based on the Site's soil balance.
2. An 18" layer of loamy material will be laid on top of the compacted sand. A minimum of 6" of black dirt will be laid over the loamy material
3. Reclamation will progress in phases and be completed as quickly as practical in order to minimize the amount of open area at any given time.
4. Screening berms may be removed as part of final restoration.
5. Reclamation grades may be adjusted to accommodate site soils balance and to coordinate final grades at the common mining boundary to the west.
5. Area mined within floodplain area will be restored to original conditions established in the Sathre-Bergquist Survey dated November 7, 2024. See Sheet C5.

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www.sundecivil.com

McNamara Contracting, Inc.

Berg Property
Empire, Minnesota

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Kirsten Pauly

DATE: 2/26/2026 REG. NO.: 21842

INFORMATION:

PROJECT NO.:

DRAWN BY:

CHECKED BY:

APPROVED BY:

SCALE:

DATE:

DESCRIPTION:

Floodplain Reclamation Plan

SHEET NO:

C4

of

FEMA Floodway

FEMA Floodplain

WIRE FENCE

ACTIVE GRADING AREA

DISCAYNE AVE

INV=911.1
TOP=917.7

Note

1. Topography from Sathre-Bergquist Survey dated November 7, 2024.

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www.sundecivil.com

McNamara Contracting, Inc.

Berg Property
Empire, Minnesota

DATE	REVISION

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Kirsten Pauly

Kirsten Pauly
DATE: 2/26/2026 REG. NO.: 21842

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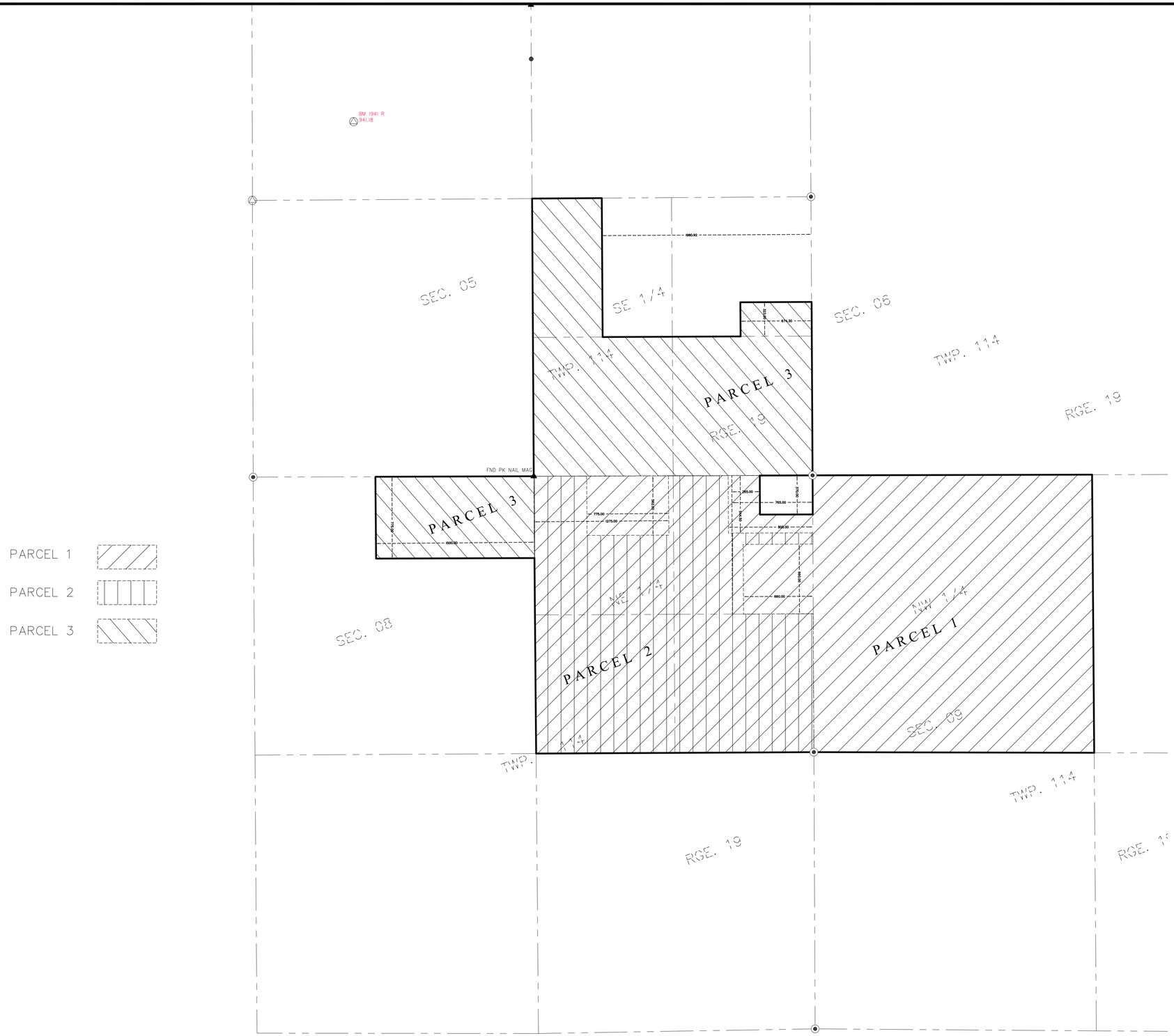
Floodplain Survey

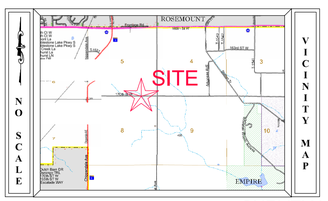
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Bearings are based on the Dakota County Coordinate System (NAD 83)

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SURVEY LEGEND

CAST IRON MONUMENT	PIEZOMETER	WOE WALKOUT ELEVATION
IRON PIPE MONUMENT SET	POWER POLE	FFE FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GUY WIRE	GFE GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	ROOF DRAIN	TOF TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	LIFT STATION	LOE LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	SANITARY MANHOLE	CONCRETE
REBAR MONUMENT FOUND	SANITARY CLEANOUT	BITUMINOUS
PK NAIL MONUMENT SET	STORM MANHOLE	BUILDING SETBACK LINE
PK NAIL MONUMENT FOUND	STORM DRAIN	CABLE TV
PK NAIL W/ ALUMINUM DISC	CATCH BASIN	CONCRETE CURB
SURVEY CONTROL POINT	FLARED END SECTION	CONTOUR EXISTING
A/C UNIT	TREE CONIFEROUS	CONTOUR PROPOSED
CABLE TV PEDESTAL	TREE DECIDUOUS	GUARD RAIL
ELECTRIC TRANSFORMER	TREE CONIFEROUS REMOVED	DRAIN TILE
ELECTRIC MANHOLE	TREE DECIDUOUS REMOVED	ELECTRIC UNDERGROUND
ELECTRIC METER	TELEPHONE MANHOLE	FENCE
ELECTRIC OUTLET	TELEPHONE PEDESTAL	FIBER OPTIC UNDERGROUND
YARD LIGHT	UTILITY MANHOLE	GAS UNDERGROUND
LIGHT POLE	UTILITY PEDESTAL	OVERHEAD UTILITY
FIBER OPTIC MANHOLE	UTILITY VAULT	TREE LINE
FIRE DEPT. HOOK UP	WATERMAIN MANHOLE	SANITARY SEWER
FLAG POLE	WATER METER	STORM SEWER
FUEL PUMP	WATER SPIGOT	TELEPHONE UNDERGROUND
FUEL TANK	WELL	RETAINING WALL
PROPANE TANK	MONITORING WELL	UTILITY UNDERGROUND
GAS METER	CURB STOP	WATERMAIN
GAS VALVE	GATE VALVE	TRAFFIC SIGNAL
GAS MANHOLE	HYDRANT	RAILROAD TRACKS
GENERATOR	IRRIGATION VALVE	RAILROAD SIGNAL
GUARD POST	POST INDICATOR VALVE	RAILROAD SWITCH
HAND HOLE	SIGN	SATELLITE DISH
MAIL BOX	SOIL BORING	WETLAND BUFFER SIGN

DESCRIPTION OF PROPERTY SURVEYED

Parcel 1: Acreage and complete legal description of the property on which the facility will be located, including all contiguous property owned by the landowners:

The Northeast ¼ Section 8, Township 114, Range 19W, except the west 265 feet of the East 765 feet of the North 370 feet of the Northeast ¼ all in Dakota County, Minnesota.
AND
The Northwest Quarter of Section 9, Township 114, Range 19W

Parcel 2: Acreage and complete legal description of the property on which mineral extraction will apply:

The Northwest ¼ of Northeast ½ Section 8, Township 114, Range 19W, except the following described parcel: the east 775 feet of the west 1275 feet of the north 562 feet of the Northwest ¼ of the Northeast ¼ all in Dakota County, Minnesota.
AND
The Southwest ¼ of Northeast ¼ of Section 8, Township 114, Range 19W
AND
The East ½ of the Northeast ¼ of Section 8, Township 114, Range 19W except the following described parcels: The north 544.5 feet of the east 800 feet of the East ½ of the Northeast ¼; and the south 660 feet of the east 660 feet of the East ½ of the Northeast ¼ all in Dakota County, Minnesota

Parcel 3: The acreage for renewal by Fischer Sand and Aggregate :

The South Half of the Southeast Quarter of Section 5, and the West Half of the Northwest Quarter of the Southeast Quarter of Section 5, and the South 323 feet of the East 674.3 feet of the North half of the Southeast Quarter of Section 5, Township 114, Range 19; excluding public right of way.
AND
The North 775 feet of the East 1500 feet of the Northwest Quarter of Section 8, Township 114 Range 19, excluding public right of way.

1. Site Address: 17211 Biscayne Ave, Empire MN, 55024

2. A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.

3. **Flood Zone Information**: This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 27037C0228E, effective date of 12/2/2011.

4. **Parcel Area Information**:

Gross Area:	19,426,465 s.f.	~	445.970 acres
Parcel 1 Area:	13,698,084 s.f.	~	314.465 acres
Parcel 2 Area:	5,610,181 s.f.	~	128.792 acres
Parcel 3 Area:	4,565,863 s.f.	~	104.818 acres

*We do not affirmatively insure the quantity of acreage set forth in the description
Note: Parcel 1 and Parcel 2 overlap.

5. **Benchmark**: Elevations are based on the MNDOT Benchmark 1921 R which has an elevation of 941.20 feet (NAVD 88). Contours were derived from field observations.

6. **Utilities**: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.

FIELD CREW	NO.	BY	DATE	REVISION
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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 7th day of November, 2024.

Daniel L. Schmidt, PLS Minnesota License No. 26147
schmidt@sathre.com

SATHRE-BERGQUIST, INC.
14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

TWP:118-RGE.19-SEC.5,8,9
Dakota County

Empire Township
MINNESOTA

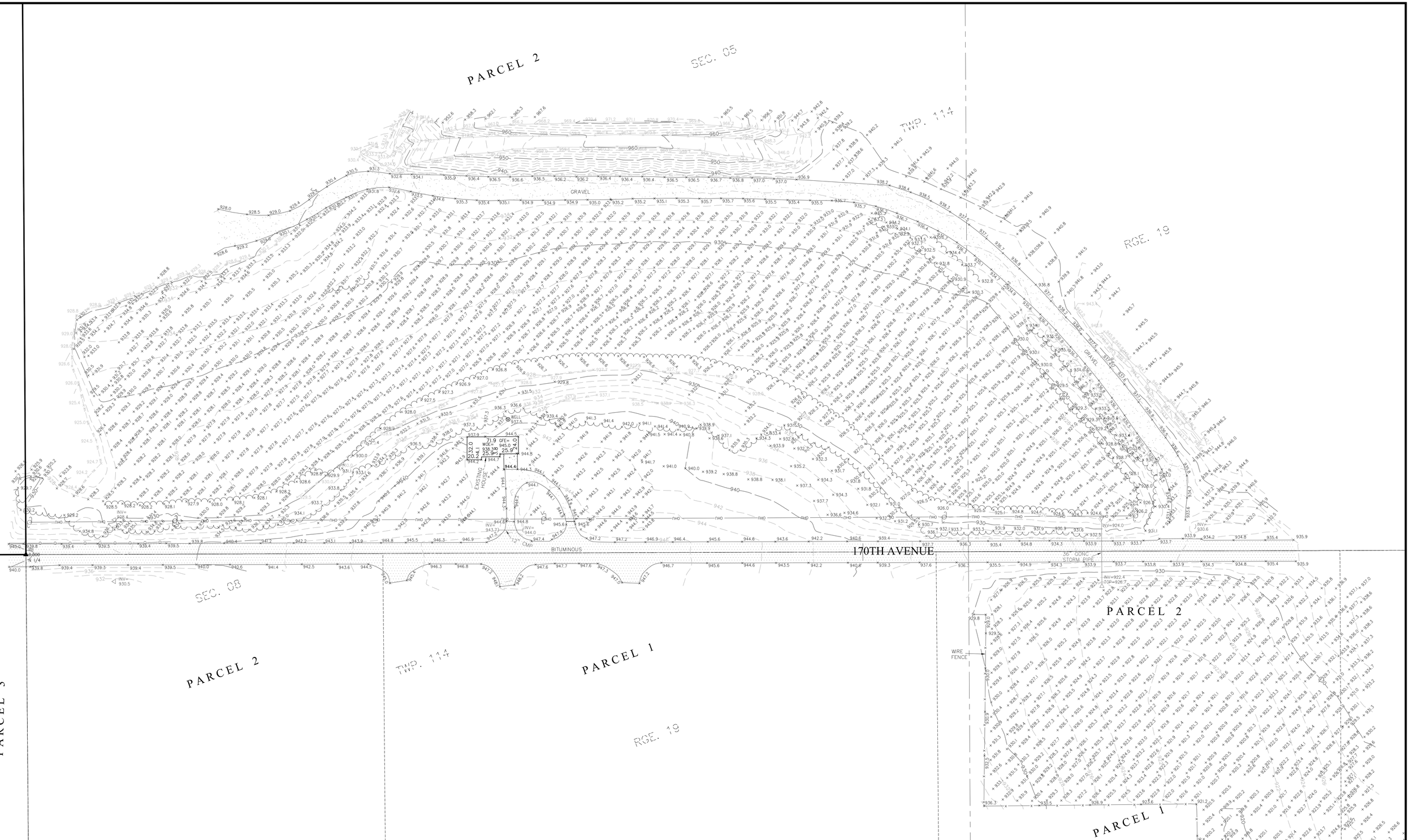
CERTIFICATE OF SURVEY

PREPARED FOR:

SUNDE ENGINEERING

FILE NO.
879595-001

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FIELD CREW	NO.	BY	DATE	REVISION
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14000 25TH AVENUE NORTH, SUITE 120
PLYMOUTH MN 55447 (952) 476-6000
WWW.SATHRE.COM

TWP:118-RGE.19-SEC.5,8,9
Dakota County

Empire Township
MINNESOTA

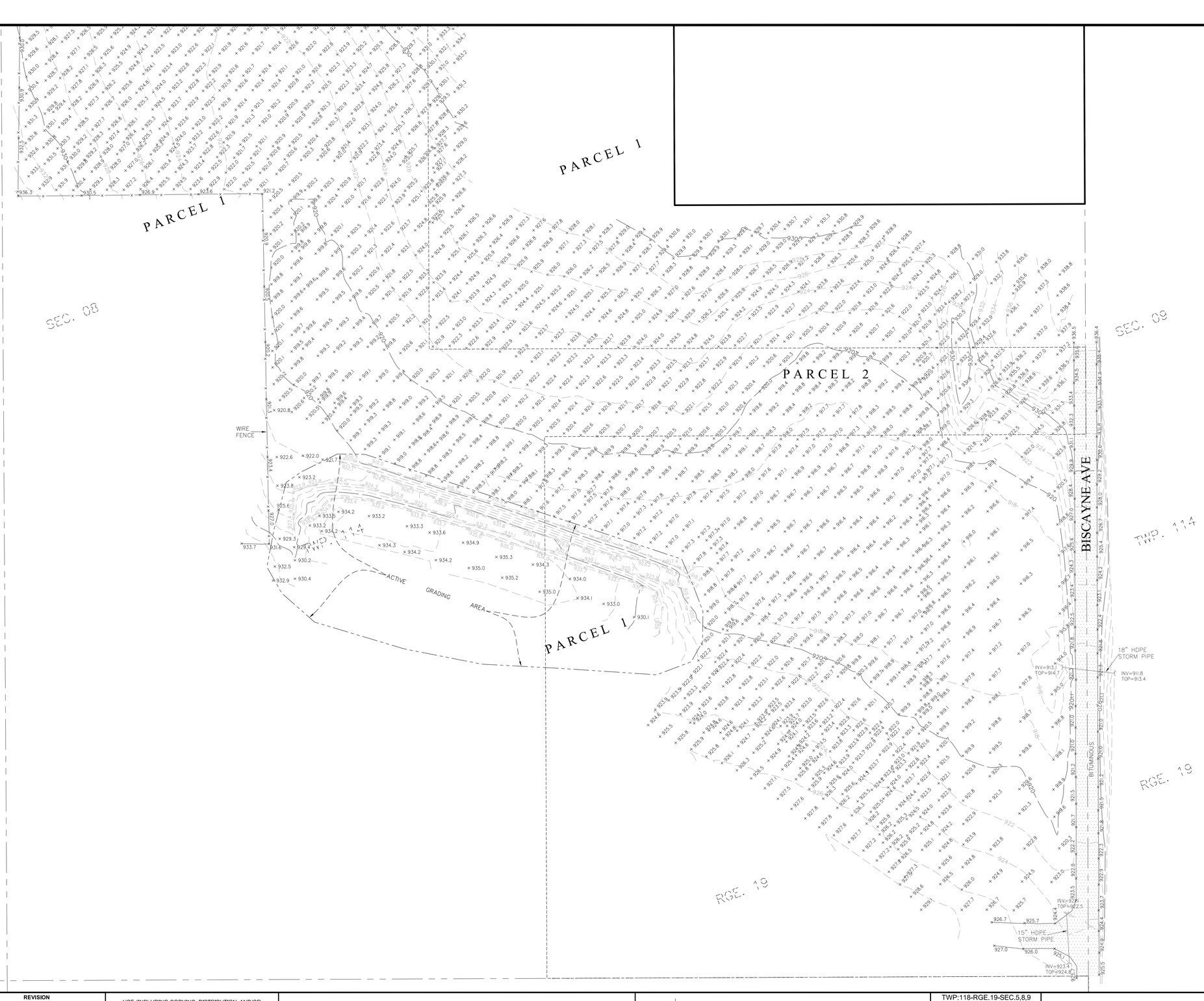
CERTIFICATE OF SURVEY

PREPARED FOR:

SUNDE ENGINEERING

FILE NO.
879595-001

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FIELD CREW	NO.	BY	DATE	REVISION
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XXX				
CHECKED				
XXX				
DATE				
XX/XX/XX				

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SCALE IN FEET

NORTH

ENGINEERS SURVEYORS DESIGNERS PLANNERS
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TWP:118-RGE.19-SEC.5,8,9
Dakota County
Empire Township
MINNESOTA

CERTIFICATE OF SURVEY

PREPARED FOR:
SUNDE ENGINEERING

FILE NO.
879595-001
3
3

AQUATIC RESOURCE REVIEW REPORT

Fischer/McNamara Empire Mine Expansion

City of Empire

Dakota County, MN



Principal Investigator: Eric Hanson (#1247)

June 2024

Sunde Engineering, PLLC.
10830 Nesbitt Avenue South · Bloomington, Minnesota 55437-3100
Phone: (952) 881-3344 · Fax: (952) 881-1913 · E-mail: info@sundecivil.com

1. INTRODUCTION

Sunde Engineering, PLLC completed an aquatic resource investigation in Empire, MN in connection with the proposed CUP Permit Amendment for both the Fischer Empire Mine and McNamara Berg West Mine. The aquatic resource investigation was located in the south ½ of Section 5 and the north ½ of Section 8, Township 114N, Range 19W (Figure 1). The area investigated included a 28-acre property. A preliminary desk-top review was conducted and followed by an on-site field investigation on July 17th, 2024. A summary of the investigation results is provided in the following paragraphs.

2. PRELIMINARY DESKTOP REVIEW

The preliminary desktop review was conducted to identify the presence or absence of aquatic resources on the site. The National Wetland Inventory Map (NWI), NRCS Web Soil Survey[1], the MNDNR Protected Waters Map[2], FEMA Firm Maps[3], Dakota County GIS WebMap, topographical data from MN Topo[4], USGS Coates Quadrangle Map, available Google Earth[5] and FSA aerial imagery[6] were reviewed for any evidence of aquatic resources on the landscape.

A review of the most recent NWI Map showed the presence of one aquatic feature labeled as R4SBC indicating a seasonally flooded riverine intermittent streambed. The MN Topo contour map shows a linear drainage feature, and the FEMA flood map shows a regulatory floodway and 100-year floodplain east to west through the project area. The MN DNR Public Waters Map does not list any public waters in the project area, the Web Soil Survey does not list any hydric soils within the project area, and a review of aerial imagery does not show the presence of water in the drainage feature in any years. Based upon the results of the desktop review it was determined that a field investigation was needed to verify the status of the linear drainage feature.

3. FIELD REVIEW RESULTS

A field review of the site was conducted on July 17th, 2024, to determine whether the linear feature identified on the NWI Map possessed characters of a tributary. Site review showed the presence of corn throughout the drainage feature and floodplain with no evidence of crop stress or stream channel. The drainage feature was inspected more closely on the north and south sides of 170th Street W, and on the west side of Biscayne Avenue. In all three cases, no bed, bank or ordinary high watermark were identified, no hydric soils were present, and no evidence of standing or flowing water was identified. The field north

[1] MN. http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm Site Accessed July 18, 2024.
[2] https://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html
[3] https://www.fema.gov/flood-maps/national-flood-hazard-layer
[4] http://arcgis.dnr.state.mn.us/maps/mntopo/
[5] Google Earth: https://earth.google.com
[6] https://www.fsa.usda.gov/programs-and-services/aerial-photography/index

of 170th street was also reviewed, and no channel or wet signatures were identified anywhere along the drainage feature. No wetland indicators were found to be present. Attachment 1 includes pictures of the investigation results.

4. FINDINGS

After desktop and field review, it is evident that the linear drainage feature listed on the NWI is an ephemeral drainage swale that may convey stormwater during significant precipitation events, but it does not appear to convey water regularly. Since no wetland indicators are present and no defined channel (with a bed, bank, and ordinary high watermark) was found anywhere in the project area, the definition of tributary is not appropriate for this drainage feature at this location in the watershed.

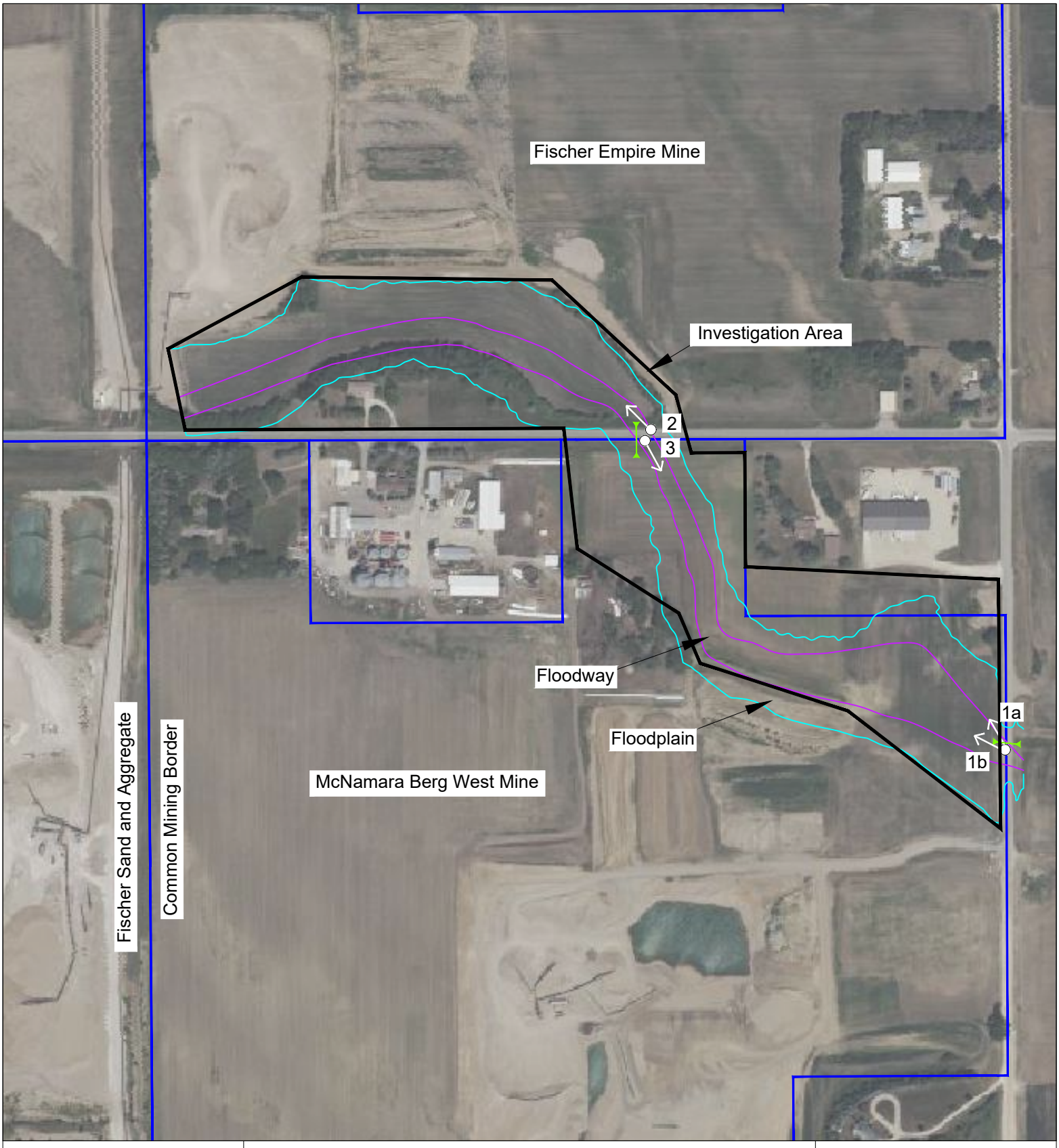
5. SIGNATURE OF INVESTIGATOR

The investigation detailed in this report was performed by the undersigned certified wetland delineator.

Investigator Name: Eric Hanson
Company: Sunde Engineering
Wetland Delineator Certification Number: #1247
Position: Senior Staff Ecologist

Eric Hanson
Signature

July 24, 2024
Date



N

0 200 400

SCALE IN FEET

Figure 1
Investigation Areas

Berg Property
Empire, Minnesota

Sunde Engineering, PLLC.



Location 1a – View from Biscayne Ave looking north northwest along drainage way.



Location 1b – View from Biscayne looking northwest along draingeway



Location 2 – View from 170th Street W looking northwest along drainageway



Location 3 – View from 170th Street W looking southeast along drainageway

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations (BFEs) shown on this map apply only landward of 0.0' North American Vertical Datum of 1988. Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 15. The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

Spatial Reference System Division
National Geodetic Survey, NOAA
Silver Spring Metro Center
1315 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3191

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713- 3242**, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was derived from the National Agriculture Imagery Program, produced at a resolution of 1 meter per pixel, dated 2003 or later.

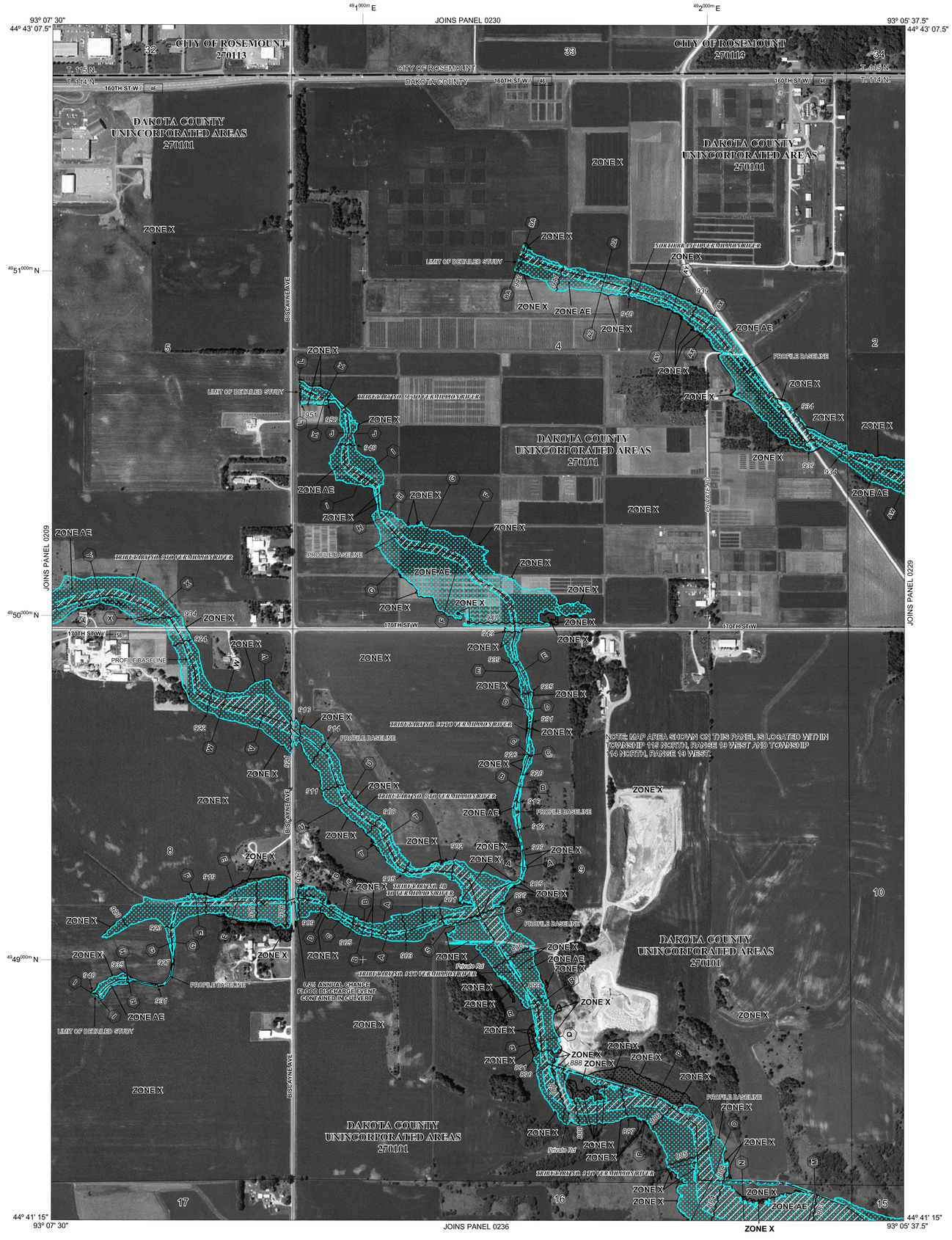
The **profile baselines** depicted on this map represent the hydraulic modeling baselines that match the flood profiles in the Flood Insurance Study report. As a result of improved topographic data, the profile baseline, in some cases, may deviate significantly from the channel centerline or appear outside the Special Flood Hazard Area.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information on available products associated with this FIRM visit the **Map Service Center (MSC)** website at http://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

If you have **questions about this map,** how to order products, or the National Flood Insurance Program in general, please call the **FEMA Map Information eXchange (FMIX)** at **1-877-FEMA-MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov/business/nfip.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A	No Base Flood Elevations determined.
ZONE AE	Base Flood Elevations determined.
ZONE AH	Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
ZONE AO	Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
ZONE AR	Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
ZONE A99	Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
ZONE V	Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
ZONE VE	Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X	Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X	Areas determined to be outside the 0.2% annual chance floodplain.
ZONE D	Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

	1% annual chance floodplain boundary
	0.2% annual chance floodplain boundary
	Floodway boundary
	Zone D boundary
	CBRS and OPA boundary
	Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
513	Base Flood Elevation line and value; elevation in feet*
(EL 987)	Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

A — A	Cross section line
23 — 23	Transect line
45° 02' 08", 93° 02' 12"	Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
4989 000mN	1000-meter Universal Transverse Mercator grid values, zone 15
DX5510×	Bench mark (see explanation in Notes to Users section of this FIRM panel)
• M1.5	River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE
FLOOD INSURANCE RATE MAP
DECEMBER 2, 2011

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET
150 0 150 300 METERS

NFIP
NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0228E

FIRM
FLOOD INSURANCE RATE MAP

DAKOTA COUNTY, MINNESOTA
AND INCORPORATED AREAS

PANEL 228 OF 525

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DAKOTA COUNTY	270101	0228	E
ROSEMOUNT, CITY OF	270113	0228	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
27037C0228E

EFFECTIVE DATE
DECEMBER 2, 2011

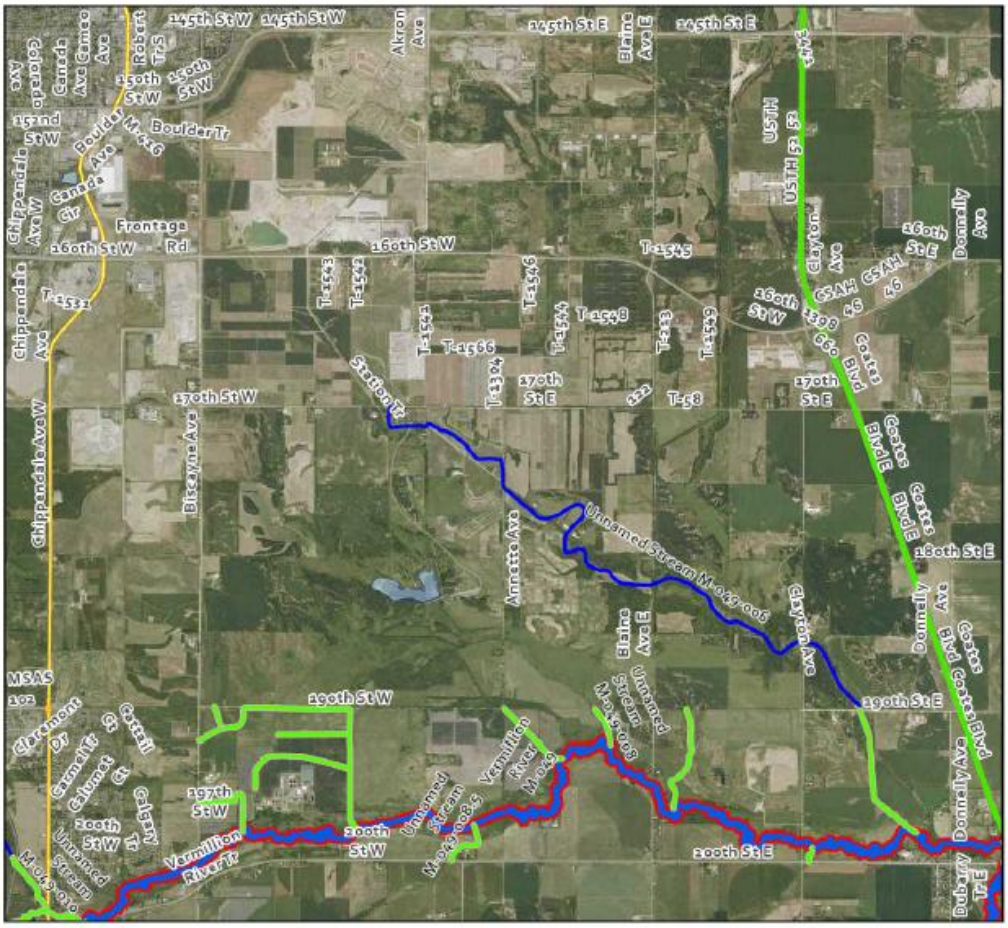
Federal Emergency Management Agency

Sand & Gravel Mining and Accessory Uses Mitigation Plan Checklist		
SECTION III of the FEIS Revised Mitigation Plan identifies nine (9) goals and lists several strategies, responsibilities and actions to accomplish the goals.		
STRATEGY	**DATE COMPLETED**	**COMMENTS/NOTED**
Goal 1 - Fulfill and maintain the public's expectations for the character of the area as defined by comprehensive plans, the zoning ordinances, etc.		
Adoption of Interim Use Permits (IUP) for each mining operation.	**Original IUP approved March 2018 through February 2023** **Renewed 2023 through 2028** **Renewed 2026 through 2031**	**Strategy 1.2** in Mitigation Plan https://empiremn.gov/vertical/sites/%7BC2524253-F75F-408D-8923-A2A3D0993A19%7D/uploads/Ordinance_450_-_Mineral_Extraction.pdf
Execution of performance bonds to provide surety to the Township that all necessary requirements are met. The amount should be as required by the IUP.	**Condition #23 in 2026 IUP establishes performance bond requirements (included in previous IUPs as well).**	**Strategy 1.3** in Mitigation Plan
Enforcement by all governing authorities of their respective rules and regulations	**Condition #1 in 2026 IUP requires all federal, state, and local laws, rules, ordinances, and regulations are followed (included in previous IUPs as well).**	**Strategy 1.4** in Mitigation Plan
Goal 2 - Perpetuate a desirable habitat for native areas and species found within the mining area including the loggerhead shrike (a state threatened species) and the mesic prairie.		
In the short term, develop attractions for the loggerhead shrike in the setback areas and reclaimed areas as they become available.	**Reclaimed areas of the site have been returned to agricultural production.**	**Strategy 2.1** in Mitigation Plan- Work with the DNR on planting lowland plains and gentle slopes with short grass, scattered low shrubs or trees.
Establish appropriate setbacks from the railroad, property lines and roadways.	**50-foot setbacks have been established along the north, east, and southern property lines (where there are residential properties the setback is 250 feet). The property is not adjacent to the railroad.**	**Strategy 2.3** in Mitigation Plan In mining ordinance. Review railroad setbacks with each IUP
Relocate and manage the mesic prairie to areas adjacent to the potential mining setback areas that have a high potential for successful mitigation.	**N/A, IUP is not within mesic prairie area.**	**Strategy 2.4** in Mitigation Plan Review IUP for mesic prairie area mitigation potential condition of IUP See attached EAW map of this area
Goal 3 - Limit impacts of surface water runoff		
National Pollutant Discharge Elimination System (NPDES) Permit and Stormwater Pollution Prevention Plan (SWPPP) Requirements	**Condition #4 in 2026 IUP establishes requirements for NPDES permit and SWPPP Engineering approval (included in previous IUPs as well).**	**Strategy 3.1** in Mitigation Plan Engineering review of NPDES and SWPPP Permit. SWPPP) must be incorporated into each IUP
Review DNR Trout Streams	**After consultation with the DNR, this site is not within a trout stream designation.**	See DNR trout stream map to this checklist
Best Management Practices (BMPs)	**Condition #17-19 in 2026 IUP establishes reclamation standards for mining. Condition #8 includes information on stockpiling measures. Condition #11 and 12 detail requirements for dust control and roadway paving. These were included in previous IUPs as well.**	**Strategy 3.2** in Mitigation Plan- see the Plans for details on these items Add proactive Planning, Phasing, reclamation as a condition; Mine deeper than horizontal first; Temporary and permanent vegetative plan needed (review Mitigation Pans for Specifics) Sediment controls- no hay bales; Aoid sloes greater than 3:1 and longer than 75 feet; Temporary stockpile measures; Vehicle Exit Measures-150' paved into the

		property from r-o-w Temporary sediment basins required Permanent Stormwater Management Plan Dewatering Plan Pollution Prevention Management Inspection- can require submittal of SWPPP reports weekly. Make Condition of IUP Engineering review of BMP's
Goal 4 - Preserve and protect the groundwater aquifers		
Permitting - Mine operators shall obtain all applicable permits concerning the design, drilling, installation, use and abandonment of groundwater production and dewatering wells per MDNR, MDH and Dakota County Ordinance Number 114.	**Condition #22 in 2026 IUP has added the requirement for mine operators permits. Not included in previous IUPs.**	**Strategy 4.1** in Mitigation Plan Make Condition of IUP
Remediation Plan to have surface water review to be consistent with the plan.	**Condition #5 requires all environmental rules be followed regarding surface water.**	Needs Engineering Review
Mining Monitoring Plan as part of IUP Condition	**City Responsibility**	See Mitigation Plan for full considerations Make Condition of IUP
Goal 5 - Preserve and protect the quality, quantity and rate of stormwater reaching downstream water bodies including wetlands, the vermillion river, butler pond, north creek, etc.		
Permitting - Mine operators shall obtain all applicable permits concerning the design, installation and use of surface water management systems.	**Condition #22 in 2026 IUP has added the requirement for mine operators permits. Not included in previous IUPs.**	**Strategy 5.1** in Mitigation Plan
Need wetland delineation submitted with IUP	**No wetlands are present on the site.**	
Empire to Annually hold meeting to review each Mining Operators plans for the year including mitigation and remediation efforts	**City Responsibility**	
Review Area wide Monitoring Plan and adopt mitigation measures as needed	**City Responsibility**	
End use plan to have 240 acres of ponding- review reclamation plans for this	**Condition has been added requiring ponding shown on Reclamation Plan.**	
Goal 6 - Provide mitigation for indirect wetland and watercourse impacts		
Monitoring of the surface waters and the groundwater in the Mining Area and the immediate surrounding area will be required as part of the comprehensive monitoring plan	**Condition #5 requires all environmental rules be followed regarding surface water.**	**Strategy 6.1** in Mitigation Plan
Monitor Surface Water for Mining Impacts	**Condition #5 requires all environmental rules be followed regarding surface water.**	
Monitor groundwater for changes	**Condition #5 requires all environmental rules be followed regarding groundwater.**	
Ongoing Monitoring to guide where end use stormwater ponds will occur. Permanent stormwater ponds will be constructed as shown in the Surface Water Study, around groundwater Ponds 1, 2, and 10. New Pond 8	**Future pond on this site is identified as Pond 9.**	Need to review IUP's and Monitoring Plan with EIS End Use Stormwater Pond Exhibit.
Environmental Monitoring and Clean-up required- Follow Groundwater Impact Study; Monitor North Creek (Tributary 1) Biological monitoring of streams and wetlands at select sites	**City Responsibility**	
Goal 7 - Provide environmental monitoring and a contingency plan to secure groundwater protection		
Permitting - Mine permits will include monitoring	**City Responsibility**	**Strategy 7.1** in Mitigation Plan

requirements.		Make condition of IUP's and their review
Best Management Practices	**Condition #8, 11-12, 17-19 all include BMPs.**	**Strategy 7.2** in Mitigation Plan
IUPs to address amount of acreage exposed- goal is to limit exposure	**Condition #17 limits maximum area for work.**	Engineering review IUP
Update AUAR for end use planning every 5 years	**n/a**	
City, Dakota SWCD, and JPO to conduct comprehensive mining monitoring as condition of IUP	**City Responsibility**	Long term reporting of- groundwater monitoring wells; Butler Pond; North Creek Tributary to Vermillion River; Adjacent Wells
Considering adding monitoring wells for Layer 2 & 3 protection	**n/a**	
City will coordinate with Dakota County Soil and Water Conservation District and the JPO in the design off the Monitoring Program – which will be implemented with IUP as a condition	**City Responsibility**	
Goal 8 - Limit the impacts to traffic in the vicinity of the mining area		
Construct such roadway improvements as may be necessary to directly support the mining activity.	**n/a**	**Strategy 8.1** in Mitigation Plan
Verify that residential development does not advance faster than mitigation measures are implemented.	**Termination of 5 years for the IUP will allow the City to evaluate residential development in AUAR.**	**Strategy 8.2** in Mitigation Plan
Review TIS as part of CIP planning and roadway improvements	**City Responsibility**	**Strategy 8.2** in Mitigation Plan
Goal 9 - Limit the individual and cumulative air quality impacts of traffic generated by the project and the activities of individual operators.		
Permitting - Mine operators shall obtain all applicable state and federal permits.	**Condition #22 in 2026 IUP has added the requirement for mine operators permits. Not included in previous IUPs.**	**Strategy 9.1** in Mitigation Plan
Dust Control Measures to in IUP's such as conveyors, Perimeter berms, Seeding graded areas, setbacks from the down wind receptors; Haul Roads to control dust- see mitigation plans for details	**Condition #11 and 12 detail requirements for dust control and roadway paving.**	**Strategy 9.2** in Mitigation Plan

April 1, 2026 Map from DNR site:



Legend

Trout Stream Designation

- Designated Trout Stream
- Protected Tributary to Designated Trout Stream

Public Watercourses

- Public Water Watercourse
- Public Ditch/Altered Natural Watercourse

- Public Waters Basins

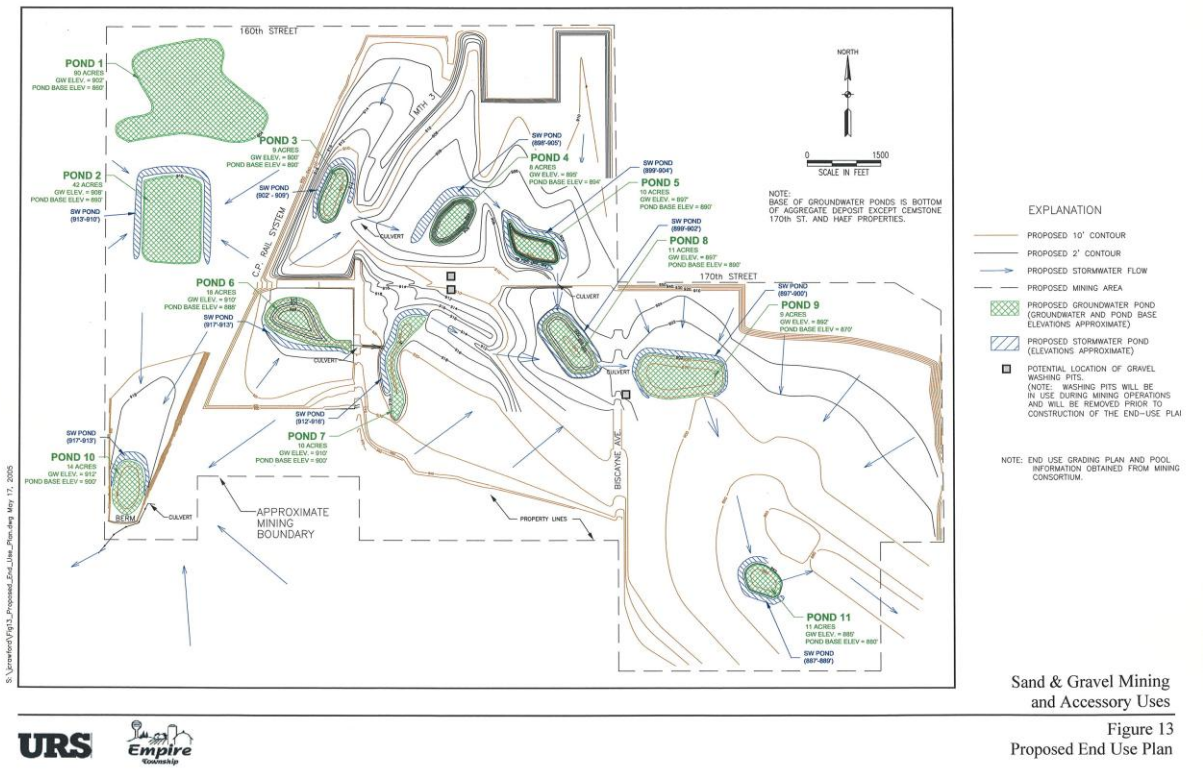
Federal and State

- Interstate Trunk Highway
- U.S. Trunk Highway
- MN Trunk Highway

Mesic Prairie Areas from EAW Appendix drawn on Current GIS Map- Section 9 just west of White Tail Woods Park



Surface Water End Use Plan from EIS document



Sand & Gravel Mining and Accessory Uses

URS Empire Township

Figure 13
Proposed End Use Plan

CITY OF EMPIRE
DAKOTA COUNTY

MINERAL EXTRACTION INTERIM USE PERMIT 5-YEAR RENEWAL

McNAMARA CONTRACTING, INC. BERG PROPERTY WEST

MAY 23, 2023

1. Application. The City of Empire, a Minnesota municipal corporation (hereafter the "City") issued a Mineral Extraction Interim Use Permit (hereafter "IUP") to McNamara Contracting, Inc. a Minnesota corporation (hereafter "McNamara") on February 13, 2018 on property owned by William and Darlene Berg. The original McNamara "Application for Mineral Extraction Permit," originally dated December 8, 2017, is a part of this IUP Renewal by reference. On February 23, 2023, McNamara submitted a Mineral Extraction Interim Use Permit Renewal Application (hereafter "Permit Renewal Application"), with supplemental information submitted on April 13, 2023. Permit Renewal Application is attached to this IUP Renewal (hereafter "IUP RENEWAL") by reference as Plan A.

2. Property. The IUP RENEWAL is for property legally described as the Southwest ¼ of the Northeast ¼; and the Northwest ¼ of the Northeast ¼, except the east 775 feet of the west 1275 feet of the north 562 feet; and the Northeast ¼ of the Northeast ¼, except the north 544.5 feet of the east 800 feet; and the Southeast of the Northeast ¼, except the south 660 feet of the east 660 feet; all in Section 8, Township 114, Range 19 (hereafter the "Property").

3. Permit. Subject to the terms and conditions set forth herein, the City approves a five-year IUP RENEWAL to McNamara to operate a mineral extraction facility on the Property.

4. Conditions. The IUP RENEWAL is issued subject to the following conditions:

   A. McNamara shall operate the mining facility in full compliance with Plan A submitted by McNamara as part of its Permit Renewal Application, and all federal, state, and local laws, rules, ordinances, and regulations.

   B. Mining on the Property shall occur in two phases, beginning on the easterly half (identified on Plan A as Phase 1) and progressing to the west (identified on Plan A as Phase 2).

   C. Mining on the Property shall not occur within the 100-year floodplain, nor shall any erosion or sedimentation alter or otherwise impact the floodplain and floodway on the Property. It shall be McNamara's responsibility to obtain any necessary permits and meet all requirements of City Ordinance 480.

   D. McNamara shall operate the mining facility consistent with Ordinance No. 450 Empire Mineral Extraction Ordinance, as amended, including but not limited to Ordinance No.

450-A, Ordinance No. 450-B, Ordinance No. 450-C, and Ordinance No. 450-D; and Empire Zoning Ordinance No. 400, as amended; Empire Stormwater Management Ordinance No. 350, as amended; and Empire Wetland Management Ordinance No. 475, as amended (hereafter "City Ordinances"). McNamara shall operate the mining facility consistent with the "Groundwater and Surface Water Monitoring Plan," prepared by Barr Engineering, dated February 2007.

E. McNamara shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City for review and approval. The IUP RENEWAL is contingent upon SWPPP approval and issuance of an NPDES II permit. The Permit Application and SWPPP may be subject to review by the Vermillion River Watershed Joint Powers Organization.

F. McNamara shall operate the mining facility consistent with all future federal and state, laws, rules and ordinances, pertaining specifically to environmental conditions, including but not limited to air quality, surface water quality, groundwater quality, noise, and particulate matter.

G. McNamara shall allow access to the mining facility by the City's representatives, or other local, state or federal officials and agents, upon reasonable notice and in the company of a competent site representative, to inspect permitted facilities and site conditions, at intervals chosen by the City.

H. Mineral extraction processing on the Property shall be consistent with Plan A and will include excavation and stockpiling of topsoil, and construction of screening and diversion berms on the northeasterly, easterly and southerly Property boundaries. The screening and diversion berms shall be completed and seeded within five months of issuance of the IUP RENEWAL.

I. Best efforts shall be made to lower the mine floor to finished elevation at the processing and stockpiling area within Phase 1 as early as practicable, in order to reduce visibility of materials stockpiles on the Property.

J. Backhauling of clean fill, according to Dakota County standards, shall not exceed 200,000 cubic yards per year.

K. Processing equipment used in the extraction facility may include dozers, scrapers, backhoes, loaders, haul trucks, water trucks, conveyors, screening plant, and crushing plant.

L. Dust generated during excavation and processing shall be minimized by watering. McNamara shall control dust leaving the Property as necessary and as requested by the City. Dust generated on City roads used by McNamara shall be mitigated as necessary and as requested by the City. Mud and dust on public roads caused by McNamara shall be promptly cleaned by McNamara.

M. Internal access roads shall be paved within 200 feet of any connection to Biscayne Avenue. Rumble strips or grates shall be installed at the beginning of the driveway pavement to

loosen earthen materials from vehicles (unless the internal access road is entirely paved). McNamara shall routinely clean sand, aggregate, dirt and debris from Biscayne Avenue, resulting from its use, as warranted and as requested by the City

N. Mineral extraction processing on the Property shall be permitted from 6:00 a.m. through 6:00 p.m., Monday through Saturday. The facility may be opened one-half hour before and one hour after operational hours for the staging and loading of vehicles used for material hauling. Exceptions to the hours of operation shall be consistent with Ordinance No. 450, as amended, and as approved by the City.

O. No mineral extraction operations shall occur on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.

P. No dewatering shall occur on the Property.

Q. Trucking routes in Empire shall be limited to Biscayne Avenue between 170th Street and the plant entrance, 170th Street between State Highway 3 and Biscayne Avenue, State Highway 3, and County State Aid Highways, except for local product deliveries to properties on other roadways in the City.

R. The Property shall be reclaimed according to City Ordinances and Plan A prior to the end of the Permit term, unless the IUP RENEWAL is amended by the City, the term of the IUP RENEWAL is extended by the City, or a new IUP is approved by the City. The maximum area of excavation, extraction, processing, stockpiling, or other graded and un-reclaimed acreage shall not exceed 50 acres.

S. The final reclamation grades on the westerly boundary of Phase 4 shall be revised to match the proposed easterly property final reclamation grades on the Fischer Sand and Aggregate property.

T. Final reclamation shall include sand backfilling to meet 90% of proctor for compactions, a minimum of 18" of loamy material over the compacted sand, and a minimum of 6 inches of topsoil over the loamy material.

U. Any existing domestic water wells and ISTS facilities located on the Property shall be removed or closed according to requirements of Dakota County and the City when excavation or extraction occurs within 50 feet of the well or ISTS or before the end of the IUP RENEWAL term, whichever is sooner.

V. Mineral extraction facility and operations complaints shall be directed to Justin Zittel, McNamara, at (651) 322-5500. McNamara shall respond to all calls within two business days. McNamara shall furnish the City with records of complaints and resolutions within thirty (30) days of receipt of the complaint.

5. Reimbursement of Costs. McNamara shall reimburse the City for all out of pocket expenses incurred in the IUP RENEWAL application review and approval, inspections, and enforcement of this IUP RENEWAL and local ordinances, including planning, engineering, and attorney's

fees. McNamara agrees to pay all reasonable permit or license fees established by the City and as adjusted from time to time.

6. Financial Security. To guarantee compliance with the terms of this permit and final site restoration, McNamara must furnish the City the following:

   A. A minimum $200,000.00 permit bond in a form and with a surety satisfactory to the City shall be furnished to the City before commencement of any land disturbance or site preparation of the Property. At the annual permit review, if it is determined that the disturbed and un-reclaimed acreage exceeds 50 acres, the amount of the bond shall be increased in an amount equal to $4000.00 times the total disturbed and un-reclaimed acreage.

   B. The term of the bond shall be a minimum of one (1) year, automatically renewable for a minimum term of one (1) year. Any termination notice for the surety must be in writing to the City at least thirty (30) days prior to expiration. Any termination notice received prior to the expiration of the IUP RENEWAL shall cause the expiration of the IUP RENEWAL.

7. Indemnification. McNamara shall defend and indemnify and hold harmless the City and its agents, officers, employees, and its attorney, and its engineer, and its planner against any and all claims, damages, losses, and expenses, including attorney fees, arising out of or resulting from the issuance of the IUP RENEWAL or the enforcement thereof.

8. Permit Term. The term of the IUP RENEWAL shall be five (5) years commencing on March 1, 2023 and terminating on February 28, 2028, subject to annual review and renewal as required in Ordinance No. 450, as amended. Site grading and preparation and construction of screening berms shall be permitted prior to the permit term, subject to the submittal, review and City approval of grading plans, access permits, and a SWPPP.

9. Rescission or Termination of Permit. The City may rescind this IUP RENEWAL if, after thirty (30) days following written notice of violation, McNamara has not corrected the violation and then following a public hearing wherein the City finds a violation of the terms of this IUP RENEWAL. This IUP RENEWAL will also terminate if McNamara does not commence operations under this IUP RENEWAL within six (6) months of the effective date of the IUP RENEWAL, or if any provision of City Ordinances causes a termination of the IUP RENEWAL.

10. Amendment of Permit. New or revised facility operations, which are consistent with City ordinances, may be considered through established review procedures and authorized by the City by amending this IUP RENEWAL.

11. Remedies. Violation of the terms of this IUP RENEWAL shall be subject to all remedies and prosecution available to the City.

12. Approval. This IUP RENEWAL was approved by the Empire City Council on May 23, 2023, and shall become effective upon signatures by the parties identified herein.

CITY OF EMPIRE

By: _____
Trent Larson, Mayor

By: _____
Charles Seipel-Teng, Clerk-Administrator

STATE OF MINNESOTA)
) SS
COUNTY OF DAKOTA)

This agreement was acknowledged before me this 24th day of May, 2023, by Trent Larson and Charles Seipel-Teng, on behalf of the City of Empire, a Minnesota municipal corporation, and pursuant to the authority granted by its City Council.

MELANIE DAWN MCCRACKEN
NOTARY PUBLIC
MINNESOTA
My Commission Exp. Jan 31, 2027

Melanie Dawn McCracken
Notary Public

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The undersigned user agrees to the conditions set forth in the permit.

McNAMARA CONTRACTING, INC.

By: _____
Its: Mike McNamara, President

STATE OF MINNESOTA)
) SS
COUNTY OF Dakota)

This agreement was executed before me this 25 day of May, 2023, by Mike McNamara., on behalf of McNamara Contracting, Inc.

BARBARA J BALFE
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025

Barbara J Balfe
Notary Public

This space remains intentionally blank

The undersigned Property owner agrees to the use of the Property by McNamara

BRETT W. BERG

By: _____
Brett W. Berg

KRISTI LYNN JOHNSON
Notary Public
State of Minnesota
My Commission Expires 01/31/2026

STATE OF MINNESOTA)
) SS
COUNTY OF Dakota)

This agreement was executed before me this 2nd day of June 2023, by Brett W. Berg.

_____
Notary Public

PAMI LYNN FEATHERSTONE

By: _____
Pami Lynn Featherstone

KRISTI LYNN JOHNSON
Notary Public
State of Minnesota
My Commission Expires 01/31/2026

STATE OF MINNESOTA)
) SS
COUNTY OF Dakota)

This agreement was executed before me this 2nd day of June, 2023, by Pami Lynn Featherstone.

_____
Notary Public

GREGORY E. FEATHERSTONE

By: _____
Gregory E. Featherstone

KRISTI LYNN JOHNSON
Notary Public
State of Minnesota
My Commission Expires 01/31/2026

STATE OF MINNESOTA)
) SS
COUNTY OF Dakota)

This agreement was executed before me this 2nd day of June, 2023, by Gregory E. Featherstone.

_____
Notary Public

CITY OF EMPIRE
DAKOTA COUNTY, MINNESOTA

McNamara Contracting, Inc.
Berg Property West

Interim Use Permit – Mineral Extraction
May 12, 2026

This Agreement, dated May 12, 2026, is by and between McNamara Contracting, Inc., a Minnesota corporation ("McNamara") and the City of Empire, a Minnesota municipal corporation, (the "City").

The parties agree as follows:

1. The City of Empire, a Minnesota municipal corporation (hereafter "Empire"), received an application from McNamara Contracting, Inc, a Minnesota corporation ("McNamara"), on March 16, 2026, for the expansions of an Interim Use Permit (hereafter "IUP").
2. The application was deemed incomplete on March 30, 2026, so Staff could coordinate with the Department of Natural Resources (DNR) about the potential the site included a trout stream. After further research and discussion with the DNR, it was determined the site was not considered a trout stream. The application was deemed complete on March 16, 2026. The 60-day review ends on May 15, 2026. The City extended the application an additional 60 days to accommodate the review and meeting dates, until June 16, 2026.
3. Bret Berg, Pam Featherstone, and Gregory Featherstone own property, legally described as:
   The Northwest quarter of Section 9, Township 114, Range 19W
   AND
   The Northeast ¼ of Section 8, Township 114, Range 19W except the west 265 feet of the east 765 feet of the North 370 feet of the Northeast ¼. All in Dakota County, Minnesota.
4. The Property is zoned within the Mineral Extraction Overlay area of the AG Agricultural Preservation District, and allows mineral extraction with an interim use permit.
5. Empire originally approved an IUP to operate a mineral extraction business on the Property on December 27, 2010, which was amended on January 31, 2011.
6. On March 20, 2015, Empire approved a five-year expansion and renewal of the IUP, which was then amended on July 10, 2017.
7. On August 23, 2022, Empire approved a five-year renewal of the IUP, which terminates on December 31, 2027.
8. The Applicant is requesting an amendment to the IUP to expand the previous approved mining limits.
9. The Empire Planning Commission held a public hearing on May 5, 2026, to consider extending and expanding the IUP.
10. On May 12, 2026, the City Council considered the IUP as shown on attached Plan A, and by the recommendation of the Planning Commission.

FINDINGS OF FACT

1. The proposed use is temporary in nature. The term of the IUP will be valid for approximately five (5) years, until May 12, 2031. This term is consistent with the previously approved IUP termination date.
2. The proposed use is in conformance to applicable ordinances and will not negatively impact the public health, safety or welfare.
3. The proposed use is consistent with the Comprehensive Plan and this Ordinance. This property is identified for Agricultural uses on the Comprehensive Plan. The AG district permits Mineral Extraction within the Mineral Extraction Overlay as an IUP.
4. Public utilities are not hindered from serving this facility. The use will not increase the need for fire and police protection.
5. The proposed use will be harmonious with surrounding uses. The use has existed for multiple years as a Mineral Extraction operation, and neighbors many other mining operations. There have been no recorded complaints about noise or odor. The facilities are located in a farming and rural area and as such are harmonious with the surrounding uses.
6. The proposed use can be adequately served by the existing transportation system or mitigated effectively by the applicant. Ingress and egress to the mining operation is limited to Biscayne Avenue (between 170th and the plant entrance), 170th Street (between State Highway 3 and Biscayne Avenue), and State and County Highways. This does not cause any issue to the existing transportation system.
7. The proposed use will be consistent with the standards of the Zoning Ordinance, the Mineral Extraction Ordinance, and the applicable sections of the Floodplain and Water Management Ordinance standards related to floodplain management.
8. The potential for any impacts on adjacent properties or the environment can be fully mitigated by conditions of the permit. Conditions of approval include requirements for nuisance mitigation, and limits on hours and days for work, road access, and reclamation plans. These conditions will effectively mitigate any potential negative impacts.
9. The use, and activities within the proposed use, will not create a public nuisance.
10. The applicant agrees to the conditions the City deems appropriate for issuance of the interim use permit.

CONDITIONS

Based upon the above **Findings of Fact**, the Planning Commission recommends the issuance of an IUP, subject to the following Conditions which incorporate relevant prior IUP Conditions:

1. McNamara shall operate the mining facility in full compliance with Plan A submitted by McNamara as part of its Permit Renewal Application, and all federal, state, and local laws, rules, ordinances, and regulations.
2. The IUP renewal is valid upon approval by the City of Empire City Council and shall remain in effect until May 12, 2031, except the IUP shall terminate upon failure to remedy default in any of the conditions of the IUP, provided Empire first served reasonable notice of the default and reasonable opportunity to remedy the default.

3. Mining on the Property shall occur in three phases, beginning on the easterly half (identified on Plan A as Phase 1), progressing to the west (identified on Plan A as Phase 2), and progressing to the northeast (identified on Plan A as Phase 3).
4. McNamara shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City for review and approval. The IUP is contingent upon SWPPP approval and issuance of an NPDES II permit. The Permit Application and SWPPP may be subject to review by the Vermillion River Watershed Joint Powers Organization.
5. It shall be McNamara's responsibility to obtain any necessary permits and meet all requirements of City Ordinance 480 and 350-C, and receive the applicable permits from the Department of Natural Resources, FEMA, or other local, state, or federal agencies, regarding any work within the 100-year floodplain, or any alterations that may otherwise impact the floodplain and floodway on the Property.
6. McNamara shall operate the mining facility consistent with all City Ordinances. McNamara shall operate the mining facility consistent with the "Groundwater and Surface Water Monitoring Plan," prepared by Barr Engineering, dated February 2007.
7. McNamara shall operate the mining facility consistent with all future federal and state, laws, rules and ordinances, pertaining specifically to environmental conditions, including but not limited to air quality, surface water quality, groundwater quality, noise, and particulate matter.
8. McNamara shall allow access to the mining facility by the City's representatives, or other local, state or federal officials and agents, upon reasonable notice and in the company of a competent site representative, to inspect permitted facilities and site conditions, at intervals chosen by the City.
9. Mineral extraction processing on the Property shall be consistent with Plan A and will include excavation and stockpiling of topsoil, and construction of screening and diversion berms on the northeasterly, easterly and southerly Property boundaries. The screening and diversion berms shall be completed and seeded within five months of issuance of the IUP.
10. Best efforts shall be made to lower the mine floor to finished elevation at the processing and stockpiling area within Phase 1 as early as practicable, in order to reduce visibility of materials stockpiles on the Property.
11. Backhauling of clean fill, according to Dakota County standards, shall not exceed 200,000 cubic yards per year.
12. Processing equipment used in the extraction facility may include dozers, scrapers, backhoes, loaders, haul trucks, water trucks, conveyors, screening plant, and crushing plant.
13. Dust generated during excavation and processing shall be minimized by watering. McNamara shall control dust leaving the Property as necessary and as requested by the City. Dust generated on City roads used by McNamara shall be mitigated as necessary and as requested by the City. Mud and dust on public roads caused by McNamara shall be promptly cleaned by McNamara.
14. Internal access roads shall be paved within 200 feet of any connection to Biscayne Avenue. Rumble strips or grates shall be installed at the beginning of the driveway pavement to loosen earthen materials from vehicles (unless the internal access road is entirely paved). McNamara shall routinely clean sand, aggregate, dirt and debris from Biscayne Avenue, resulting from its use, as warranted and as requested by the City.
15. Mineral extraction processing on the Property shall be permitted from 6:00 a.m. through 6:00 p.m., Monday through Saturday. The facility may be opened one-half hour before and one hour after operational hours for the staging and loading of vehicles used for material hauling.

Exceptions to the hours of operation shall be consistent with Ordinance No. 450, as amended, and as approved by the City.

16. No mineral extraction operations shall occur on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.
17. No dewatering shall occur on the Property.
18. Trucking routes in Empire shall be limited to Biscayne Avenue between 170th Street and the plant entrance, 170th Street between State Highway 3 and Biscayne Avenue, State Highway 3, and County State Aid Highways, except for local product deliveries to properties on other roadways in the City.
19. The Property shall be reclaimed according to City Ordinances and Plan A prior to the end of the Permit term, unless the IUP is amended by the City, the term of the IUP is extended by the City, or a new IUP is approved by the City. The maximum area of excavation, extraction, processing, stockpiling, or other graded and un-reclaimed acreage shall not exceed 50 acres.
20. The final reclamation grades on the westerly boundary of Phase 4 shall be revised to match the proposed easterly property final reclamation grades on the Fischer Sand and Aggregate property.
21. Final reclamation shall include sand backfilling to meet 90% of proctor for compactions, a minimum of 18" of loamy material over the compacted sand, and a minimum of 6 inches of topsoil over the loamy material.
22. Any existing domestic water wells and ISTS facilities located on the Property shall be removed or closed according to requirements of Dakota County and the City when excavation or extraction occurs within 50 feet of the well or ISTS or before the end of the IUP term, whichever is sooner.
23. Mineral extraction facility and operations complaints shall be directed to Justin Zittel, McNamara, at (651) 322-5500. McNamara shall respond to all calls within two business days. McNamara shall furnish the City with records of complaints and resolutions within thirty (30) days of receipt of the complaint.
24. Mine operators shall obtain all applicable permits concerning the design, drilling, installation, use and abandonment of groundwater production and dewatering wells per MDNR, MDH and Dakota County Ordinance Number 114.
25. If the Applicant deposits unregulated fill (as defined by the MPCA) per the haul back management plan, they shall submit testing results for the material to be approved by city staff before the fill material is transferred within the project boundary.
26. From the Biscayne Avenue right-of-way, the access road to the mineral extraction operation shall be paved a minimum distance of 150-feet by August 30, 2026.
27. To guarantee compliance with the terms of this permit and final site restoration, McNamara must furnish the City the following:
    a. A minimum $200,000.00 permit bond in a form and with a surety satisfactory to the City shall be furnished to the City before commencement of any land disturbance or site preparation of the Property. At the annual permit review, if it is determined that the disturbed and un-reclaimed acreage exceeds 50 acres, the amount of the bond shall be increased in an amount equal to $4000.00 times the total disturbed and un-reclaimed acreage.
    b. The term of the bond shall be a minimum of one (1) year, automatically renewable for a minimum term of one (1) year. Any termination notice for the surety must be in writing to the City at least thirty (30) days prior to expiration. Any termination notice received prior to the expiration of the IUP shall cause the expiration of the IUP.

28. The Applicant shall pay all permit fees and shall reimburse the City for all out of pocket expenses incurred in the review and approval of the IUP. The Applicant shall reimburse the City for all out of pocket expenses incurred in the enforcement of the IUP.
29. No other use of the property is allowed without an amendment to this IUP or the written consent of the City. The IUP is not assignable or transferable to any other individual or party.
30. The Applicant shall hold the City harmless against all claims or liability in the conduct of the mineral extraction operation or resulting from the issuance of the IUP.

CITY OF EMPIRE

ATTEST:

_____
Melanie Lee, Mayor

_____
Charles Seipel-Teng, Clerk-Administrator

STATE OF MINNESOTA)
) SS
COUNTY OF DAKOTA)

This agreement was acknowledged before me this ____ day of _____, 2026, by Melanie Lee, on behalf of the City of Empire, a Minnesota municipal corporation, and pursuant to the authority granted by its City Council.

_____
Notary Public

[This space remains intentionally blank.]

The undersigned user agrees to the conditions set forth in the permit.

McNAMARA CONTRACTING, INC.

_____

By:

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

This agreement was executed before me this _____ day of _____, 2026, by _____, on behalf of McNamara Contracting, Inc.

_____
Notary Public

[This space remains intentionally blank.]

The undersigned Property owner agrees to the use of the Property by McNamara.

BRET BERG

_____

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

This agreement was executed before me this____ day of _____, 2026, by Bret Berg.

_____
Notary Public

PAM FEATHERSTONE

_____

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

This agreement was executed before me this ____ day of _____, 2026, by Pam Featherstone.

_____
Notary Public

GREGORY FEATHERSTONE

_____

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

This agreement was executed before me this ____ day of _____, 2026, by Gregory Featherstone.

_____
Notary Public

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Jenni Faulkner, Consulting Planner
RE:	2. Consider Application for IUP Expansion from Fischer Mining, LLC (Fischer Mining Operation)

Attachment(s): 2026-05-12 CC Packet_Fischer IUP.pdf

MEMORANDUM

Date: May 12, 2026

To: City of Empire City Council

From: Madison Richard, Consulting Planner
Jenni Faulkner, Consulting Planner

Hearing: Request for an Interim Use Permit to Expand the existing Fischer Mining Operation

Property Location: West ½ of Section 8 and Southeast ¼ of Section 5, Township 114 North, Range 19 West

Action Requested

The City Council is asked to make a determination on the request for expansion of an Interim Use Permit (IUP) for a mining operation in the Agricultural Preservation (AG) district and Mineral Extraction Overlay Area. The City Council may approve, approve with conditions, denial, or may table action based on the need for additional information.

Background

Fischer Mining, LLC. operates the existing site as a mineral extraction business. The original permit for operating a road construction business was approved on December 27, 2010. The original approval was subsequently amended on January 31, 2011. The original approval included a maximum use period of five (5) years, and was renewed and amended on March 20, 2015, and amended on July 10, 2017. In August 2022, Empire approved a five-year renewal of the IUP, terminating December 31, 2027.

There are no known issues or violations with the existing IUP, and there is no history of complaints about noise, odors, or with how Fischer is utilizing the property. A copy of the application is attached to this report.

Existing Conditions

Existing Lot Size:	427 acres (proposed mining limits ~10 acres)
Existing Land Use:	Mineral extraction
2040 Future Land Use:	Agricultural

Zoning:	Agricultural Preservation (AG) & Mineral Extraction Overlay Area

Existing Use

The applicant is proposing to expand the operations of a mineral extraction business, which has existed at the site for over a decade. The property is zoned Agriculture (AG) and within the Mineral Extraction Overlay Area, which permits mineral extraction with an IUP.

Attached is the existing IUP. It contains many conditions that are not proposed to change including:

- Hours of operation are from 6:00 a.m. through 6:00 p.m., Monday through Saturday (with the option to open ½ hour before and 1 hour after operational hours for the staging and loading of vehicles used for material hauling). No mineral extraction operations shall occur on Sundays or specific listed holidays.
- Trucking routes are limited to TH 3, CSAH 46, TH 50, and 170th (between the facility entrance and TH 3), except for local product deliveries to properties on other roadways in the City.
- The property shall be reclaimed according to City Ordinances and Plan A prior to the end of the Permit term. The maximum area of excavation, extraction, processing, stockpiling, or other graded and un-reclaimed acreage shall not exceed 133 acres.

Analysis

The applicant, Fischer Mining, LLC., is requesting an amendment to the existing IUP to expand the mining operation limits approximately 10 acres to include a drainageway, also known as Tributary No. 5 to the Vermillion River, and its associated floodplain.

Proposed Use

The proposal includes the expansion of the mining area by an additional 10 acres, currently comprised of a floodway and floodplain.

During the mining operations, all stormwaters will drain internally to the mine and shall have no downstream flooding impacts. The Applicant shall provide an updated stormwater pollution prevention plan (SWPPP), to the satisfaction of the City Engineer, prior to commencement of Phase 2. A water resources assessment was provided that verified no wetlands are located within the proposed mining area.

Other than the acreage increase, there will be no additional changes to the approved mining, processing, and stockpiling operation. The existing mining activities on site include stripping and overburden removal, extraction of aggregates, processing, stockpiling of aggregate materials, loading, hauling, transporting materials off-site, and reclamation.

Mineral Extraction Ordinance

The City approved updates to City Ordinance No. 450 – Mineral Extraction in April 2025. The proposed has been evaluated against these updated standards.

One change to the Ordinance included requiring a haul back management plan, including types of fill, where the fill comes from, and what testing shall occur. The Applicant has provided a haul back management plan, noting that the material considered for importing include topsoil,

clean fill, and unregulated fill (as defined by the MPCA). Per Section 7, N, the City may permit the depositing of clean and compactable inorganic fill that is able to support the anticipated reclamation use. If the Applicant pursues this operation, they shall submit testing results for the material to be approved by city staff before the fill material is transferred within the project boundary. Minimally contaminated fill is not allowed within (10) vertical feet of groundwater per Dakota County Ordinance 110 Section 3.12.B.

The other change to the Ordinance requires all access roads from a mineral extraction operation be paved with asphalt or concrete for a distance of at least one hundred fifty (150) feet, measured from the mining side of the public right-of-way, to minimize dust conditions. Staff have added a condition that from the 170th Street W right-of-way, the access road shall be paved 150-feet towards the mineral extraction operation.

Wetlands and Floodplain

Per City Ordinance 480, section 6.5, commercial extractive uses are permitted as interim uses.

While the property is in the 100-year Floodplain Overlay District, it is not within the Shoreland Overlay District. Per the Department of Natural Resources (DNR), there are no public waters or trout stream designation of the stream at the location of the proposed mining, so only the water appropriations rules apply. Per City Ordinance 350-C, Section 6.4, which regulated runoff volume control standards, the water quality volume must be treated on projects with one or more acres of impervious surface. The applicant is not proposing any impervious surface additions to the site, so the reconstructed site must conform with 2-year, 24-hour storm pre-development conditions pertaining to runoff.

Per City Ordinance 350-C, Section 9.3, C, "projects involving development…shall establish flood storage, flowage, and drainage easements over areas below the 100-year critical flood elevation of an public water, public waters wetland, or wetland. A water resources assessment was provided that verified no wetlands are located within the proposed mining area. The DNR does not list any public waters in the project area, making this requirement not required.

Phasing

The first phase of the IUP is located west of Biscayne Avenue, east of the midway point between Biscayne Avenue and Chippendale Avenue, and includes approximately 32 acres, all of which are currently being mined and anticipated to be mined by 2030. As noted below, mining will continue to progress east from this phase.

Phase 2, the proposed phase, is located directly east of Phase 1, and includes approximately 33 acres. The southern portion of this phase is currently comprised of floodway and floodplain. This phase is anticipated to be mined by 2030 as well.

Phase 3 is located directly west of Biscayne Avenue and includes approximately 31 acres. Upon completion of these phases, the southern portion of the property (directly south of 170th Street and east of Chippendale Avenue) will be mined. An approximately 28-acre portion of the property is currently used as an operations area. The applicant estimates approximately 30,000,000 cubic yards of material will be excavated from the entire site.

Environmental Impact Statement (EIS) Mitigation

Staff have reviewed the application against the EIS Mitigation Plan Checklist, which has been attached to this report. The application appears in compliance with the EIS.

Interim Use Permit

Interim uses are intended to allow uses that may be appropriate in certain zoning districts on a temporary basis, provided specific conditions are placed upon the use to guarantee compatibility with other uses and to guarantee compliance with specific performance standards. This site has an existing IUP for a mineral extraction operation.

In making a recommendation to the City Council, the City Council must consider the findings listed in Section 7.06, D of the Zoning Ordinance. Suggested findings are included in ***bold italics***, as follows:

1. The proposed use is temporary in nature.

   The term of the IUP is valid for approximately one and a half (1 ½) years, until December 31, 2027. The applicant is not currently pursuing an extension at this time.

2. The proposed use will not negatively impact the public health, safety and welfare.

   The proposed use is in conformance to applicable ordinances and will not negatively impact the public health, safety or welfare.

3. The proposed use is consistent with the Comprehensive Plan and this Ordinance.

   This property is identified for Agricultural uses on the Comprehensive Plan. The AG district permits Mineral Extraction within the Mineral Extraction Overlay as an IUP.

4. The proposed use can be adequately served by utilities and essential services, including fire and police protection.

   Public utilities are not hindered from serving this facility. The use will not increase the need for fire and police protection.

5. The proposed use will be harmonious with surrounding uses.

   The use has existed for over a decade as a Mineral Extraction operation, and neighbors many other mining operations. There have been no recorded complaints about noise or odor. The facilities are located in a farming and rural area and as such are harmonious with the surrounding uses.

6. The proposed use can be adequately served by the existing transportation system or mitigated effectively by the applicant.

   Ingress and egress to the mining operation is limited to TH 3, CSAH 46, TH 50, and 170th (between the facility entrance and TH 3). This does not cause any issue to the existing transportation system.

7. The proposed use will meet all relevant performance standards of this Ordinance.

   The proposed use will be consistent with the standards of the Zoning Ordinance, the Mineral Extraction Ordinance, and the applicable sections of the Floodplain and Water Management Ordinance standards related to floodplain management.

8. The potential for any impacts on adjacent properties or the environment can be fully mitigated by conditions of the permit.

   Conditions of approval include requirements for nuisance mitigation, and limits on hours and days for work, road access, and reclamation plans. These conditions will

effectively mitigate any potential negative impacts.

9. Activities within proposed use will not create a public nuisance.

   The use will not create a public nuisance.

10. The applicant agrees to the conditions the Township deems appropriate for issuance of the interim use permit.

    The applicant must agree to and comply with conditions of approval.

Planning Commission Discussion

The Planning Commission held a public hearing at the May 5, 2026 regular meeting. A member of the public, Greg Featherstone, was present and expressed concern with the potential safety hazard of trucks parking along 170th Street in the morning, waiting to access the site entrance. The applicant representatives present noted they would work to address the issue, moving the entrance gate further into the site, to allow holding space for the trucks to avoid parking along 170th Street. Staff have added a condition noting this change. The Planning Commission asked if there would be issues tying the required access road into 170th Street, if the road was damaged from the parking issue. The applicant representative, Justin Zittel, noted they would work with the City to create a seamless accent point, repairing 170th Street, as needed. The Planning Commission confirmed there were no changes to the contact information for the IUP.

Recommendation

The proposed IUP extension would permit the continuation of the existing road construction business use. The Planning Commission recommended approval of the IUP, subject to the following conditions:

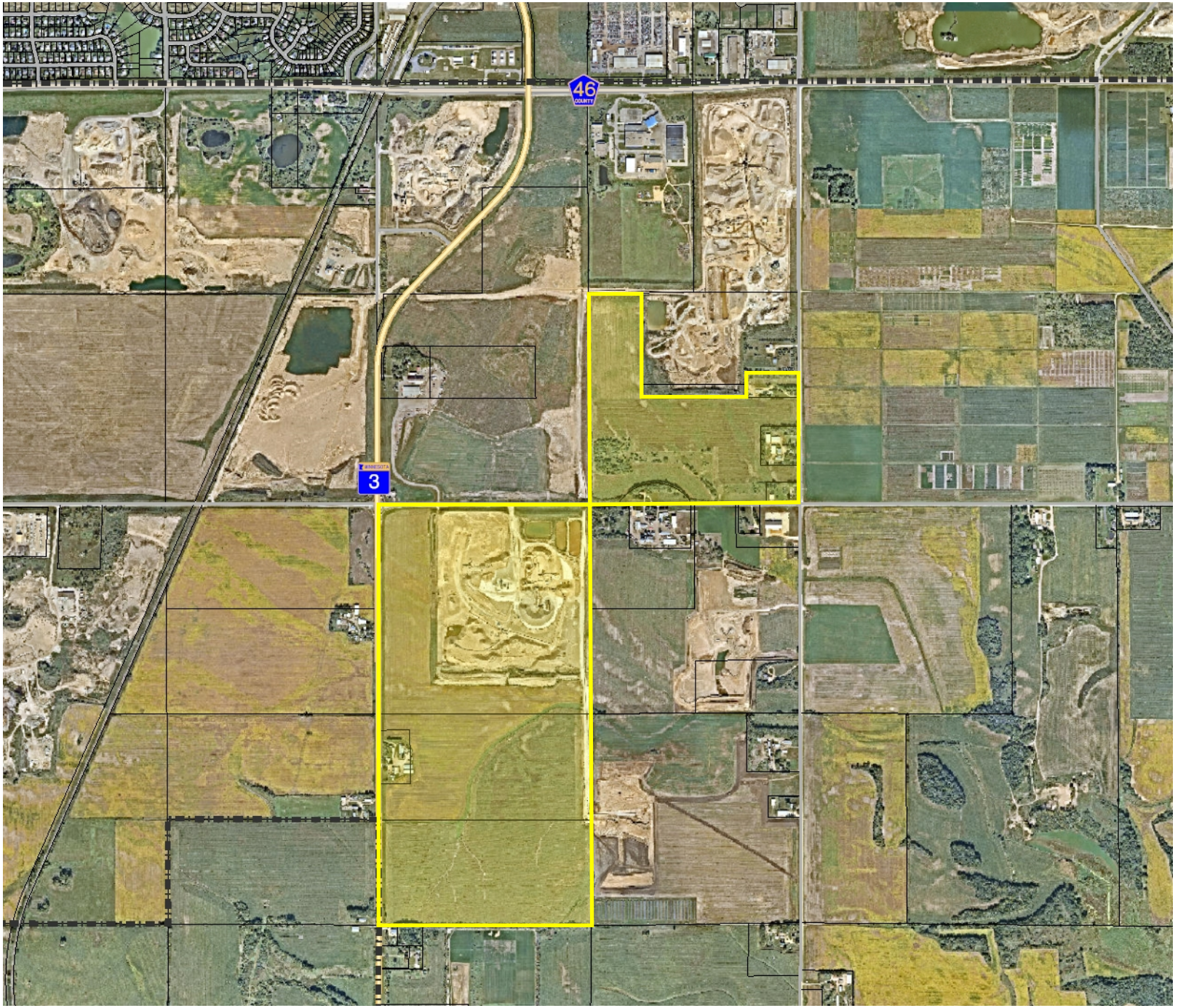
1. Previous IUP conditions shall remain in effect.
2. The previous Condition #1 in the attached IUP "The IUP is conditioned upon City review and approval of any wetland disturbances and mitigation, consistent with the Wetland Conservation Act and sequencing requirements." has been removed from the IUP.
3. The previous Condition #2 in the attached IUP has been amended to read "The IUP is conditioned upon Dakota County, DNR, FEMA, or other local, state, or federal agencies, review and approval of any floodplain disturbances and mitigation, that may otherwise impact the floodplain and floodway on the Property."
4. The previous Condition #6 in the attached IUP "Fischer shall operate the mineral extraction facility consistent with Ordinance No. 450 Empire City Mineral Extraction Ordinance, as amended, including but not limited to Ordinance No. 450-A, Ordinance No. 450-B, Ordinance No. 450-C, and Ordinance No. 450-D; and Empire City Zoning Ordinance No. 400, as amended; and the City of Empire Water Resources Management Ordinance No. 350-A, as amended (hereafter "City Ordinances")." has been removed from the IUP.
5. The previous Condition #7 in the attached IUP "Fischer shall operate the mineral extraction facility consistent with the City of Empire "Sand And Gravel Mining And Accessory Uses Environmental Impact Statement," found adequate by the Board of Supervisors on January 10, 2006, and consistent with the "Groundwater and Surface Water Monitoring Plan," prepared by Barr Engineering, dated February 2007." has been removed from the IUP.
6. Fischer shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City for review and approval. The IUP is contingent upon SWPPP approval and issuance of an

NPDES II permit. The Permit Application and SWPPP may be subject to review by the Vermillion River Watershed Joint Powers Organization.

7. Mine operators shall obtain all applicable permits concerning the design, drilling, installation, use and abandonment of groundwater production and dewatering wells per MDNR, MDH and Dakota County Ordinance Number 114.
8. If the Applicant deposits unregulated fill (as defined by the MPCA) per the haul back management plan, they shall submit testing results for the material to be approved by city staff before the fill material is transferred within the project boundary.
9. From the 170th Street W right-of-way, the access road to the mineral extraction operation shall be paved a minimum distance of 150-feet by August 30, 2026. The applicant shall, when creating the access road, relocate the entrance gate further into the site to create adequate holding/parking space for trucks and equipment to prevent parking on 170th Street while waiting to enter.
10. The Applicant shall pay all permit fees and shall reimburse the City for all out-of-pocket expenses incurred in the review and approval of the IUP. The Applicant shall reimburse the City for all out-of-pocket expenses incurred in the enforcement of the IUP.
11. Within one (1) year of reclamation of the site, the Applicant shall submit a planting plan meeting Strategy 2.1 in the EIS Mitigation Plan, related to plantings attracting loggerhead shrikes.
12. No other use of the property is allowed without an amendment to this IUP or the written consent of the City. The IUP is not assignable or transferable to any other individual or party.
13. The Applicant shall hold the City harmless against all claims or liability in the conduct of the mineral extraction operation or resulting from the issuance of the IUP.

Attachments

A. Location Map
B. Application Materials
C. EIS Mitigation Checklist
D. 2022 IUP
E. Draft IUP



Empire

Legend

- Township Limits
- Roads
  - U.S. Trunk Highway
  - Minnesota Trunk Highway
  - County Highway
  - Ramp
  - Local Roads
- Parcels 06/27/2024
- Site

Fischer Sand and Aggregate

Disclaimer:

This drawing is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information, and data located in various city, county, and state offices, and other sources affecting the area shown, and is to be used for reference purposes only. Empire Township is not responsible for any inaccuracies herein contained.

0 1,722 Feet

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Real People. Real Solutions.

MINERAL EXTRACTION – INTERIM USE PERMIT APPLICATION
CITY OF EMPIRE
Dakota County, Minnesota

Project Name Mineral Extraction Interim Use Permit Amendment Empire, MN

Legal Description - Quarter Section(s): 8, 5
Section(s): 114 Range 19

Site Acreage: 427
Permit Acreage: 427

Current Land Use Designation: MIneral Extraction, Agriculture
Current Zoning District:
In Mineral Extraction Overlay District? X Yes ____ No

Material Description: Sand and Gravel
Estimated Extraction Quantity: 30 million cubic yards
Number of Phases in Operation: 5
Estimated Years of Operation: 10-30 years
Estimated Annual Extraction: 600,000 Cubic yards

Vehicle Use Description: Dozers, Loaders,Water Truck,Ready Mix Trucks,street sweeper,Scrapers,Haul Trucks, Skid Loaders and Semi Trucks

Equipment Use Description: Haul and Produce Aggregate and Ready Mix Concrete

Estimated Average Daily Truck Trips -
Company Owned: 180-270 Trips Per Day
Non-company Owned: 25 Percent

Estimated Peak Daily Truck Trips -
Company Owned: 300
Non-company Owned: 25 Percent

Haul Routes in the City of Empire: 170th Street to Highway 3

Supporting Documentation

Section 5.02 of Ordinance No. 450 requires submittal of supporting documentation with any application for mineral extraction. This application will be considered incomplete for processing if received without all required information.

Fees and Reimbursements

Section 11 of Ordinance No. 450 requires prepayment of application and estimated processing fees, as well as reimbursement of all additional out-of-pocket expenses incurred by the City of Empire in processing the application. (2009: $2500.00 application fee, plus $5000.00 cash escrow).

Permit Term

The maximum duration of the mineral extraction permit shall be specified in the Interim Use Permit and shall remain in effect, subject to annual renewal permits and compliance with the Interim Use Permit and Development Agreement.

AGREEMENT:

I certify, to the best of my knowledge, the application documentation submitted is correct, I am authorized to execute this document, and I agree to reimburse the City of Empire for all out-of-pocket expenses incurred in the review and processing of this application.

Signature: _____
Name: Josh Edwards
Title: VP Of Aggregates
Date: 03/12/2026
Owner Signature (If different from applicant): _____

February 2026

Fischer Mining, LLC.

Application for
Mineral Extraction Interim Use Permit Amendment
Empire, Minnesota

SUNDE ENGINEERING, PLLC.

FISCHER MINING, LLC
APPLICATION FOR MINERAL EXTRACTION INTERIM USE PERMIT AMENDMENT
EMPIRE, MINNESOTA

I. INTRODUCTION

Fischer Mining, LLC. (Fischer) currently operates a sand and gravel mine in Empire, Minnesota (Site). The mine was originally permitted by Empire Township in 2007, operating under five-year interim use permits since that time. The Site consists of several individual parcels totaling 427 acres. A portion of the Site is located north of 170th Street and a portion of the Site is located south of 170th Street. Plansheets C1-A and C1-B illustrate the existing conditions of the Site. The operations area is established in the portion of the Site located south of 170th Street. Mining is currently active in the portion of the Site located north of 170th Street. Material is excavated from the active mine area, screened, and conveyed under 170th Street to the operations area. *Figure 1 General Location Map*, illustrates the location of the Site with respect to the surrounding area. The Site is located within the study area of the Final Environmental Impact Statement for Sand and Gravel Mining and Accessory Uses in Empire Twp (EIS), which evaluated potential environmental impacts associated with mining and accessory uses over a larger 3,600 acre potential sand and gravel mining district that considered all of the proposed mine operations in the area. The information contained within the EIS is incorporated by reference.

Fischer is seeking to amend the current approved mine limits and phasing to include the drainageway known locally as Tributary No. 5 to the Vermillion River and its associated floodplain on the parcel north of 170th Street. Fischer is proposing to mine the approximately 10-acre drainageway and floodplain and then restore it to pre-existing conditions. The portion of the drainageway located on the Site is the most upstream portion of the mapped drainageway and floodplain. Further downstream, portions of this drainageway have been mined and restored in conjunction with other mine operations. A survey of the floodplain area was conducted by Sathre-Bergquist, Inc on November 7, 2024 and is included as Attachment 1, which establishes pre-mining elevation and proposed reclamation grades. A water resources assessment was conducted and is included as Attachment 2 which verifies that there are no wetlands located within the floodplain and that it is currently under agricultural production. While mining in the floodplain, all stormwater that would be received by the existing channel and floodplain, will be directed to, and contained wholly within the interior of the mine area. No other changes to mining activities (e.g. stripping and overburden removal, extraction of aggregates, processing, stockpiling of aggregate materials, loading, hauling and transporting materials off-site, and post-mining reclamation) are proposed. Phasing of mineral extraction will occur in three phases and the additional mining area of the floodplain in the north will now be incorporated as Phase 2. The additional mining area increases the total mining area from 85 acres to 96 acres which is anticipated to add 5-10 years onto the projected life of the mine. The amendment proposes to amend phasing to begin mining this area in 2026 as the next phase. The existing stormwater pollution prevention plan (SWPPP) will be updated to include this area prior to commencement of mining activities in the added area.

This permit application is submitted to meet the requirements of the City of Empire's Ordinance No. 450 and subsequent amendments, establishing regulations and standards for mineral extraction. The Site is located within the Mineral Extraction Overlay District and within the study area of the Final Environmental Impact Statement for Sand and Gravel Mining and Accessory Uses in Empire Township (EIS), which evaluated the potential environmental impacts associated with mining and accessory uses within Empire

Township. Information contained within that EIS is incorporated by reference[1].

II. APPLICATION FORM

A. Name, address, phone number, contact person for the operator:

Joshua Edwards
Fischer Mining, LLC.
14698 Galaxie Ave.
Apple Valley, MN 55124
Phone: (952) 432-7132
Fax: (952) 432-7530

B. Name, address, phone number of the landowner:

Liza Robson
Fischer Sand & Aggregate
14800 Galaxie Ave. #105
Apple Valley, MN 55124
Phone: (952) 952-5441

C. Acreage and complete legal description of the property on which the facility will be located, including all contiguous property owned by the landowners:

The existing mining operation consists of 427 acres. All contiguous property owned by the applicant is included in this permit reissuance. The legal description of the parcels of property contained within this application is as follows: (*Figure 2 Site and Contiguous Ownership*). Figure 2 illustrates parcel information for the property to be mined and all contiguous property owned by the landowners.

The Northwest Quarter and the Southwest Quarter of Section 8, Township 114, Range 19,

And

The West Half of the Northwest Quarter of the Southeast Quarter and the South Half of the Southeast Quarter of Section 5, Township 114, Range 19,

all in Dakota County, Minnesota.

Also

[1] Final Related Actions Environmental Impact Statement (FEIS) Sand and Gravel Mining and Accessory Uses Empire Township, Dakota County, MN Bolton & Menk, Inc. and Resource Strategies Corporation June, 2005

The South 323 feet of the East 674.3 feet of the East ¾ of the North ½ of the Southeast ¼ in Section 5, Township 114, Range 19, according to the United States Government Survey thereof and situated in Dakota County, Minnesota.

D. Acreage and complete legal description of the property on which mineral extraction will apply:

The portion of the Site located north of 170th Street over the next 5-year permit period. (*Figure 3*: *Existing and Proposed Mine Limits*)

The West Half of the Northwest Quarter of the Southeast Quarter and the South Half of the Southeast Quarter of Section 5, Township 114, Range 19,

all in Dakota County, Minnesota.

Also

The South 323 feet of the East 674.3 feet of the East ¾ of the North ½ of the Southeast ¼ in Section 5, Township 114, Range 19, according to the United States Government Survey thereof and situated in Dakota County, Minnesota.

E. Estimated type and quantity of material to be excavated:

An estimated 30 million cubic yards of material will be excavated on the Site for both the north and south portions. Of this, up to approximately 25 million cubic yards will be removed from the Site with the balance of the material (topsoil/overburden and reject materials) remaining on-site to be used for reclamation activities. Overburden and excess sand generated from processing is used to backfill to the reclamation conditions.

F. Estimated time frame to operate the facility:

The estimated life of the Site is 10-30 years. However, the actual life of the facility will depend upon market demand.

G. A description of all vehicles and equipment estimated to be used by the operator in the operation of the facility:

The following is a list of equipment and machinery that is used to operate the Site. Under certain circumstances, other pieces of equipment not included in the list below, may also be brought to the Site.

Dozers
Loaders
Water trucks
Conveyors
Screening plant
Ready Mix Plant
Street Sweeper
Ready Mix Trucks
Crushers, Primary and Secondary
Washing plant
Scrapers
Haul trucks

Backhoes	Aggregate Heater

H. A description of the estimated average daily and peak daily number of vehicles accessing the facility, including a breakdown of operator owned and non-operator owned vehicles:

Based on information contained in the traffic study performed for the EIS, the average daily number of trucks that will access the facility is estimated to vary from 1,000-3,000 truck trips (entering and exiting) per day. An additional 200-400 other vehicles (employees, customers, maintenance vehicles etc.) are also estimated to access (enter and exit) the site each day. The AM estimated peak hourly traffic is 90-135 trucks accessing the site (180-270 truck trips) and the PM estimated peak hourly traffic is 40-160 (80-320 truck trips). The estimates used in the EIS are likely much higher than actual traffic to be generated at the Site during the first five year permitting period. An estimated 75% of vehicles will be operated owned and 25% will be non-operator owned.

I. A description of the haul routes within the City to be used in the operation of the facility:

The Site is accessed off of 170th Street. 170th Street is bituminous surface from the City border with Lakeville east to Biscayne Avenue. East of Biscayne Avenue, 170th Street is gravel surface. The Site accesses 170th Street approximately 1/4 of a mile east of the intersection of TH 3 and 170th Street. The intersection of TH 3 and 170th Street is currently a roundabout.

The majority of traffic goes west on paved 170th Street towards TH 3. Depending upon the ultimate market, traffic will either continue west on 170th Street, or go north or south on TH 3. The distribution of traffic is roughly 40% to the north and 30% to the south on TH 3; and 25% to the west and 5% to the east on 170th Street. As development patterns within the southern metropolitan area change, so will the distribution of traffic from this site.

III. SUPPORTING DOCUMENTATION

A. Description of existing land uses on subject property and all properties within one-half mile:

The Site is located within the sand and gravel mining district studied in the EIS. The existing land use and surrounding land uses within ½ mile are agricultural and rural residential. *Figure 4: Surrounding Land Use* illustrates the existing land uses of the Site and surrounding properties.

B. A description of land use designations in the Comprehensive Plan and zoning classifications of the subject property and all properties within one-half mile:

The underlying Comprehensive Land Use Plan designation of the Site is agricultural. The entire site is located within the Mining Overlay Area. The Site was included in the study area of the EIS. The Comprehensive Plan designates the Site as Agricultural with a small portion of the property north of 170th designated as floodplain. Surrounding properties within ½ mile to the west, north, and east are also designated as Agricultural. A parcel designated Light Industrial is located west of the Site, and a

parcel designated Public is located north of the Site. The land to the south is Mixed Residential. *Figure 5: 2040 Future Land Use Map*, is an excerpt from Empire's 2040 Comprehensive Plan, dated April 2023. The zoning classifications for the Site and surrounding area are Agricultural Preservation and Mineral Extraction.

C. A description of the soil, vegetation, mineral content and topography of the subject property:

Site Soils:
The surface soils of the site are predominantly sandy and silty loams. The majority of the site is characterized by the Kanaranzi loam, Estherville sandy loam, Waukegan silt loam with minor occurrences of the Ostrander loam, Garwin silty clay loam and the Maxfield silty clay loam. The soil profile is typically about 1 feet of organic topsoil underlain by 1-5 feet of clay overburden transitioning into granular sand and gravel.

The site's topsoil developed over the upper layers of an outwash deposit. Superior Lobe outwash formed during a late Wisconsian glaciation event. Sand and gravel were deposited as the glacier stagnated to the northwest and melted. The meltwater carried sand and gravel. As the meltwater streams lost energy, they deposited the sand and gravel. The outwash consists of fine to coarse sand and gravel.

Vegetation:
Vegetation at the site where mining will occur consists of agricultural lands typically planted with beans and corn.

Mineral Content:
The origin of the sand and gravel at this site is from the Superior Lobe. Superior Lobe deposits are characterized by an abundance of pebbles from igneous and metamorphic rocks with little to no shale. The deposit also contains relatively minor amounts of iron oxide and chert making this a very high-quality aggregate for use in bituminous and concrete pavements.

Topography:
The topography of the site is rolling, varying in elevation from 1020 feet above mean sea level to 922 feet above mean sea level. Plan Sheets C1-A and C1-B: *Existing Conditions* illustrates the topography of the Site.

D. A general description of surface waters, existing drainage patterns and groundwater conditions within one-half mile of the subject property:

General topography and topographic features of the Site and surrounding area are illustrated on *Figure 6: USGS Quad Map Excerpt.* Surface water runoff patterns for the southern parcel generally flow from the southern portion of the Site to the central portion of the site and from the northern portion of the site to the central portion of the site. From the central portion, drainage is to the east through and established drainageway. The site receives surface water from the west which enters the site via a 36" CMP culvert running under TH3. A small portion of the southern parcel,

approximately 14.5 acres, drains to the northeast corner of the site to a small depression. Overflow from this area is routed into the ditch running along 170th Street.

The majority of the northern portion of the site drains to the south into an drainageway (Tributary 5 to the Vermillion River - FEMA designated floodway), then south through a 36"culvert located under 170th Street. Drainage continues towards the southeast through the adjacent property. Runoff from the property to the west enters the site along the drainageway. The southeastern portion of the Site flows south to a 36" RCP culvert running under 170th Street which then meets up with the drainageway running through the property to the south. The drainageway continues to the southeast entering Butler Pond, located 1.75 miles from the site. Drainage from Butler Pond continues to the southeast and eventually enters the Vermillion River, located approximately 3 miles to the southeast of the site. Approximately 40.5 A in the northern portion of the north parcel drain to a low area in the northwestern corner of the site. This drainage area is not tributary to the Vermillion River. Runoff collects in the low area and infiltrates through the sandy soils to recharge the groundwater

According to the National Wetland Inventory (NWI) Map, there are no wetlands within the northern portion of the Site. An Aquatic Resource Review was conducted by Sunde Engineering, PLLC on July 17, 2024 to investigate the floodplain area for wetlands and concluded there are no wetlands associated with the floodplain area. The Aquatic Resource Review is included as Attachment 2. The photograph below is a view of the drainageway from 170th Street looking across the Site to the northwest.



The FEMA Flood Insurance Rate Maps indicates the location of the 100-year floodplain and floodway areas. The maps are included as Attachment 3. Vermillion River Watershed Joint Powers Organization (VRWJPO) standards limit floodplain alterations to maintain existing flowage and no net loss of floodplain storage below the 100-yr critical flood elevation. The floodway must be kept free of encroachment to allow passing of the 100-yr flood without substantial increase in flood heights. The base flood (100 yr) elevation for the property has been determined to be 934 feet above mean sea level. The locations of the floodplain and floodway are illustrated on Sheet C1-A. Mining of the existing channel is proposed as part of Phase 2 activity.

Based on information contained within the EIS for the Empire Gravel Mining District, and the February 2007 Groundwater and Surface Water Monitoring Plan the water table varies from approximately 902 feet above mean sea level in the southwestern portion of the site to 890 feet above mean sea level in the northeast corner of the Site. The direction of groundwater flow north of 170th Street in the water table aquifer is generally to the northeast, and the direction of groundwater flow south of 170th Street is generally east south-east.

According to the information presented in the EIS, the Site is not located within the Rosemount Wellhead Protection Area or within the Rosemount DWSMA Boundary. The site is over 2.5 miles upgradient of two rural water supply wells located north of 145th Street in Rosemount. Groundwater beneath the Site on the south side of 170th Street is tributary to Butler Pond, and the Vermillion River, but not to North Creek. Groundwater beneath the Site on the north side of 170th Street is not tributary to North Creek, Butler Pond, or the Vermillion River.

E. A general description of any wells or private sewer systems of record, pipelines, power lines and other utilities or appurtenances on the subject property and adjacent properties:

There are five total homesteads associated with the property contained within the Site, three of which are in the northern portion of the Site. There are wells and private septic systems associated with each of these homesteads. The structure in Phase 2 of the northern parcel was demolished in the fall of 2025. The wells and septic systems will be abandoned in accordance with all rules and regulations of the Minnesota Department of Health and any applicable local regulations at the time that the residences are removed All wells and septic systems will be abandoned in conjunction with the associated structure removal. All demolition/relocation of structures and well and septic abandonment will be performed in accordance with applicable standards. It is anticipated that home removal, or well or septic abandonment activities, will occur within the first five year permitting period.

F. A general description of the depth, quantity, quality and intended uses of the mineral deposits on the subject property:

The depth of the sand and gravel deposit is in excess of fifty feet throughout the Site. The deposit likely extends to the top of bedrock. Mining will extend below the surface of the water table and result in the creation of a pond as part of reclamation of the Site.

The elevation of the top of the bedrock is variable throughout the Site. Based on information presented in the Dakota County Geologic Atlas and the Empire EIS, bedrock is approximately 150 feet below the land surface. Bedrock subcrop varies from approximately 800 feet above mean sea level in the northeastern portion of the site to approximately 875 feet above mean sea level in the southwestern portion of the site. Bedrock subcrop beneath the site likely includes the St. Peter Formation and the younger Platteville and Glenwood Formations.

An estimated 30 million cubic yards of material will be excavated on the Site. The quality of the material is excellent. The deposit is associated with the Superior Lobe which is high quality with little

shale or deleterious substances. The majority of material produced at the site will be used in the production of ready-mix. Construction aggregates will also be produced and sold at the Site.

G. Existing topography of the subject property, illustrated by contours not exceeding 10-foot intervals:

Existing Site topography, shown with a two-foot contour interval, is illustrated on Sheets C1-A and C1-B: *Existing Conditions*.

H. Proposed topography of the subject property after mineral extraction has been completed, illustrated by contours not exceeding two-foot intervals:

Sheet C3: *Reclamation Plan*, indicates the proposed grades in two-foot contour intervals upon completion of mining and reclamation. Sheet C4: *Floodplain Reclamation Plan* includes the revised reclamation grades for the restored floodplain area. Sheet C5: *Floodplain Survey* depicts the floodplain survey from Sathre-Berquist dated November 8, 2024.

I. A Phasing Plan which illustrates the sequencing of mineral Extraction, the locations of processing equipment, mineral stockpiles, staging areas, accessory uses and access routes:

Sheet C2: Mining and Phasing Plan, shows the mining limits, processing area, stockpile area, phases, and other pertinent mining features.

J. Copies of MPCA application documents and operating permits:

The Site operates under a MPCA NPDES/SDS Permit, a General Air Emissions permit, as well as a DNR Water Appropriations Permit for aggregate washing.

K. A description of the site hydrology and drainage characteristics during extraction for each phase. Identify any locations where drainage of any disturbed areas will not be controlled on the subject property and plans to control erosion, sedimentation and water quality of the runoff:

The Site operates under an MPCA NPDES Permit and a Stormwater Pollution Prevention Plan will be updated to include the additional mining area for the operation. Phasing of the operation has been designed to minimize unnecessary disturbance of the mining area and utilize grading practices that minimize erosion.

Stormwater drainage patterns will be temporarily altered over portions of the Site, but not the entire site at any given point in time. Regional drainage patterns will be maintained through the site minimizing any potential impact of mining on Butler Pond. Reclamation grading which will occur on a phase-by-phase basis will restore pre-mining drainage patterns of the floodplain area. Mining will create low areas within the active phase where stormwater runoff will be collected and not discharged off-site during active mining of a phase.

In phases where drainage currently runs off-site, perimeter berms will be constructed at the onset of stripping operations to divert stormwater and prevent stormwater that has contacted stripped areas from leaving the site untreated. Silt fence will be installed as appropriate and vegetation maintained within the setback areas to the degree practical. The diversion berms will also prevent run on from surrounding agricultural fields from entering the Site. Currently the southern portion of the Site drains towards the east and the northern parcel drains towards the southeast. Silt fence, diversion berms, and/or temporary sedimentation basins will be installed and maintained as needed to control erosion and treat any stormwater discharges from the site in accordance with the project SWPPP, City of Empire erosion control and stormwater treatment requirements, and all State and local regulations.

Upon the conclusion of mining, erosion will be controlled by restoring the Site to final grades that will not exceed 3:1 (horizontal to vertical), except in amended permit area (Phase 2) where the 100-year regulatory floodplain will be restored to pre-existing conditions. Conversion of temporary sedimentation ponds to diversion swales, establishment of shade trees around permanent ground water lakes, and by seeding and mulching restored upland areas in a timely manner areas to establish vegetation and stabilize the Site.

Drainage swales will direct stormwater runoff off the site post reclamation. These swales will be designed to appropriate hydrological standards and with standard erosion control measures such as erosion control mats, energy dissipations, and ditch checks. All silt fence and/or other temporary synthetic erosion control devices will be removed once final stabilization of an area has been achieved.

Both the VRWJPO and Empire's stormwater management rules require no increase in runoff volume beyond the existing conditions for the 2-yr, 24-hr storm when development creates one acre or more new impervious surface. Reclamation will return the site to agricultural land with no new impervious surfaces (all impervious surfaces created during the mining operation will be removed) so the volume control requirements do not apply.

L. A description of the potential impacts to adjacent properties resulting from mineral extraction and off-site transportation, including but not limited to noise, dust, surface water runoff, ground water contamination, traffic and aesthetics:

1. Noise: Noise will be generated from the Site during stripping, extraction, processing, loading and hauling operations. Noise could potentially impact adjacent rural residences located near the Site.

2. Dust: Dust will be produced during stripping, crushing, and hauling operations and can potentially impact air quality in the immediate vicinity of the Site. The ready-mix plant, aggregate heaters and power generators will also contribute to on-site emissions.

3. Surface Water: Potential impacts to surface waters may include increased suspended solids and changes in stormwater quantity reaching downstream surface waters. The EIS concluded that wetlands and watercourses with potential indirect impacts are expected to maintain their existing functions and values during the mining operation and post reclamation.

4. Groundwater: Potential impacts to ground water include changes to the water table elevation, increases in dissolved solids and temperature, and impacts to groundwater quality.

5. Traffic: Potential impacts associated with traffic were evaluated in the EIS. Traffic issues in the developing area are significant with or without contribution from mining activities. Mitigation measures to address the additional traffic deficiencies were included in the EIS.

M. A description of the plan to mitigate potential impacts resulting from mineral extraction:

1. Noise: The Site will operate in a manner to reduce and minimize noise emissions. Specifically, these measures include:

    a) Establish sufficient setbacks from receptors
    b) Recess processing equipment below grade
    c) Use of conveyors where feasible
    d) Establishment of perimeter screening berms
    e) Adjustment of types of activities conducted during daytime and nighttime hours as defined by MPCA Rules to ensure compliance with noise standards established by the MPCA.

2. Dust/Air Emissions: As determined in the EIS, the most significant generation of dust (particulate matter (PM) and PM10) will be from unpaved internal haul roads. Some fugitive dust may also be generated from wind picking up PM from aggregate stockpiles. The ready-mix plant, aggregate heaters and power generators will also contribute to on-site emissions. There will be a number of mitigative measures adopted at the Site to reduce dust emissions. These include:

    a) Use of conveyors within the Site to reduce haul trucks operating internally within the Site.
    b) Maintenance of a perimeter berm to limit wind access from adjacent roads or residences.
    c) Limiting the area to be stripped to portions of the Site to be mined within the next one or two mining seasons
    d) Conducting stripping operations in a timely manner.
    e) Establishment of vegetation cover over reclaimed areas of the Site in a timely manner and on a phase-by-phase basis as mining progresses through the Site.
    f) Use of water during the production process, (washplant), which increases the moisture content of the aggregates to levels which minimize dust production from stockpiles and transfer operations.
    g) Use of water application on internal gravel haul roads on a routine basis.
    h) Site Operations will comply with all State and Federal air emission requirements including Ready-mix operations subject to Minnesota Rules 7011.0850-7011.0859, and power generators subject to Minnesota Rule 7011.2300

3. Surface Water Potential impacts to surface water will be eliminated or minimized by adopting a SWPPP and BMPs. The EIS concluded in the surface water impact evaluation, that wetlands

and watercourses with potential indirect impacts are expected to maintain their existing functions and values during the mining operation and post reclamation. The EIS also indicates that each operator will be required to submit a surface water monitoring plan. Specific measures to be implemented at the Site to ensure no downstream impacts include:

a) Minimizing disturbed areas with exposed soils (accomplished by progressive reclamation of completed mining phases.)
b) Maintain stormwater patterns to as great of an extent as possible throughout the mining operation through the use of diversion berms and swales
c) Provide temporary sedimentation basins to treat stormwater coming into contact with disturbed areas or material stockpiles prior to discharge from Site
d) Install silt fence as needed around perimeter of site
e) Maintain vegetated buffers within setback areas to the extent practical
f) Restore grades to maximum slopes of 3:1
g) Stabilize restored areas by application of topsoil and prompt seeding and mulching to establish vegetation
h) Recycling washplant discharges, limiting infiltration capacity of the washplant ponds and prohibiting washwater discharge from the Site.
i) Implement the surface water monitoring plan.

4. Groundwater: Groundwater protection measures will include the implementation of a groundwater monitoring plan to document upgradient and downgradient water quality and elevations. It should be noted that the Site is not located within the City of Rosemount's well head protection area or within the City's DWSMA Boundary. Mitigative protection measures will include the following:

   a) Proper storage of fuel in accordance with MPCA Regulations
   b) Conversion of temporary sedimentation basins to diversion swales around the perimeter of created water features post-reclamation to prevent direct stormwater runoff into groundwater features and maintain pre-mining drainage patterns.
   c) Recycling of treated washwater back to the washplant for reuse, thereby minimizing impacts to water table elevations.
   d) Implementation of the groundwater monitoring plan.

5. Traffic: Traffic will remain at similar levels generated during the previous five-year IUP renewal.

N. A description of site screening, landscaping and security fencing:

There will be screening berms constructed along 170th Street and MTH 3 within the setback area. There will also be berms constructed adjacent to adjoining residential uses. The screening berms will be approximately 8 feet in height, with 3:1 outer slopes and 2:1 inside slopes. The berms will be seeded and mulched to establish vegetation. The berms will be built in phases as new areas are stripped in preparation for mining. Berms may be removed as part of final reclamation activities. The Mining and Phasing Plan, C2, illustrates the location of the screening berms.

O. A description of site rehabilitation in each phase of operation and upon completion of mineral extraction on the subject property:

Reclamation will be an ongoing process. Reclamation grades will be in general conformance to the end use grades developed in the EIS, excluding the floodplain area. As one phase of mining is completed and mining advances to a subsequent phase, reclamation will begin on the completed phase. Reclamation activities at the Site will consist of backfilling, grading, and seeding. Reclamation of the floodplain north of 170th Street will be restored to pre-existing conditions within two mining seasons. Portions of the Site may remain open to accommodate the transfer of material from the active mining face to the processing and operations area. Final grades will not exceed 3:1 (horizontal to vertical) except the floodplain area to establish existing grades, with the top of the slope beginning twenty feet from the property line. Final reclamation grades are shown on the Reclamation Plan, C3 and C4.

Topsoil will be placed on graded areas to be vegetated. Topsoil will come from on-site sources, and be placed in a layer that is a minimum of 4" thick in accordance with the ordinance. The following reclamation standards will be met to return the Site to agricultural production:

Site grading shall meet 90% of proctor density for compactions.
A minimum 18" layer of loamy material shall be spread over compacted final grades.
A minimum 6" layer of topsoil shall be spread over the loamy material.

After placement of topsoil is complete, the area will be seeded and mulched according to Minnesota Department of Transportation (MnDOT) specifications. Portions of a given phase may be left at an intermediate stage of reclamation until completion is practical.

Water bodies may be created on both the southern and northern portions of the Site. The depth of the water body will depend upon the nature of the aggregate deposit. Grassed swales will direct stormwater runoff from around the water bodies, preventing agricultural runoff from entering the groundwater. Because the swales will accommodate stormwater runoff from the Site as well as from off-site areas, final design of the swales will be completed closer to their construction when the details of the reclamation grades of the surrounding properties are better understood.

All equipment, vehicles, machinery, materials and debris will be removed from the Site within 12 months after completion of extraction procedures. Site restoration will also be completed within 12 months of completion of extraction procedures.

P. A haul back management plan that includes the types of fill that shall be deposited, where the fill comes from, and what testing shall occur.

Haul back refers to trucks coming to the Site with a load of material and then loading the emptied truck with product to be brought to another destination. This strategy results in increased cost efficiency and reduced environmental impact. The material brought to the Site is reclamation backfill material. The haul back management plan includes the following information.

Fischer Mining, LLC may import fill to be used in site reclamation. This policy has been developed to

document procedures for incoming fill material and topsoil imported to the Site for use as controlled fill. Material to be considered for importing include topsoil, clean fill, and unregulated fill as defined by MPCA.[2]

Material Import Policy:

Clean Fill – Soil that is free of contaminants, unaffected by a spill or release, and suitable for use in construction without posing a risk to human health or the environment.

A. Only non-organic compactable material shall be used as fill and backfill material. All fill material used on Site for placement in any location or depth shall be free of contamination. Recycled or salvaged aggregate, asphaltic pavement, crushed concrete, or scrap shingles shall not be used as reclamation fill.

B. Materials to be free of debris, rubbish, frozen clumps, boulders over 256 mm (10 inches) in size, organic soils, vegetation, or other materials. Do not use fill material that contains stumps, roots and branches 40 mm (1.5 inches) in diameter or larger, logs, wood chips, or other objectionable material.

C. Maintain a manifest of all imported fill material documenting the source of the fill, soil type, and any applicable testing results to verify absence of contamination. Operator to retain copy of manifest.

D. Off Site sources: Soils may be accepted from sites that are unaffected by previous development (farmland, open space Material will be accepted from greenfield sites with no evidence of contamination or likely contamination determined at the field screening. Incoming loads will be inspected to verify that the soil is free from odors and visual contamination such as demolition debris or solid waste. If no known or potential sources of contamination are identified during field evaluation and subsequent load observations, then sampling or laboratory analyses is not necessary.

Unregulated Fill - Soils from previously disturbed areas (residential and commercial developments, road right-of-way, etc.) will be accepted if third party testing is performed to demonstrate that the soils are uncontaminated and meet MPCA definition of unregulated fill. Unregulated fill is excess soil with no field indications of contamination, but which may have been affected by a release of contaminants at concentrations less than the MPCA's field screening and contaminant concentration criteria as follows:

- Free from solid waste, debris, asbestos-containing material, visual staining, and chemical odor

[2] https://www.pca.state.mn.us/sites/default/files/c-rem2-02.pdf and www.pca.state.mn.us/sites/default/files/c-rem1-01.pdf

- Organic vapors less than 10 parts per million, as measured by a photoionization detector (PID)
- For petroleum-impacted soil, less than 100 mg/kg diesel range organics (DRO)/gasoline range organics (GRO)*
- For contaminants detected in soil, less than the MPCA's Residential Soil Reference Values (SRVs) and Tier 1 Soil Leaching Values (SLVs)**

*Note that some detections of DRO in soil may stem from the presence of low-level petroleum hydrocarbons may be present in glacial soils as a result of processes that occurred during deposition of these materials. The limits established above are not zero to account for naturally occurring hydrocarbons. Glacial soils are prevalent in the area. Soils derived from the pulverization of shale during glacial transport have been found to have background concentrations of petroleum hydrocarbons. The levels indicated above are below MPCA regulatory limits for regulated fill soils.
**Naturally-occurring concentrations of some metals, such as arsenic, selenium, or copper, sometimes exceed the SRV or SLV. Such soils are not considered impacted in the absence of a contaminant source or other field or laboratory indications of contamination.

Placement of unregulated fill will follow MPCAs recommended Best Management Practices[2]:

- Avoid placing unregulated fill at schools, playgrounds, daycares, and residential properties. Unregulated fill is most suitable for use at industrial or commercial properties.
- Avoid placing unregulated fill in gardens where food for human/animal ingestion will be grown.
- Observe a minimum ten-foot separation distance between unregulated fill and the water table.
- Avoid placing unregulated fill where contaminants may be transported by run-off to lakes, rivers, wetlands, or streams.

A. Maintain a manifest of all imported fill material documenting the source of the fill, soil type, quantity, location laced, and any applicable testing results to verify absence of contamination. Operator to retain copy of manifest.

Q. A description of the method in which complaints about any aspect of the facility operation or off-site transportation are to be received and the method which complaints are to be resolved:

Complaints regarding any aspect of the operation should be directed to Josh Edwards, Fischer Mining, (952) 432-7132. Any complaint received will be investigated and action will be taken as needed specific to the nature of the complaint.

[2] https://www.pca.state.mn.us/sites/default/files/c-rem2-02.pdf

IV. PERFORMANCE STANDARDS

A. Hours of Operation:

No change to the hours of operation is proposed. Normal mineral extraction and processing activities will operate between the hours of 6:00 a.m. and 6:00 p.m., Monday through Saturday. The Site may open one-half hour before and one hour after these hours to allow for the staging and loading of vehicles. The operational hours may also be extended on a temporary basis for government work required by agency contracts, with the prior approval by the Town Board Chair or designee. In the future longer hours may be requested as allowed in the current mining ordinance. If longer hours are requested, they will be subject to Town Board review and annual review.

B. Fencing:

The Site is not fenced. Access to the Site is controlled by a locking access gate at the Site entrance of the southern parcel.

C. Access:

The Site is accessed off 170th Street for the northern and southern parcels.

D. Haul Routes:

With exception to local area product deliveries, the primary haul routes in Empire include 170th Street (between the Site entrance and TH 3), TH 3, CSAH 46, and TH 50.

E. Roadway Dust Control:

All primary haul roads accessing the Site are paved. Sweeping on 170th Street near the entrance will occur to minimize soil tracking.

F. Mineral Extraction Facility Dust Control:

The internal haul roads are watered as a routine dust control measure. If it is determined that dust generated from the Site is creating a public nuisance, additional watering will be performed. Other remedies to control dust, including berming and landscaping, may be undertaken.

G. Noise:

Maximum noise levels at the facility will not exceed MPCA Noise Standards.

H. Vibration:

The Site will be operated in a manner which minimizes impacts on adjacent properties from vibration of equipment. There will be no blasting or large sources of vibration produced at this Site.

I. Air Quality/ Water Quality:

The Site will operate in compliance with all required MPCA permits.

J. Accessory Uses:

A ready-mix plant is located on the portion of the Site south of 170th Street. The plant was constructed in conjunction with the end of Phase 1 activity.

K. Unauthorized Storage:

Vehicles, equipment or materials not associated with the operation or not in operable condition are not be kept or stored at the Site.

L. Setbacks:

Setbacks will be as follows:

Extraction: A minimum of 100 feet from any residence, a minimum of 50 feet from any adjacent property, unless the property line is a common mining border. Any future common mining boundaries will not have a setback.

Processing: A washplant, screening, crushing and ready-mix production will all take place at this facility. Crushing setbacks to residences will be maintained at a minimum of 250 feet with berming or 500 feet without berming.

M. Phasing:

Phasing is shown on Sheet C2: *Mining and Phasing Plan*.

N. Haul Back Materials and Operations

Any clean imported fill used in reclamation will be consistent with the haul back management plan.

O. Weed Control:

Noxious weeds will be controlled to help maintain a reasonable appearance of the Site.

P. Explosives:

Explosives will not be used at this Site.

Q. General Compliance:

The operator will comply with all federal, state, regional, county and local laws and regulations applicable to the operation.

R. Additional Regulations:

The City may impose additional regulations and requirements to the mineral extraction permit to protect the public health, safety and welfare.

S. Inactivity:

In the event that less than 5,000 cubic yards of material has been removed in a calendar year after the onset of mining operations, the City may terminate the mineral extraction permit.

T. Rehabilitation Plan:

Plansheets C3 and C4 detail Site reclamation. Site reclamation will include backfilling and grading, topsoil replacement, seeding, mulching, erosion control and sedimentation control specifications for each phase and the final Site rehabilitation. The floodway will be restored to pre-existing conditions as illustrated on C4. Rehabilitation standards include:

- Final grades must not exceed 3:1.
- Restoration grading setback is 20 feet from property lines.
- A minimum of 4" of topsoil will be placed on all graded surfaces.
- Seeding and mulching will be in accordance with the Minnesota Department of Transportation specifications for right of way seeding, unless area is returned to agricultural use.
- Soil restoration, seeding and mulching will occur within each phase as soon as final grades have been reached. Processing, storage, and staging areas and haul roads will not be seeded and mulched.
- Soil erosion and sedimentation control measures will be consistent with MPCA's "Protecting Water Quality in Urban Areas"
- Unless otherwise amended or approved by the City, all final grades and Site restoration efforts will be consistent with the rehabilitation plan.
- Within 12 months after completion of mineral extraction or after termination of permit, all equipment, vehicles, machinery, materials and debris will be removed from the subject property.
- Within 12 months after completion of mineral extraction or after completion of termination of the permit site, rehabilitation must be completed.

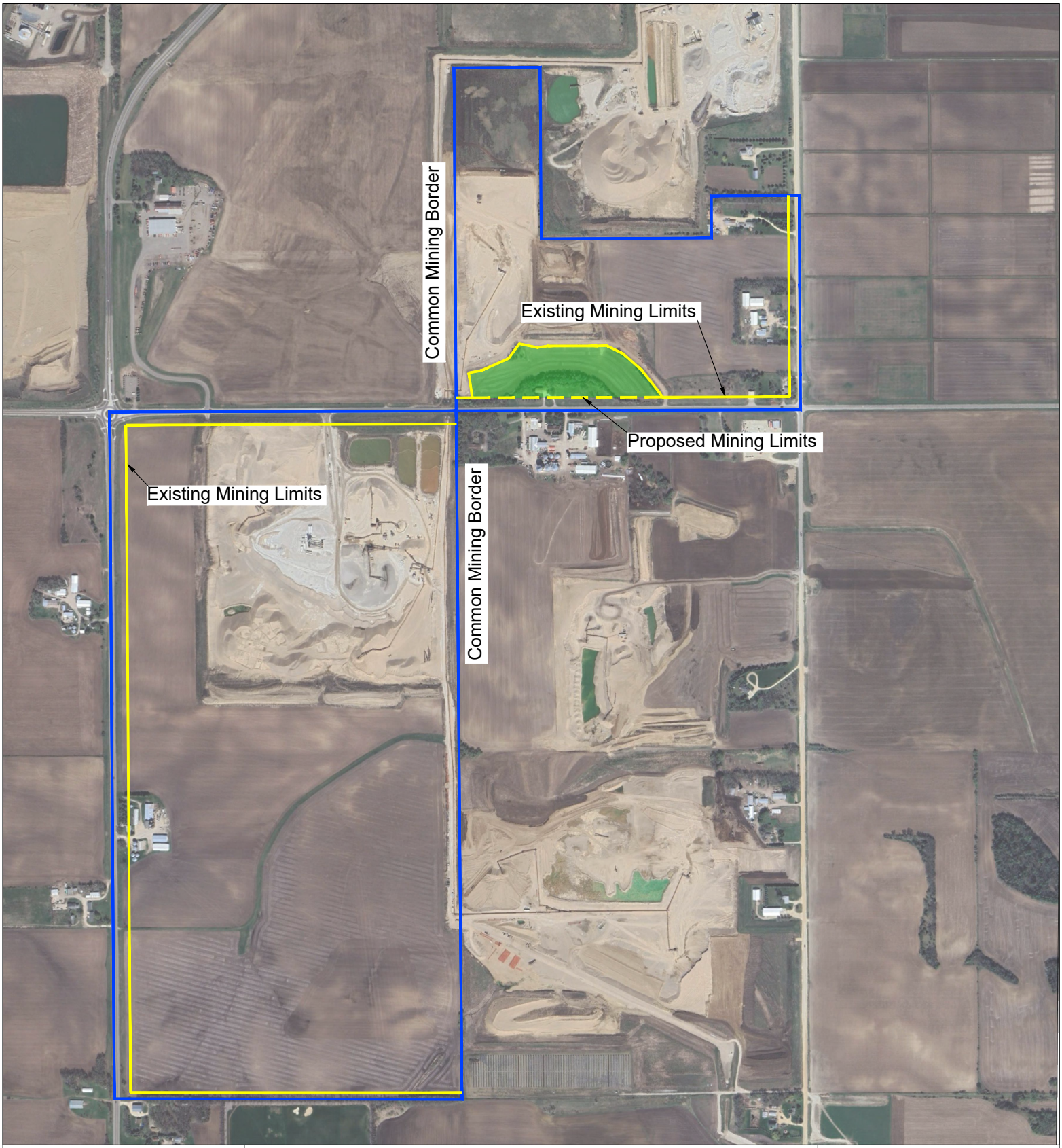
V. CERTIFICATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed Professional Civil Engineer under the laws of the State of Minnesota.



Kirsten Pauly, PE

Date: 2/24/2026 Reg. No. 21842



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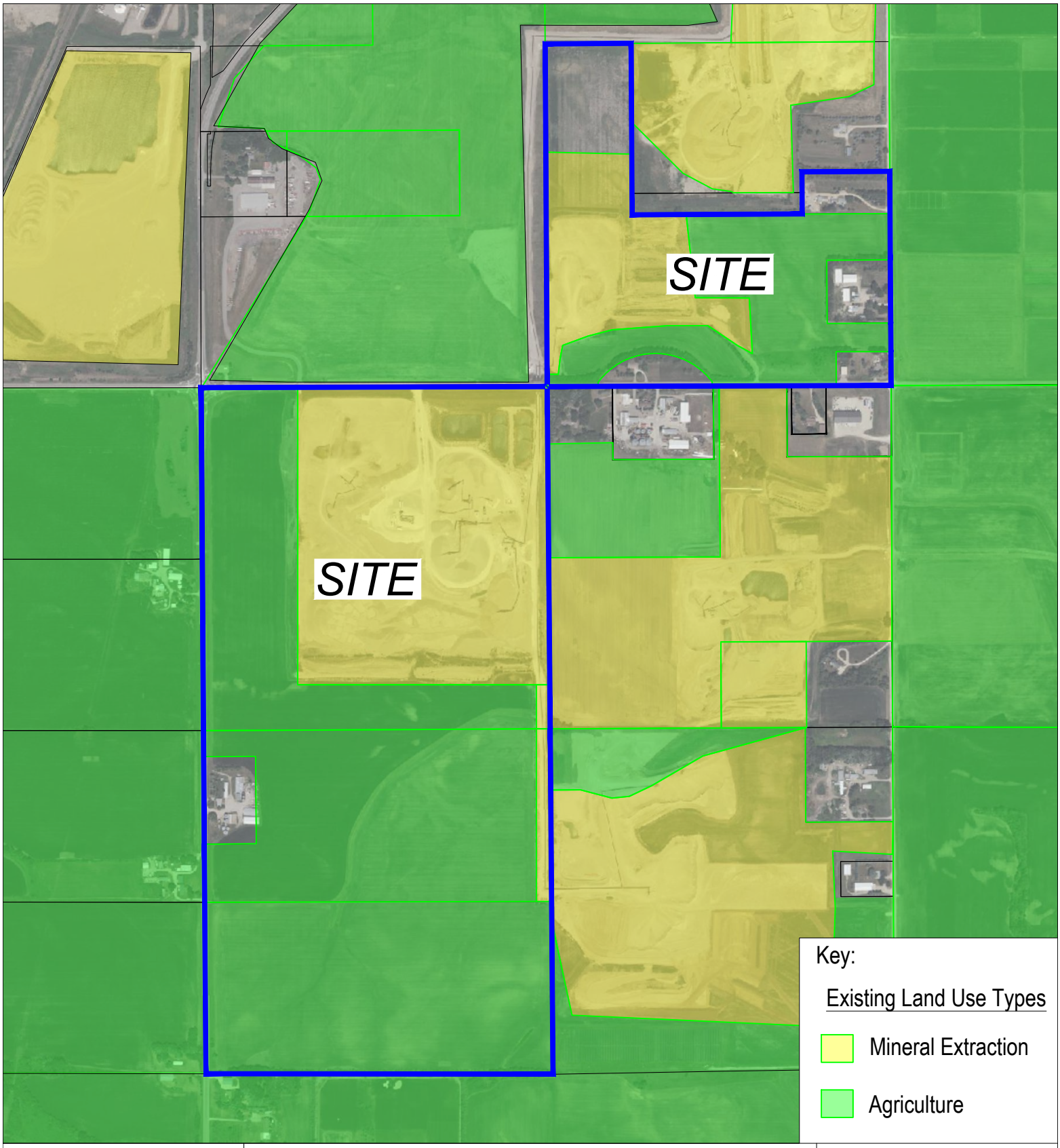
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Figure 3
Existing and Proposed Mine Limits

Fischer Property
Empire, Minnesota

Sunde Engineering, PLLC.



N

0 500 1000

SCALE IN FEET

Figure 4
Surrounding Land Use

Fischer Property
Empire, Minnesota

Sunde Engineering, PLLC.

NOTES:

1. Topography of active mine areas from UAV flights dated 7/24/2024 and 11/18/2025. Topography of remainder of site and surrounding area from aerial survey by Mark Hurd dated 5/13/2003. Topography of the floodplain and floodway from survey by Sathre-Bergquist, Inc. dated 11/8/2024.

2. Boundary information is from a survey by Probe Engineering Co., dated 5/1/2003, revised 7/2/2003, modified by Sunde Engineering, PLLC to reflect the addition of three parcels.

3. 100 yr. floodplain and floodway are from the FEMA Flood Insurance Rate Map (effective date December 2, 2011).

LEGEND:

- DIRECTION OF SURFACE FLOW
- EXISTING CONTOUR
- SOIL BORING
- POWER POLE

N

150 0 150 300
SCALE IN FEET

ST-12
Common Mining Borders
Amrize Mine
Common Mining Border
ST-9
Biscayne Ave.
50' setback
R-O-W
Amrize Conveyor Corridor
ST-11
Mined Material Conveyed to Operations Area
FEMA 100 yr. Floodplain
ST-10
FEMA 100 yr. Floodway
Existing Mine Limits
Site Access
Existing 30" RCP
R-O-W
Amrize Mine (Reclaimed)
Materials Conveyor Corridor
170th Street
Existing 12" CMP Culvert
Existing 36" Concrete Culvert
50' setback
Fischer Mining, LLC Operations Area

Sunde Engineering, PLLC.
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(952) 881-1913 FAX
www.sundecivil.com

Fischer Mining, LLC

Empire Mine
Empire, Minnesota

DATE	REVISION

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Kirsten Pauly
DATE: 2/24/2026 REG. NO.: 21842

INFORMATION:

PROJECT NO.:
DRAWN BY:
CHECKED BY:
APPROVED BY:
SCALE:
DATE:

DESCRIPTION:

Existing Conditions North of 170th St.

SHEET NO:

C1-A

of

NOTES:

1. Topography of active mine areas from UAV flights dated 7/24/2024 and 11/18/2025. Topography of remainder of site and surrounding area from aerial survey by Mark Hurd dated 5/13/2003. Topography of the floodplain and floodway from survey by Sathre-Bergquist, Inc. dated 11/8/2024.

2. Boundary information is from a survey by Probe Engineering Co., dated 5/1/2003, revised 7/2/2003, modified by Sunde Engineering, PLLC to reflect the addition of three parcels.

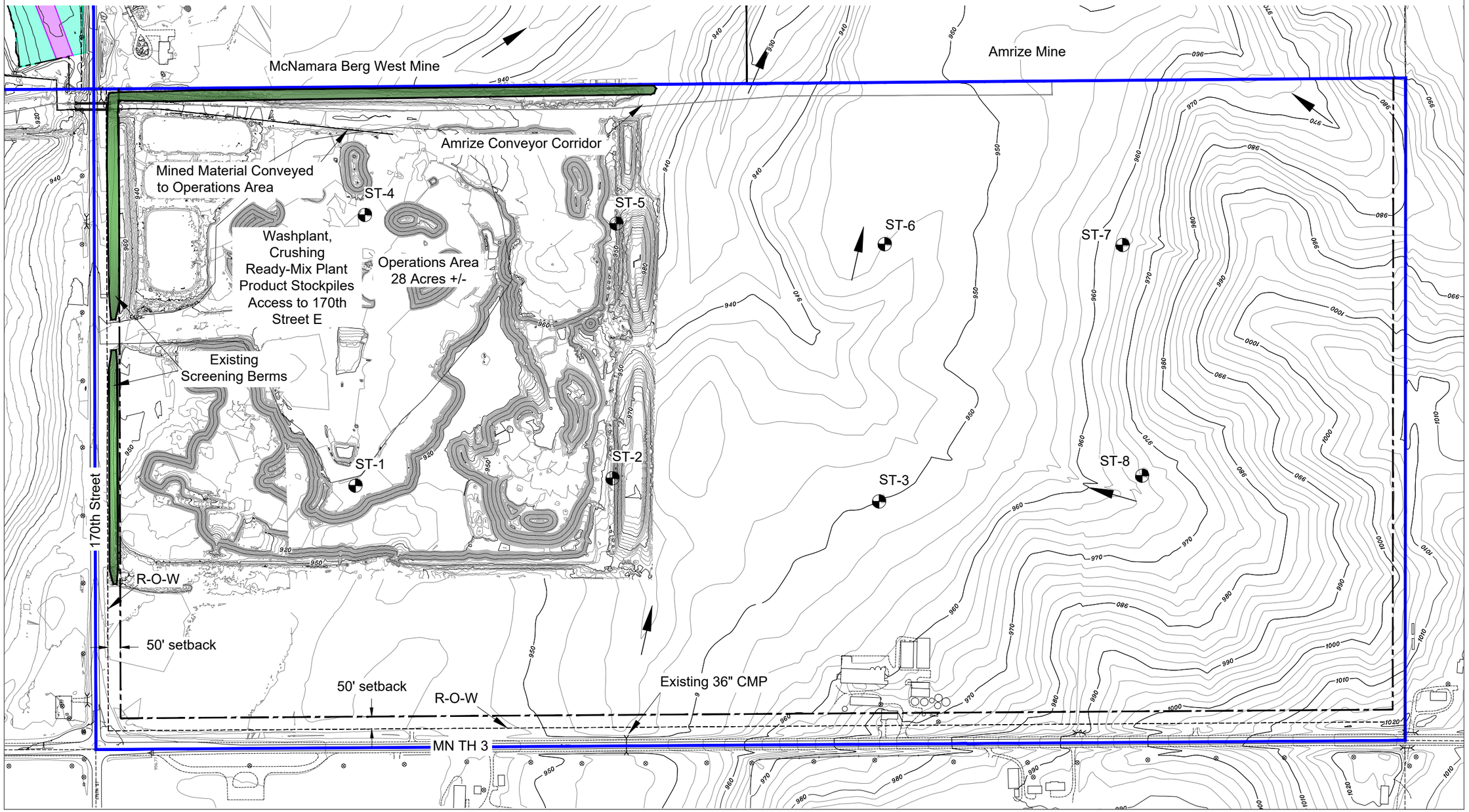
3. 100 yr. floodplain and floodway are from the FEMA Flood Insurance Rate Map (effective date December 2, 2011).

LEGEND:

- DIRECTION OF SURFACE FLOW
- EXISTING CONTOUR
- SOIL BORING
- POWER POLE

N

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Fischer Mining, LLC

Empire Mine
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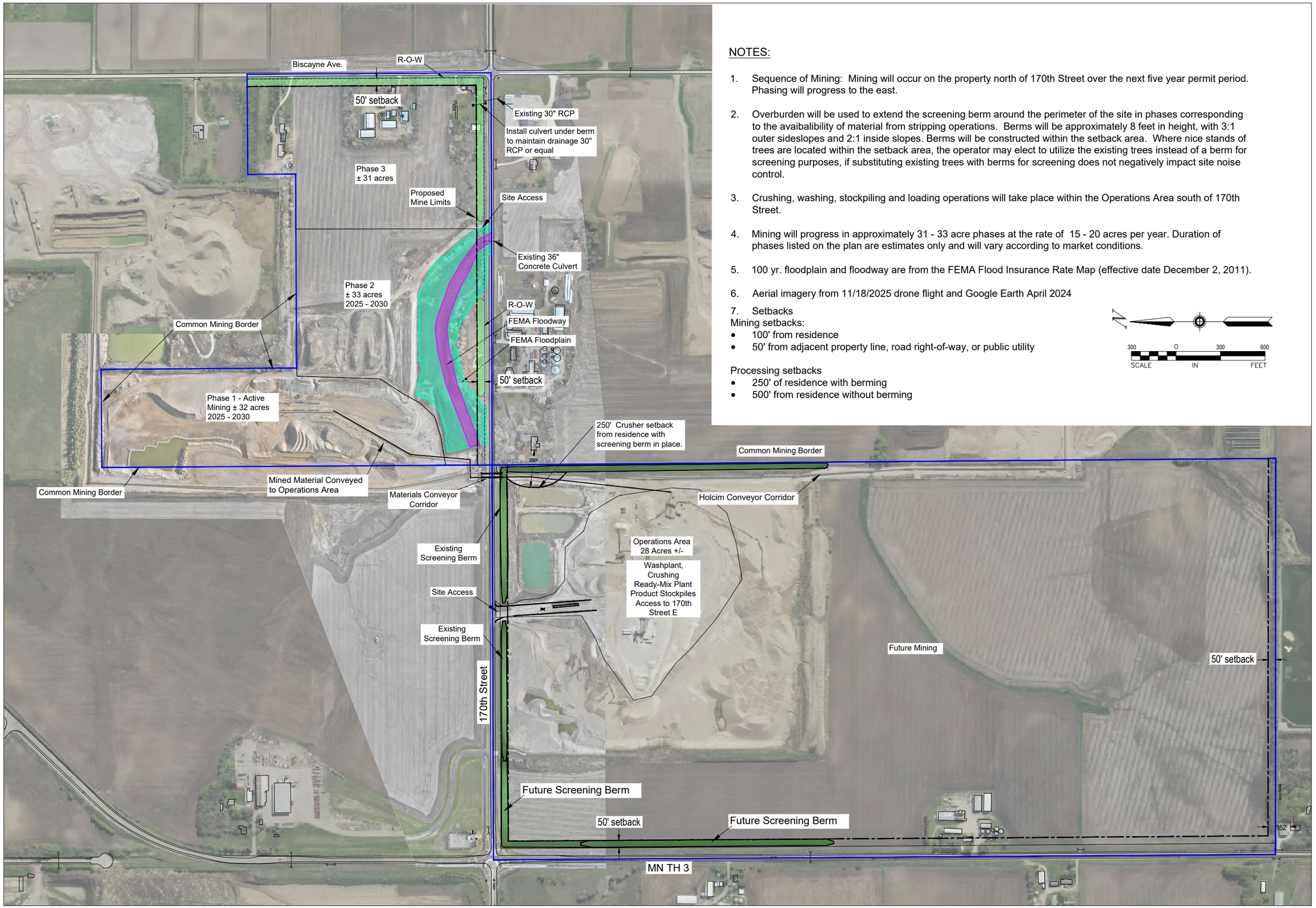
DESCRIPTION:

Existing Conditions South of 170th St.

SHEET NO:

C1-B

of



NOTES:

1. Sequence of Mining: Mining will occur on the property north of 170th Street over the next five year permit period. Phasing will progress to the east.

2. Overburden will be used to extend the screening berm around the perimeter of the site in phases corresponding to the avaibability of material from stripping operations. Berms will be approximately 8 feet in height, with 3:1 outer sideslopes and 2:1 inside slopes. Berms will be constructed within the setback area. Where nice stands of trees are located within the setback area, the operator may elect to utilize the existing trees instead of a berm for screening purposes, if substituting existing trees with berms for screening does not negatively impact site noise control.

3. Crushing, washing, stockpiling and loading operations will take place within the Operations Area south of 170th Street.

4. Mining will progress in approximately 31 - 33 acre phases at the rate of 15 - 20 acres per year. Duration of phases listed on the plan are estimates only and will vary according to market conditions.

5. 100 yr. floodplain and floodway are from the FEMA Flood Insurance Rate Map (effective date December 2, 2011).

6. Aerial imagery from 11/18/2025 drone flight and Google Earth April 2024

7. Setbacks

Mining setbacks:
- 100' from residence
- 50' from adjacent property line, road right-of-way, or public utility

Processing setbacks
- 250' of residence with berming
- 500' from residence without berming

300 0 300 600
SCALE IN FEET

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Empire Mine
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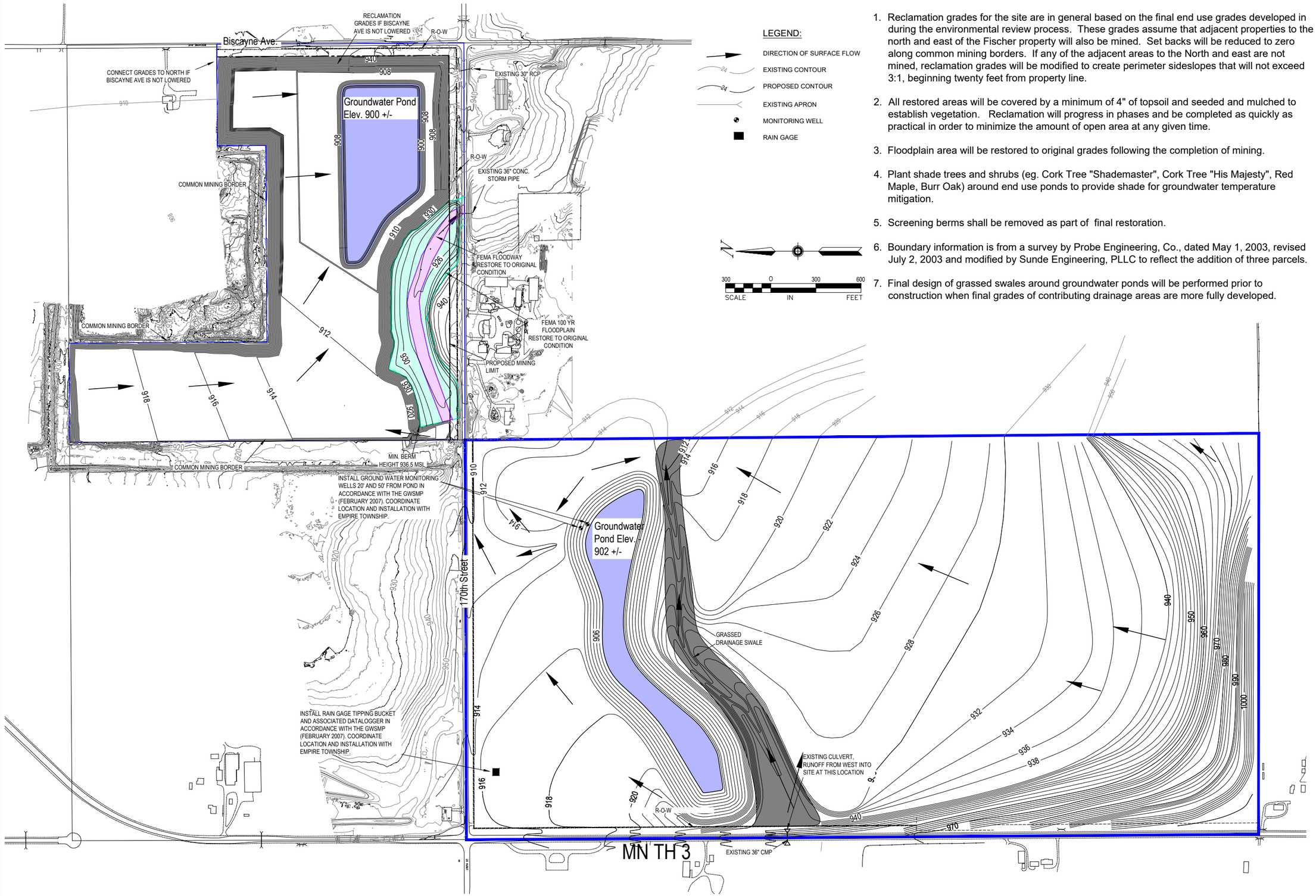
DESCRIPTION:

Site Operations and Phasing Plan

SHEET NO:

C2

of



1. Reclamation grades for the site are in general based on the final end use grades developed in during the environmental review process. These grades assume that adjacent properties to the north and east of the Fischer property will also be mined. Set backs will be reduced to zero along common mining borders. If any of the adjacent areas to the North and east are not mined, reclamation grades will be modified to create perimeter sideslopes that will not exceed 3:1, beginning twenty feet from property line.
2. All restored areas will be covered by a minimum of 4" of topsoil and seeded and mulched to establish vegetation. Reclamation will progress in phases and be completed as quickly as practical in order to minimize the amount of open area at any given time.
3. Floodplain area will be restored to original grades following the completion of mining.
4. Plant shade trees and shrubs (eg. Cork Tree "Shademaster", Cork Tree "His Majesty", Red Maple, Burr Oak) around end use ponds to provide shade for groundwater temperature mitigation.
5. Screening berms shall be removed as part of final restoration.
6. Boundary information is from a survey by Probe Engineering, Co., dated May 1, 2003, revised July 2, 2003 and modified by Sunde Engineering, PLLC to reflect the addition of three parcels.
7. Final design of grassed swales around groundwater ponds will be performed prior to construction when final grades of contributing drainage areas are more fully developed.

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Fischer Mining, LLC

Empire Mine
Empire, Minnesota

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Kirsten Pauly
DATE: 2/24/2026 REG. NO.: 21842

INFORMATION:

PROJECT NO.:
DRAWN BY:
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SCALE:
DATE:

DESCRIPTION:

Reclamation Plan

SHEET NO:

C3

of

914
912
930
910
920
930
930
932
940
930
926
946
Groundwater Pond Elev. ±900 msl
FEMA 100 yr Floodway -
Restore to Original Conditions
FEMA 100 yr Floodway -
Restore to Original Conditions
Min. berm height
936.5 msl
Proposed
Mining Limit
R-O-W
Existing 36" Conc.
Storm Pipe

Notes

1. Final grades may not exceed 3:1 ratio. The top of the slope may begin twenty feet from property lines. Some variation in final grades may occur based on the Site's soil balance.
2. An 18" layer of loamy material will be laid on top of the compacted sand. A minimum of 6' of black dirt will be laid over the loamy material
3. Reclamation will progress in phases and be completed as quickly as practical in order to minimize the amount of open area at any given time.
4. Screening berms may be removed as part of final restoration.
5. Reclamation grades may be adjusted to accommodate site soils balance and to coordinate final grades at the common mining boundary to the west.
6. Area mined within floodplain area will be restored to original conditions established in the Sathre-Bergquist survey dated November 7, 2024.

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Mining, LLC

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DATE: 2/24/2026 REG. NO.: 21842

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DESCRIPTION:

Floodplain
Reclamation Plan

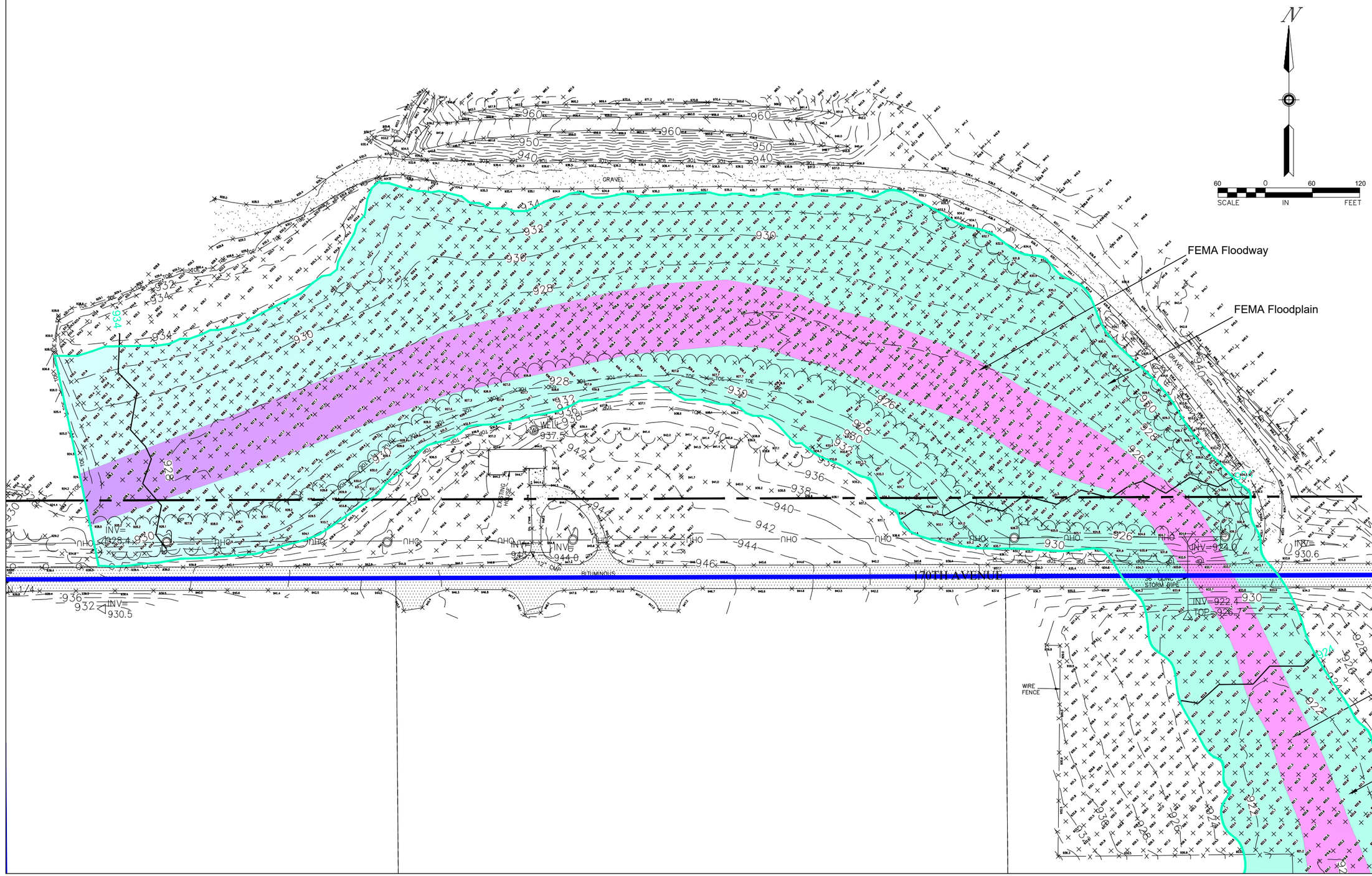
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C4

of

Note

1. Topography from Sathre-Bergquist Survey dated November 7, 2024.



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DATE: 2/24/2026 REG. NO.: 21842

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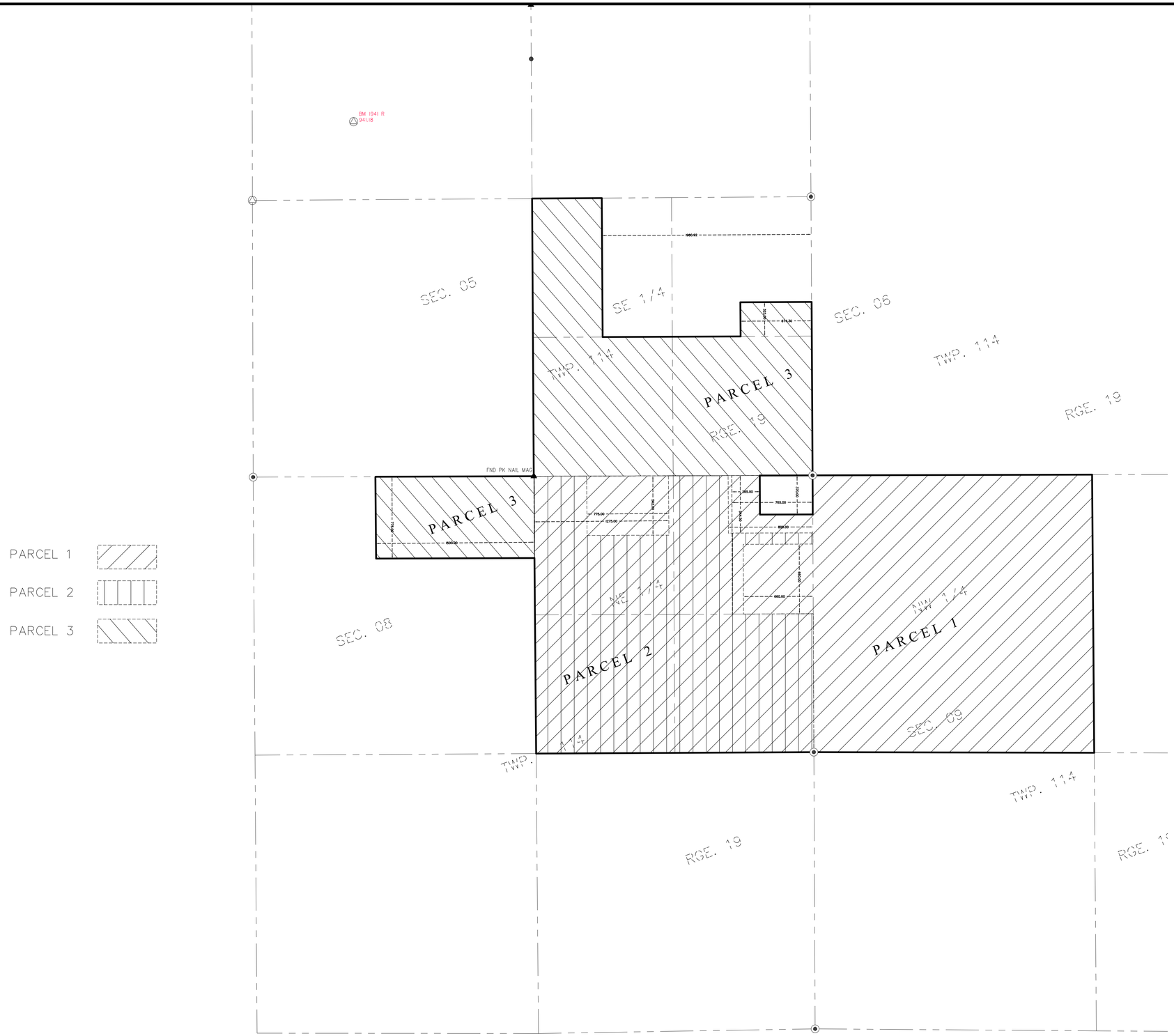
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SCALE:
DATE:

DESCRIPTION:

Floodplain Survey

SHEET NO:

C5 of



DESCRIPTION OF PROPERTY SURVEYED

Parcel 1: Acreage and complete legal description of the property on which the facility will be located, including all contiguous property owned by the landowners:

The Northeast ¼ Section 8, Township 114, Range 19W, except the west 265 feet of the East 765 feet of the North 370 feet of the Northeast ¼ all in Dakota County, Minnesota.
AND
The Northwest Quarter of Section 9, Township 114, Range 19W

Parcel 2: Acreage and complete legal description of the property on which mineral extraction will apply:

The Northwest ¼ of Northeast ½ Section 8, Township 114, Range 19W, except the following described parcel: the east 775 feet of the west 1275 feet of the north 562 feet of the Northwest ¼ of the Northeast ¼ all in Dakota County, Minnesota.
AND
The Southwest ¼ of Northeast ¼ of Section 8, Township 114, Range 19W
AND
The East ½ of the Northeast ¼ of Section 8, Township 114, Range 19W except the following described parcels: The north 544.5 feet of the east 800 feet of the East ½ of the Northeast ¼; and the south 660 feet of the east 660 feet of the East ½ of the Northeast ¼ all in Dakota County, Minnesota

Parcel 3: The acreage for renewal by Fischer Sand and Aggregate :

The South Half of the Southeast Quarter of Section 5, and the West Half of the Northwest Quarter of the Southeast Quarter of Section 5, and the South 323 feet of the East 674.3 feet of the North half of the Southeast Quarter of Section 5, Township 114, Range 19; excluding public right of way.
AND
The North 775 feet of the East 1500 feet of the Northwest Quarter of Section 8, Township 114 Range 19, excluding public right of way.

1. Site Address: 17211 Biscayne Ave, Empire MN, 55024

2. A title opinion was not furnished to the surveyor as part of this survey. Only easements per the recorded plat are shown unless otherwise denoted hereon.

3. **Flood Zone Information**: This property appears to lie in Zone X (area determined to be outside of the 0.2% annual chance floodplain) and Zone AE (Areas subject to inundation by the 1-percent-annual-chance flood event determined by detailed methods. Base Flood Elevations (BFEs) are shown. Mandatory flood insurance purchase requirements and floodplain management standards apply.) per Flood Insurance Rate Map, Community Panel No. 27037C0228E, effective date of 12/2/2011.

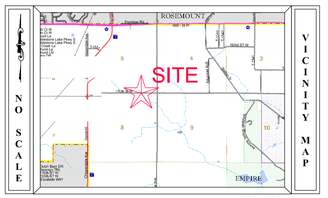
4. **Parcel Area Information**:

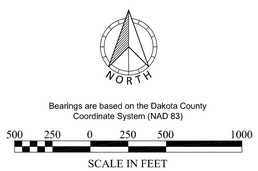
Gross Area:	19,426,465 s.f.	~	445.970 acres
Parcel 1 Area:	13,698,084 s.f.	~	314.465 acres
Parcel 2 Area:	5,610,181 s.f.	~	128.792 acres
Parcel 3 Area:	4,565,863 s.f.	~	104.818 acres

*We do not affirmatively insure the quantity of acreage set forth in the description
Note: Parcel 1 and Parcel 2 overlap.

5. **Benchmark**: Elevations are based on the MNDOT Benchmark 1921 R which has an elevation of 941.20 feet (NAVD 88). Contours were derived from field observations.

6. **Utilities**: We have shown the location of utilities on the surveyed property by observed evidence only. There may be underground utilities encumbering the subject property we are unaware. Please note that we have not placed a Gopher State One Call for this survey. There may or may not be underground utilities in the mapped area, therefore extreme caution must be exercise before any excavation takes place on or near this site. Before digging, you are required by law to notify Gopher State One Call at least 48 hours in advance at 651/454-0002.





SURVEY LEGEND

CAST IRON MONUMENT	PIEZOMETER	WOE	WALKOUT ELEVATION
IRON PIPE MONUMENT SET	POWER POLE	FFE	FIRST FLOOR ELEVATION
IRON PIPE MONUMENT FOUND	GUY WIRE	GFE	GARAGE FLOOR ELEVATION
DRILL HOLE FOUND	ROOF DRAIN	TOF	TOP OF FOUNDATION ELEV.
CHISELED "X" MONUMENT SET	LIFT STATION	LOE	LOWEST OPENING ELEV.
CHISELED "X" MONUMENT FOUND	SANITARY MANHOLE		CONCRETE
REBAR MONUMENT FOUND	SANITARY CLEANOUT		BITUMINOUS
PK NAIL MONUMENT SET	STORM MANHOLE		BUILDING SETBACK LINE
PK NAIL MONUMENT FOUND	STORM DRAIN	CTV	CABLE TV
PK NAIL W/ ALUMINUM DISC	CATCH BASIN		CONCRETE CURB
SURVEY CONTROL POINT	FLARED END SECTION	960	CONTOUR EXISTING
A/C UNIT	TREE CONIFEROUS	960	CONTOUR PROPOSED
CABLE TV PEDESTAL	TREE DECIDUOUS		GUARD RAIL
ELECTRIC TRANSFORMER	TREE CONIFEROUS REMOVED	DT	DRAIN TILE
ELECTRIC MANHOLE	TREE DECIDUOUS REMOVED	ELC	ELECTRIC UNDERGROUND
ELECTRIC METER	TELEPHONE MANHOLE	X	FENCE
ELECTRIC OUTLET	TELEPHONE PEDESTAL	FO	FIBER OPTIC UNDERGROUND
YARD LIGHT	UTILITY MANHOLE	GAS	GAS UNDERGROUND
LIGHT POLE	UTILITY PEDESTAL	OHU	OVERHEAD UTILITY
FIBER OPTIC MANHOLE	UTILITY VAULT		TREE LINE
FIRE DEPT. HOOK UP	WATERMAIN MANHOLE		SANITARY SEWER
FLAG POLE	WATER METER		STORM SEWER
FUEL PUMP	WATER SPIGOT	TEL	TELEPHONE UNDERGROUND
FUEL TANK	WELL		RETAINING WALL
PROPANE TANK	MONITORING WELL	UTL	UTILITY UNDERGROUND
GAS METER	CURB STOP		WATERMAIN
GAS VALVE	GATE VALVE		TRAFFIC SIGNAL
GAS MANHOLE	HYDRANT		RAILROAD TRACKS
GENERATOR	IRRIGATION VALVE		RAILROAD SIGNAL
GUARD POST	POST INDICATOR VALVE		RAILROAD SWITCH
HAND HOLE	SIGN		SATELLITE DISH
MAIL BOX	SOIL BORING		WETLAND BUFFER SIGN

FIELD CREW	NO.	BY	DATE	REVISION
DM DR SO PH				
DRAWN				
ABE				
CHECKED				
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DATE				
11/7/24				

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I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the laws of the State of Minnesota.

Dated this 7th day of November, 2024.

Daniel L. Schmidt, PLS Minnesota License No. 26147
schmidt@sathre.com

SATHRE-BERGQUIST, INC.
14000 25TH AVENUE NORTH, SUITE 120
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WWW.SATHRE.COM

TWP:118-RGE.19-SEC.5,8,9
Dakota County

Empire Township
MINNESOTA

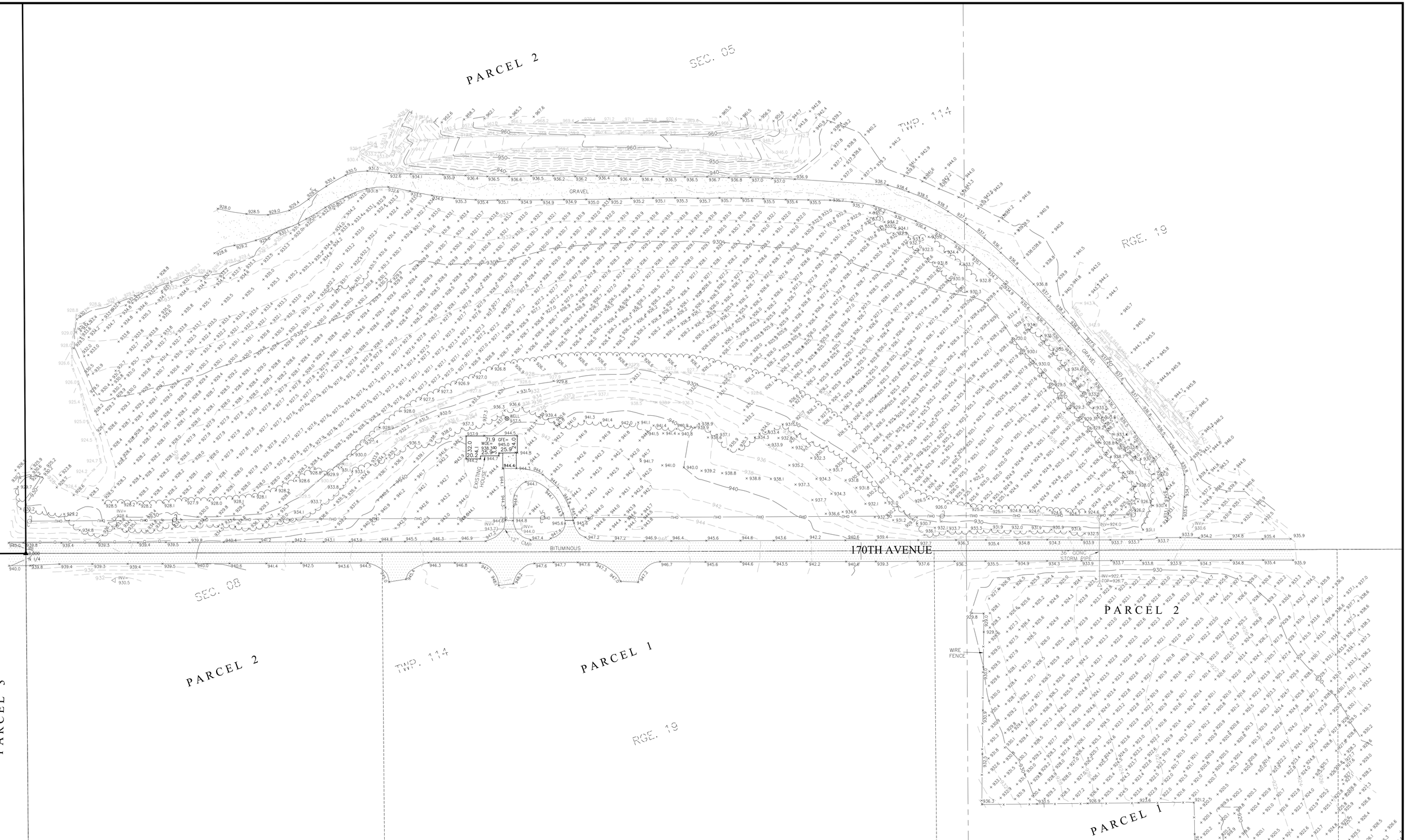
CERTIFICATE OF SURVEY

PREPARED FOR:

SUNDE ENGINEERING

FILE NO.
879595-001

1
3



FIELD CREW	NO.	BY	DATE	REVISION
XXX				
DRAWN				
XXX				
CHECKED				
XXX				
DATE				
XX/XX/XX				

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60 30 0 30 60 120
SCALE IN FEET

NORTH

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TWP:118-RGE.19-SEC.5,8,9
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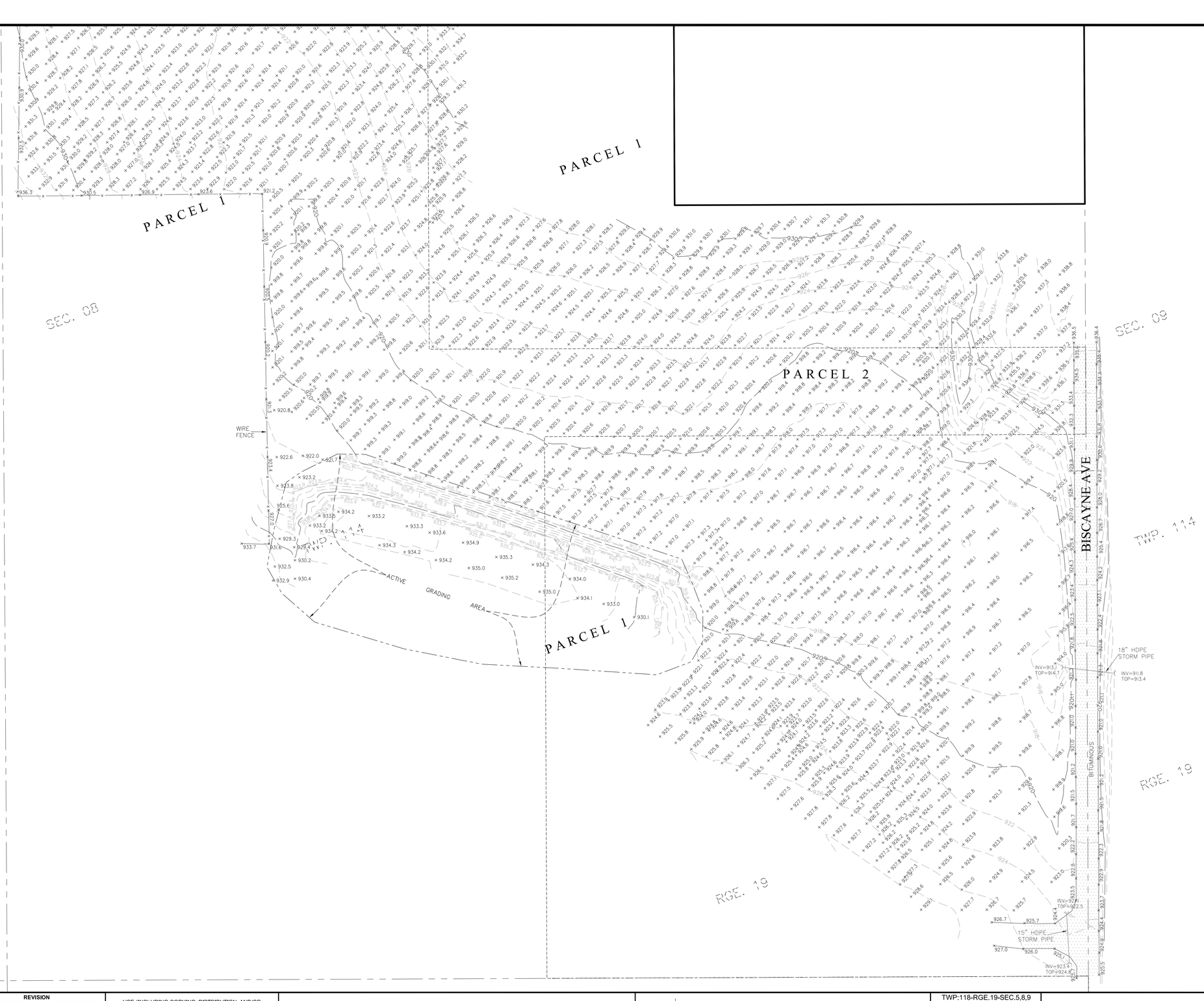
CERTIFICATE OF SURVEY

PREPARED FOR:

SUNDE ENGINEERING

FILE NO.
879595-001

2
3



FIELD CREW	NO.	BY	DATE	REVISION
XXX				
DRAWN				
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XXX				
DATE				
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60 30 0 30 60 120
SCALE IN FEET

NORTH

ENGINEERS SURVEYORS DESIGNERS PLANNERS
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WWW.SATHRE.COM

TWP:118-RGE.19-SEC.5,8,9
Dakota County
Empire Township
MINNESOTA

CERTIFICATE OF SURVEY

PREPARED FOR:
SUNDE ENGINEERING

FILE NO.
879595-001
3
3

AQUATIC RESOURCE REVIEW REPORT

Fischer/McNamara Empire Mine Expansion

City of Empire

Dakota County, MN



Principal Investigator: Eric Hanson (#1247)

June 2024

Sunde Engineering, PLLC.
10830 Nesbitt Avenue South · Bloomington, Minnesota 55437-3100
Phone: (952) 881-3344 · Fax: (952) 881-1913 · E-mail: info@sundecivil.com

1. INTRODUCTION

Sunde Engineering, PLLC completed an aquatic resource investigation in Empire, MN in connection with the proposed CUP Permit Amendment for both the Fischer Empire Mine and McNamara Berg West Mine. The aquatic resource investigation was located in the south ½ of Section 5 and the north ½ of Section 8, Township 114N, Range 19W (Figure 1). The area investigated included a 28-acre property. A preliminary desk-top review was conducted and followed by an on-site field investigation on July 17th, 2024. A summary of the investigation results is provided in the following paragraphs.

2. PRELIMINARY DESKTOP REVIEW

The preliminary desktop review was conducted to identify the presence or absence of aquatic resources on the site. The National Wetland Inventory Map (NWI), NRCS Web Soil Survey[1], the MNDNR Protected Waters Map[2], FEMA Firm Maps[3], Dakota County GIS WebMap, topographical data from MN Topo[4], USGS Coates Quadrangle Map, available Google Earth[5] and FSA aerial imagery[6] were reviewed for any evidence of aquatic resources on the landscape.

A review of the most recent NWI Map showed the presence of one aquatic feature labeled as R4SBC indicating a seasonally flooded riverine intermittent streambed. The MN Topo contour map shows a linear drainage feature, and the FEMA flood map shows a regulatory floodway and 100-year floodplain east to west through the project area. The MN DNR Public Waters Map does not list any public waters in the project area, the Web Soil Survey does not list any hydric soils within the project area, and a review of aerial imagery does not show the presence of water in the drainage feature in any years. Based upon the results of the desktop review it was determined that a field investigation was needed to verify the status of the linear drainage feature.

3. FIELD REVIEW RESULTS

A field review of the site was conducted on July 17th, 2024, to determine whether the linear feature identified on the NWI Map possessed characters of a tributary. Site review showed the presence of corn throughout the drainage feature and floodplain with no evidence of crop stress or stream channel. The drainage feature was inspected more closely on the north and south sides of 170th Street W, and on the west side of Biscayne Avenue. In all three cases, no bed, bank or ordinary high watermark were identified, no hydric soils were present, and no evidence of standing or flowing water was identified. The field north

[1] MN. http://websoilsurvey.nrcs.usda.gov/app/HomePage.htm Site Accessed July 18, 2024.
[2] https://www.dnr.state.mn.us/waters/watermgmt_section/pwi/maps.html
[3] https://www.fema.gov/flood-maps/national-flood-hazard-layer
[4] http://arcgis.dnr.state.mn.us/maps/mntopo/
[5] Google Earth: https://earth.google.com
[6] https://www.fsa.usda.gov/programs-and-services/aerial-photography/index

of 170th street was also reviewed, and no channel or wet signatures were identified anywhere along the drainage feature. No wetland indicators were found to be present. Attachment 1 includes pictures of the investigation results.

4. FINDINGS

After desktop and field review, it is evident that the linear drainage feature listed on the NWI is an ephemeral drainage swale that may convey stormwater during significant precipitation events, but it does not appear to convey water regularly. Since no wetland indicators are present and no defined channel (with a bed, bank, and ordinary high watermark) was found anywhere in the project area, the definition of tributary is not appropriate for this drainage feature at this location in the watershed.

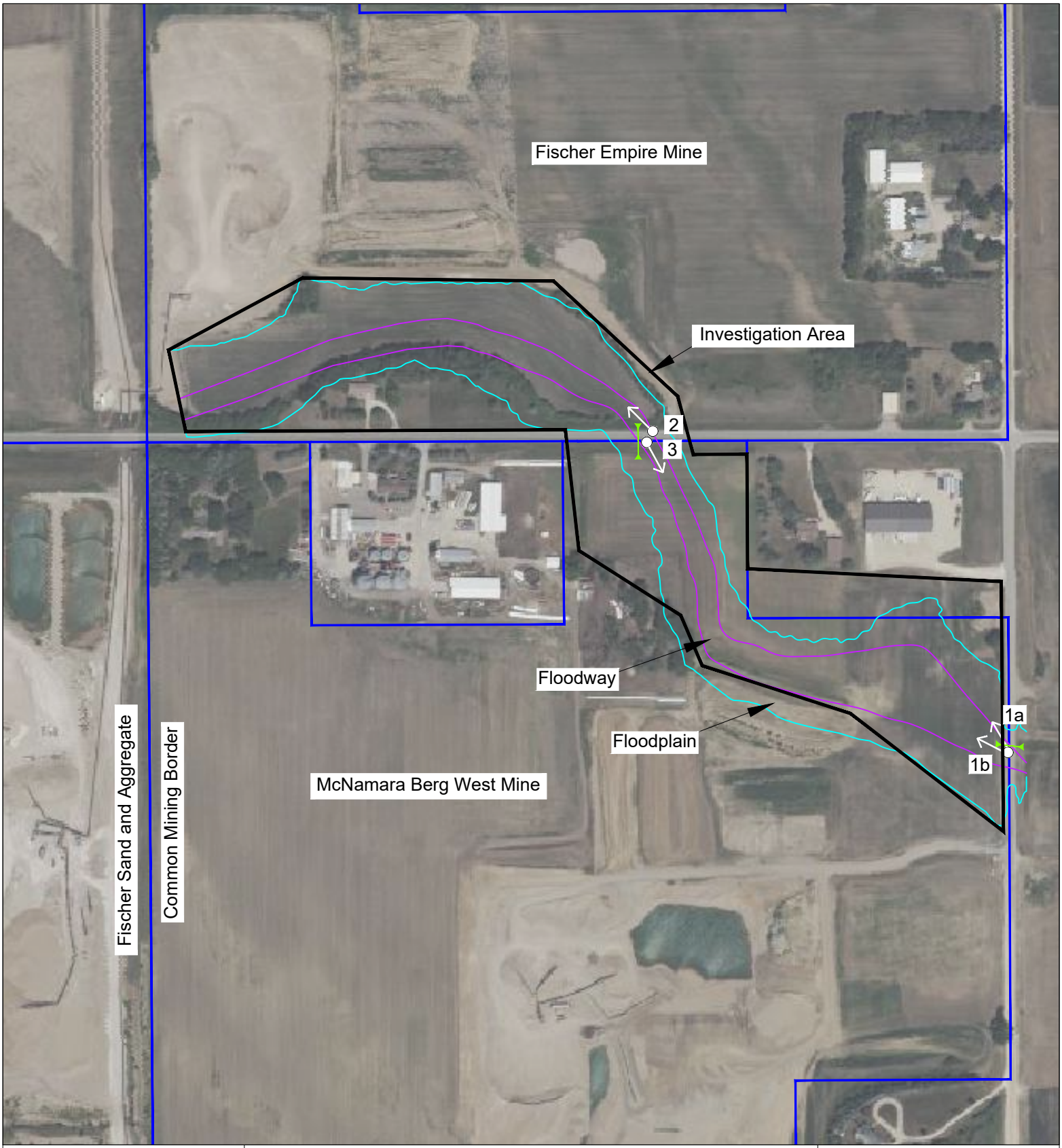
5. SIGNATURE OF INVESTIGATOR

The investigation detailed in this report was performed by the undersigned certified wetland delineator.

Investigator Name: Eric Hanson
Company: Sunde Engineering
Wetland Delineator Certification Number: #1247
Position: Senior Staff Ecologist

Eric Hanson
Signature

July 24, 2024
Date



N

0 200 400

SCALE IN FEET

Figure 1
Investigation Areas

Berg Property
Empire, Minnesota

Sunde Engineering, PLLC.



Location 1a – View from Biscayne Ave looking north northwest along drainage way.



Location 1b – View from Biscayne looking northwest along draingeway



Location 2 – View from 170th Street W looking northwest along drainageway



Location 3 – View from 170th Street W looking southeast along drainageway

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations** (BFEs) and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations (BFEs) shown on this map apply only landward of 0.0' North American Vertical Datum of 1988. Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations tables in the Flood Insurance Study report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations tables should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 15. The **horizontal datum** was NAD 83, GRS80 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1988. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at http://www.ngs.noaa.gov or contact the National Geodetic Survey at the following address:

Spatial Reference System Division
National Geodetic Survey, NOAA
Silver Spring Metro Center
1315 East-West Highway
Silver Spring, Maryland 20910
(301) 713-3191

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at **(301) 713- 3242**, or visit its website at http://www.ngs.noaa.gov.

Base map information shown on this FIRM was derived from the National Agriculture Imagery Program, produced at a resolution of 1 meter per pixel, dated 2003 or later.

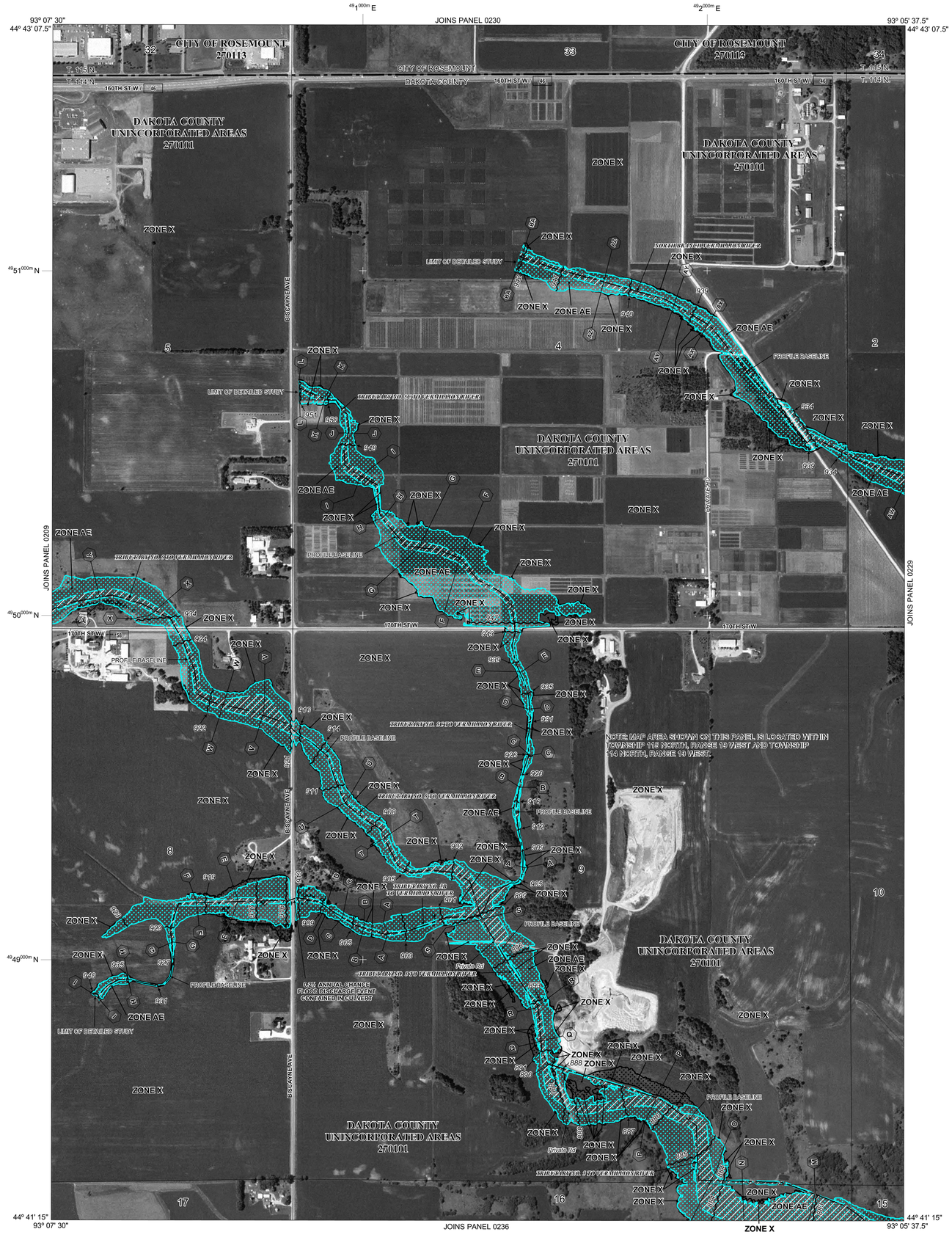
The **profile baselines** depicted on this map represent the hydraulic modeling baselines that match the flood profiles in the Flood Insurance Study report. As a result of improved topographic data, the profile baseline, in some cases, may deviate significantly from the channel centerline or appear outside the Special Flood Hazard Area.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information on available products associated with this FIRM visit the **Map Service Center (MSC)** website at http://msc.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

If you have **questions about this map,** how to order products, or the National Flood Insurance Program in general, please call the **FEMA Map Information eXchange (FMIX)** at **1-877-FEMA-MAP** (1-877-336-2627) or visit the FEMA website at http://www.fema.gov/business/nfip.



LEGEND

SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, A99, V, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

ZONE A No Base Flood Elevations determined.

ZONE AE Base Flood Elevations determined.

ZONE AH Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.

ZONE AO Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.

ZONE AR Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently decertified. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.

ZONE A99 Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.

ZONE V Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.

ZONE VE Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

FLOODWAY AREAS IN ZONE AE

The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

OTHER FLOOD AREAS

ZONE X Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

OTHER AREAS

ZONE X Areas determined to be outside the 0.2% annual chance floodplain.

ZONE D Areas in which flood hazards are undetermined, but possible.

COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS

OTHERWISE PROTECTED AREAS (OPAs)

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

- 1% annual chance floodplain boundary
- 0.2% annual chance floodplain boundary
- Floodway boundary
- Zone D boundary
- CBRS and OPA boundary
- Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.
- 513 — Base Flood Elevation line and value; elevation in feet*
- (EL 987) — Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the North American Vertical Datum of 1988

- A — A — Cross section line
- 23 — 23 — Transect line
- 45° 02' 08", 93° 02' 12" — Geographic coordinates referenced to the North American Datum of 1983 (NAD 83), Western Hemisphere
- $^{49}89^{000m}$N — 1000-meter Universal Transverse Mercator grid values, zone 15
- DX5510× — Bench mark (see explanation in Notes to Users section of this FIRM panel)
- M1.5 — River Mile

MAP REPOSITORIES
Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
DECEMBER 2, 2011

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

MAP SCALE 1" = 500'

250 0 500 1000 FEET
150 0 150 300 METERS

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0228E

FIRM

FLOOD INSURANCE RATE MAP

DAKOTA COUNTY, MINNESOTA
AND INCORPORATED AREAS

PANEL 228 OF 525

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DAKOTA COUNTY	270101	0228	E
ROSEMOUNT, CITY OF	270113	0228	E

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
27037C0228E

EFFECTIVE DATE
DECEMBER 2, 2011

Federal Emergency Management Agency

Sand & Gravel Mining and Accessory Uses Mitigation Plan Checklist

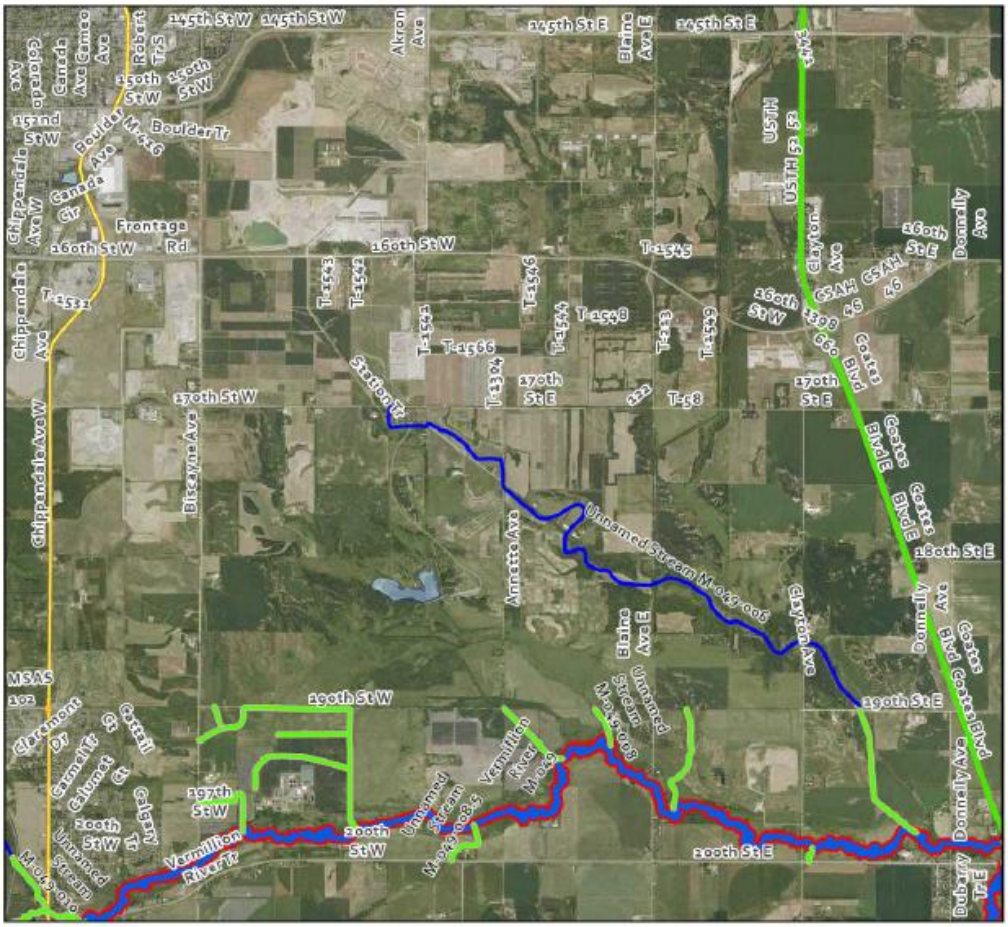
SECTION III of the FEIS Revised Mitigation Plan identifies nine (9) goals and lists several strategies, responsibilities and actions to accomplish the goals.

STRATEGY	DATE COMPLETED	COMMENTS/NOTED
Goal 1 - Fulfill and maintain the public's expectations for the character of the area as defined by comprehensive plans, the zoning ordinances, etc.		
Adoption of Interim Use Permits (IUP) for each mining operation.	**Original IUP approved December 2010 through March 2015** **Renewed 2015 through 2027**	**Strategy 1.2** in Mitigation Plan https://empiremn.gov/vertical/sites/%7BC2524253-F75F-408D-8923-A2A3D0993A19%7D/uploads/Ordinance_450_-_Mineral_Extraction.pdf
Execution of performance bonds to provide surety to the Township that all necessary requirements are met. The amount should be as required by the IUP.	**Condition #22 in 2026 IUP establishes performance bond requirements (included in previous IUPs as well).**	**Strategy 1.3** in Mitigation Plan
Enforcement by all governing authorities of their respective rules and regulations	**Conditions #4 and 5 in 2026 IUP requires all federal, state, and local laws, rules, ordinances, and regulations are followed (included in previous IUPs as well).**	**Strategy 1.4** in Mitigation Plan
Goal 2 - Perpetuate a desirable habitat for native areas and species found within the mining area including the loggerhead shrike (a state threatened species) and the mesic prairie.		
In the short term, develop attractions for the loggerhead shrike in the setback areas and reclaimed areas as they become available.	**Reclaimed areas of the site have been returned to agricultural production.**	**Strategy 2.1** in Mitigation Plan- Work with the DNR on planting lowland plains and gentle slopes with short grass, scattered low shrubs or trees.
Establish appropriate setbacks from the railroad, property lines and roadways.	**50-foot setbacks have been established along the east and south property lines. The property is not adjacent to the railroad.**	**Strategy 2.3** in Mitigation Plan In mining ordinance. Review railroad setbacks with each IUP
Relocate and manage the mesic prairie to areas adjacent to the potential mining setback areas that have a high potential for successful mitigation.	**N/A, IUP is not within mesic prairie area.**	**Strategy 2.4** in Mitigation Plan Review IUP for mesic prairie area mitigation potential condition of IUP See attached EAW map of this area
Goal 3 - Limit impacts of surface water runoff		
National Pollutant Discharge Elimination System (NPDES) Permit and Stormwater Pollution Prevention Plan (SWPPP) Requirements	**Condition #21 in 2026 IUP establishes requirements for NPDES permit and SWPPP Engineering approval (included in previous IUPs as well).**	**Strategy 3.1** in Mitigation Plan Engineering review of NPDES and SWPPP Permit. SWPPP) must be incorporated into each IUP
Review DNR Trout Streams	**After consultation with the DNR, this site is not within a trout stream designation.**	See DNR trout stream map to this checklist
Best Management Practices (BMPs)	**Condition #16 and 18 in 2026 IUP establishes reclamation standards for mining. Condition #9 includes information on stockpiling measures. Condition #11 details requirements for dust control. These were included in previous IUPs as well.**	**Strategy 3.2** in Mitigation Plan- see the Plans for details on these items Add proactive Planning, Phasing, reclamation as a condition; Mine deeper than horizontal first; Temporary and permanent vegetative plan needed (review Mitigation Pans for Specifics) Sediment controls- no hay bales; Aoid sloes greater than 3:1 and longer than 75 feet; Temporary stockpile measures; Vehicle Exit Measures-150' paved into the property from r-o-w

		Temporary sediment basins required Permanent Stormwater Management Plan Dewatering Plan Pollution Prevention Management Inspection- can require submittal of SWPPP reports weekly. Make Condition of IUP Engineering review of BMP's
Goal 4 - Preserve and protect the groundwater aquifers		
Permitting - Mine operators shall obtain all applicable permits concerning the design, drilling, installation, use and abandonment of groundwater production and dewatering wells per MDNR, MDH and Dakota County Ordinance Number 114.	**Condition #22 in 2026 IUP has added the requirement for mine operators permits. Not included in previous IUPs.**	**Strategy 4.1** in Mitigation Plan Make Condition of IUP
Remediation Plan to have surface water review to be consistent with the plan.	**Condition #5 requires all environmental rules be followed regarding surface water.**	Needs Engineering Review
Mining Monitoring Plan as part of IUP Condition	**City Responsibility**	See Mitigation Plan for full considerations Make Condition of IUP
Goal 5 - Preserve and protect the quality, quantity and rate of stormwater reaching downstream water bodies including wetlands, the vermillion river, butler pond, north creek, etc.		
Permitting - Mine operators shall obtain all applicable permits concerning the design, installation and use of surface water management systems.	**Condition #22 in 2026 IUP has added the requirement for mine operators permits. Not included in previous IUPs.**	**Strategy 5.1** in Mitigation Plan
Need wetland delineation submitted with IUP	**No wetlands are present on the site.**	
Empire to Annually hold meeting to review each Mining Operators plans for the year including mitigation and remediation efforts	**City Responsibility**	
Review Area wide Monitoring Plan and adopt mitigation measures as needed	**City Responsibility**	
End use plan to have 240 acres of ponding- review reclamation plans for this	**Reclamation plan has ponding noted.**	
Goal 6 - Provide mitigation for indirect wetland and watercourse impacts		
Monitoring of the surface waters and the groundwater in the Mining Area and the immediate surrounding area will be required as part of the comprehensive monitoring plan	**Condition #5 requires all environmental rules be followed regarding surface water.**	**Strategy 6.1** in Mitigation Plan
Monitor Surface Water for Mining Impacts	**Condition #5 requires all environmental rules be followed regarding surface water.**	
Monitor groundwater for changes	**Condition #5 requires all environmental rules be followed regarding groundwater.**	
Ongoing Monitoring to guide where end use stormwater ponds will occur. Permanent stormwater ponds will be constructed as shown in the Surface Water Study, around groundwater Ponds 1, 2, and 10. New Pond 8	**Future pond on this site is identified as Pond 8.**	Need to review IUP's and Monitoring Plan with EIS End Use Stormwater Pond Exhibit.
Environmental Monitoring and Clean-up required- Follow Groundwater Impact Study; Monitor North Creek (Tributary 1) Biological monitoring of streams and wetlands at select sites	**City Responsibility**	
Goal 7 - Provide environmental monitoring and a contingency plan to secure groundwater protection		
Permitting - Mine permits will include monitoring requirements.	**City Responsibility**	**Strategy 7.1** in Mitigation Plan Make condition of IUP's and their review

Best Management Practices	**Condition #9, 11, 16, 18 all include BMPs.**	**Strategy 7.2** in Mitigation Plan
IUPs to address amount of acreage exposed- goal is to limit exposure	**Condition #18 limits maximum area for work.**	Engineering review IUP
Update AUAR for end use planning every 5 years	**n/a**	
City, Dakota SWCD, and JPO to conduct comprehensive mining monitoring as condition of IUP	**City Responsibility**	Long term reporting of- groundwater monitoring wells; Butler Pond; North Creek Tributary to Vermillion River; Adjacent Wells
Considering adding monitoring wells for Layer 2 & 3 protection	**n/a**	
City will coordinate with Dakota County Soil and Water Conservation District and the JPO in the design off the Monitoring Program – which will be implemented with IUP as a condition	**City Responsibility**	
Goal 8 - Limit the impacts to traffic in the vicinity of the mining area		
Construct such roadway improvements as may be necessary to directly support the mining activity.	**n/a**	**Strategy 8.1** in Mitigation Plan
Verify that residential development does not advance faster than mitigation measures are implemented.	**Application not currently extended past 2027, renewal will allow the City to evaluate residential development in AUAR.**	**Strategy 8.2** in Mitigation Plan
Review TIS as part of CIP planning and roadway improvements	**City Responsibility**	**Strategy 8.2** in Mitigation Plan
Goal 9 - Limit the individual and cumulative air quality impacts of traffic generated by the project and the activities of individual operators.		
Permitting - Mine operators shall obtain all applicable state and federal permits.	**Condition #22 in 2026 IUP has added the requirement for mine operators permits. Not included in previous IUPs.**	**Strategy 9.1** in Mitigation Plan
Dust Control Measures to in IUP's such as conveyors, Perimeter berms, Seeding graded areas, setbacks from the down wind receptors; Haul Roads to control dust- see mitigation plans for details	**Condition #11 details requirements for dust control.**	**Strategy 9.2** in Mitigation Plan

April 1, 2026 Map from DNR site:



Legend

Trout Stream Designation

- Designated Trout Stream
- Protected Tributary to Designated Trout Stream

Public Watercourses

- Public Water Watercourse
- Public Ditch/Altered Natural Watercourse

- Public Waters Basins

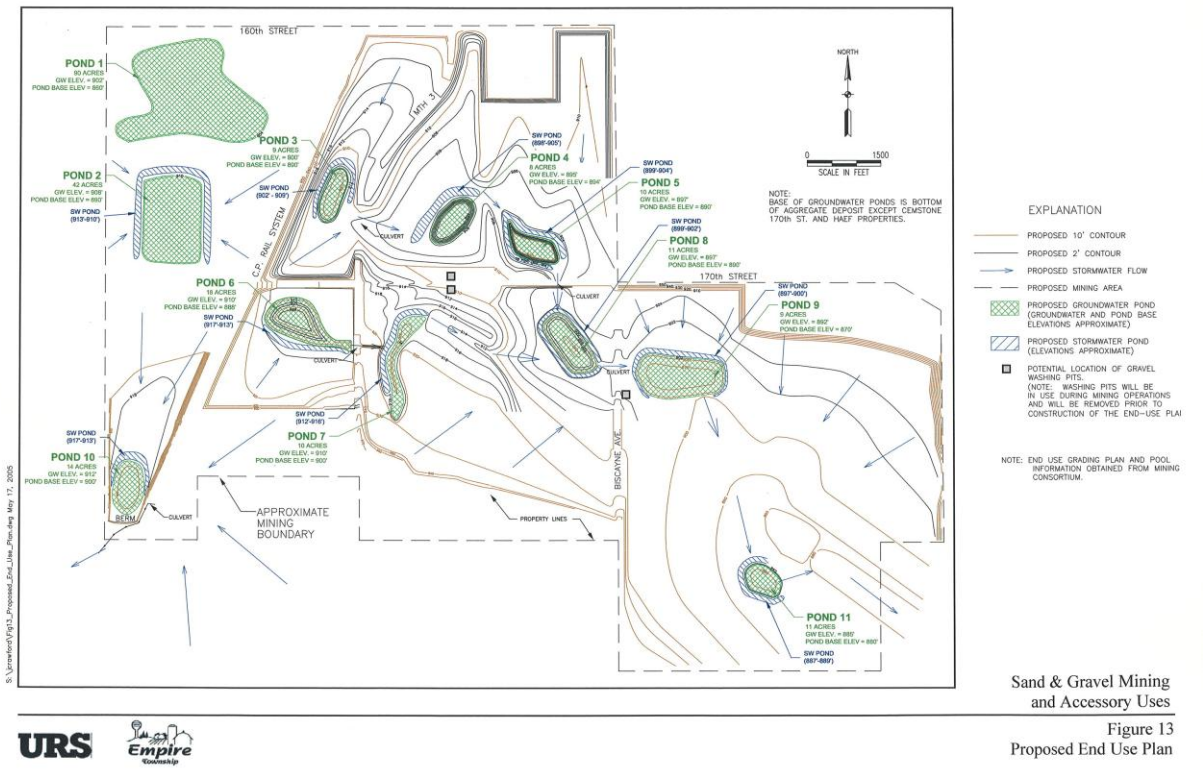
Federal and State

- Interstate Trunk Highway
- U.S. Trunk Highway
- MN Trunk Highway

Mesic Prairie Areas from EAW Appendix drawn on Current GIS Map- Section 9 just west of White Tail Woods Park



Surface Water End Use Plan from EIS document



URS Empire Township

Sand & Gravel Mining and Accessory Uses

Figure 13
Proposed End Use Plan

EMPIRE TOWNSHIP
DAKOTA COUNTY

MINERAL EXTRACTION INTERIM USE PERMIT 5-YEAR RENEWAL

for

FISCHER SAND & AGGREGATE, LLP
AUGUST 23, 2022

1. Application. Empire Township, a Minnesota municipal corporation (hereafter the "Township") issued a Mineral Extraction Interim Use Permit (hereafter "IUP") to Fischer Sand & Aggregate, LLP, a Minnesota limited liability partnership (hereafter "Fischer") on February 22, 2011. The original Fischer "Application for Mineral Extraction Permit and Rezoning to Mineral Extraction Overlay," was originally dated December 27, 2010, and subsequently revised applications, dated January 31, 2011, March 20, 2015, and July 10, 207 are a part of this IUP Renewal by reference. On August 9 2022, the Township received a Mineral Extraction Interim Use Permit Renewal Application from Fischer (hereafter "Permit Renewal Application"), which is attached to this IUP Renewal (hereafter "IUP RENEWAL") by reference as Plan A.

2. Property. The IUP RENEWAL is for mineral extraction on property containing approximately 133 acres, legally described as the Northwest Quarter of Section 8, Township 114, Range 19, except the south 340 feet and excluding public right of way (hereafter the "Property"). The Property will be mined and contains the operations area (material stockpiles, crusher, wash plant, and ready-mix plant), approximately 29 acres, lying north of 170th Street, located within a larger area legally described as the South Half of the Southeast Quarter of Section 5, and the West Half of the Northwest Quarter of the Southeast Quarter of Section 5, and the South 323 feet of the East 674.3 feet of the North Half of the Southeast Quarter of Section 5, Township 114, Range 19, excluding public right of way, is no longer part of the active IUP RENEWAL.

3. Permit. Subject to the terms and conditions set forth herein, and subject to the written consent by Fischer of the terms and conditions set forth herein, the Township approves an IUP RENEWAL to Fischer to operate a mineral extraction facility on the Property. The renewal of the permit includes the establishment of a portable ready-mix plant as shown in Plan A.

4. Conditions. The IUP RENEWAL is issued subject to the following conditions:

A. The IUP RENEWAL is conditioned upon Township review and approval of any wetland disturbances and mitigation, consistent with the Wetland Conservation Act and sequencing requirements.

B. The IUP RENEWAL is conditioned upon Dakota County review and approval of any floodplain disturbances and mitigation, consistent with Dakota County Ordinance No. 50, as amended.

C. Mineral extraction and accessory uses authorized in the IUP RENEWAL are limited to those activities identified in Plan A and located within the Property.

D. Fischer shall operate the mineral extraction facility in full compliance with Plan A submitted by Fischer as part of its Permit Renewal Application, as amended by the review and issuance of the IUP RENEWAL.

E. Fischer shall operate the mineral extraction facility in full compliance with all federal, state, and local laws, rules, ordinances, and regulations.

F. Fischer shall operate the mineral extraction facility consistent with Ordinance No. 450 Empire Township Mineral Extraction Ordinance, as amended, including but not limited to Ordinance No. 450-A, Ordinance No. 450-B, Ordinance No. 450-C, and Ordinance No. 450-D; and Empire Township Zoning Ordinance No. 400, as amended; and Empire Township Water Resources Management Ordinance No. 350-A, as amended (hereafter "Township Ordinances").

G. Fischer shall operate the mineral extraction facility consistent with the Empire Township "Sand And Gravel Mining And Accessory Uses Environmental Impact Statement," found adequate by the Board of Supervisors on January 10, 2006, and consistent with the "Groundwater and Surface Water Monitoring Plan," prepared by Barr Engineering, dated February 2007.

H. Fischer shall operate the mineral extraction facility consistent with a Stormwater Pollution Prevention Plan (SWPPP) approved by the Township and subsequent permitting. The SWPPP shall be consistent with the "Groundwater and Surface Water Monitoring Plan," prepared by Barr Engineering, dated February 2007, and Township Ordinances.

I. Fischer shall operate the mineral extraction facility consistent with all future federal and state laws, rules, and ordinances, pertaining specifically to environmental conditions, including but not limited to air quality, surface water quality, groundwater quality, noise, and particulate matter.

J. The use of explosives is not authorized in the IUP RENEWAL.

K. Fencing on the Property is not proposed in Plan A. The Township reserves the right to require fencing upon reasonable notice and upon reasonable findings that fencing is necessary to protect the public health, safety, and welfare. Fischer may add fencing to the Property upon notice to the Township and upon any necessary permitting.

L. Fischer shall allow access to the mineral extraction facility by the Township's representatives, or other local, state or federal officials and agents, upon reasonable notice and in the company of a competent site representative, to inspect permitted facilities and site conditions, at intervals chosen by the Township.

M. Mineral extraction processing on the Property shall be consistent with Plan A and shall include excavation and stockpiling of topsoil, construction of earthen berms on the perimeter of the Property, and a portable ready mix plant as shown on Plan A. Detailed plan review and approval by the Township, applicable building permits, and applicable driveway or right-of-way permits, are required before the commencement of any of the following activities:

1. Washplant location (approved)
2. Crushing equipment location (approved)
3. Portable or permanent ready-mix plant
4. Truck wash facility
5. Material reclamation system
6. 170th Street facility access (approved)
7. 170th Street conveyor culvert
8. Other new buildings and structures
9. Demolition of existing buildings and structures
10. Wells, groundwater appropriations, and Subsurface Sewage Treatment Systems (SSTS)

N. Screening berms, as identified on Plan A, shall be constructed adjacent to extraction areas, according to the phasing plans, at the time of extraction. The sequencing priority for construction of the berms shall be (1) areas adjacent to neighboring residences, (2) areas providing screening to other area residences, and (3) areas adjacent to roadways. Berms on the Property shall be constructed and maintained according to Plan A and shall be completed within one year in which extraction is initiated in each individual phase of operations.

O. Dust generated during excavation and processing shall be minimized by watering. Fischer shall remove dust and mud on 170th Street caused by it leaving the Property, as necessary and as requested by the Township. Dust generated on Township roads used by Fischer shall be mitigated as necessary and as requested by the Township.

P. Mineral extraction processing on the Property shall be permitted from 6:00 a.m. through 6:00 p.m., Monday through Saturday. The facility may be opened one-half hour before and one hour after operational hours for the staging and loading of vehicles used for material hauling. Exceptions to the hours of operation shall be consistent with Ordinance No. 450, as amended.

Q. No mineral extraction operations shall occur on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.

R. Except for local deliveries of aggregate and concrete, truck haul routes in the Township shall be limited to be limited to TH 3, CSAH 46, TH 50, and 170th Street between the facility entrance and TH 3.

S. No removal of topsoil from the Property is authorized in the IUP RENEWAL.

T. Backhauling to the Property of topsoil for reclamation and clean concrete for recycling and reuse is permitted. Concrete shall be primarily devoid of reinforcement bar and limited to 30,000 unprocessed cubic yards at any time.

U. A turn lane into the Property on eastbound 170th Street shall be constructed by Fischer, upon reasonable notice by the Township and according to plans and specifications approved by the Township, when the Average Daily Traffic (ADT) on 170th Street is determined by the Township to warrant said turn lane. Fischer shall provide average daily a.m. and p.m. peak hour truck traffic trip data on 170th Street to the Township annually at annual permit renewal. The Township may also require the access road into the Property to be paved, upon reasonable notice, a minimum distance of 200 feet to minimize dust and dirt carried onto 170th Street.

V. The Property shall be reclaimed according to Township Ordinances and Plan A prior to the end of the permit term, unless the IUP RENEWAL is amended by the Township, the term of the IUP RENEWAL is extended by the Township, or a new IUP is approved by the Township. The maximum area of excavation, extraction, processing, stockpiling, or other graded and un-reclaimed acreage shall not exceed 133 acres. Final reclamation shall include a minimum of eighteen (18) inches of loamy material and a minimum of six (6) inches of topsoil on compacted subgrade.

W. Existing buildings, structures, water wells, and SSTS facilities located on the Property shall be removed or closed, according to requirements of Dakota County and the Township, when excavation or extraction occurs within 50 feet of the buildings, structures, wells, or SSTSs or before the end of the IUP RENEWAL term, whichever is sooner.

X. Mineral extraction facility and operations complaints shall be directed to Fischer at (612) 290-2070. Fischer shall respond to all calls within two business days. Fischer shall furnish the Township with records of complaints and resolutions within thirty (30) days of receipt of the complaint.

5. Reimbursement of Costs. Fischer shall reimburse the Township for all out of pocket expenses incurred in the IUP RENEWAL application review and approval, and enforcement of this IUP RENEWAL and Township Ordinances, including but not limited to planning, engineering, and legal fees. Fischer agrees to pay all permit or license renewal fees established by Township Ordinances and as adjusted from time to time.

6. Financial Security. To guarantee compliance with the terms of the IUP RENEWAL and final site restoration, Fischer must furnish the Township the following:

A. A minimum $530,000.00 permit bond in a form and with a surety satisfactory to the Township shall be furnished to the Township within 30 days of Township approval of the IUP RENEWAL or the IUP RENEWAL shall be invalid. At the annual permit review, if it is determined that the disturbed and un-reclaimed acreage exceeds 133 acres, the amount of the bond shall be increased in an amount equal to $4000.00 times the total disturbed and un-reclaimed acreage.

B. The term of the bond shall be a minimum of one (1) year, automatically renewable for a minimum term of one (1) year. Any termination notice for the surety must be in writing to the Township at least thirty (30) days prior to expiration. Any termination notice received prior to the expiration of the IUP RENEWAL shall cause the expiration of the IUP RENEWAL.

7. Indemnification. Fischer shall defend and indemnify and hold harmless the Township and its agents, officers, employees, and its attorney, and its engineer, and its planner against any and all claims, damages, losses, and expenses, including attorney fees, arising out of or resulting from the issuance of the IUP RENEWAL or the enforcement thereof.

8. Permit Term. The term of the IUP RENEWAL shall be from August 24, 2022 to December 31, 2027, subject to annual review as required by Ordinance No. 45 as amended.

9. Rescission or Termination of Permit. The Township may rescind this IUP RENEWAL if, after thirty (30) days following written notice of violation, Fischer has not corrected the violation and then following a public hearing wherein the Township finds a violation of the terms of this IUP RENEWAL. This IUP RENEWAL will also terminate if Fischer does not commence operations under this IUP RENEWAL within six (6) months of the effective date of the IUP RENEWAL, or if any provision of Township Ordinances causes a termination of the IUP RENEWAL.

10. Amendment of Permit. New or revised facility operations, which are consistent with Township ordinances, may be considered through established review procedures and authorized by the Township by amending this IUP RENEWAL.

11. Remedies. Violation of the terms of this IUP RENEWAL shall be subject to all remedies and prosecution available to the Township.

12. Effective Date. The effective date of the IUP RENEWAL shall be upon approval by the Township. Approved by the Board of Supervisors this 23rd day of August, 2022.

EMPIRE TOWNSHIP

By: _____
Charles Seipel-Teng, Clerk-Treasurer

By: _____
Terry L. Holmes, Chair

STATE OF MINNESOTA)
) SS
COUNTY OF DAKOTA)

This permit agreement was acknowledged before me this 23 day of August, 2022 by Terry L. Holmes and Charles Seipel-Teng on behalf of Empire Township, a Minnesota municipal corporation, and pursuant to the authority granted by its Town Board.

JEFFREY JEROME HINCE
NOTARY PUBLIC
MINNESOTA
My Commission Exp. Jan 31, 2025

Notary Public

The undersigned user agrees to the conditions set forth in the permit.

FISCHER SAND & AGGREGATE, LLP

By: _____
V.P. Engineering + Aggregates
Fischer Mining LLC.

STATE OF MINNESOTA)
) SS
COUNTY OF Dakota)

This permit agreement was executed before me this 24 day of August, 2022, by J. Edwards, an authorized representative of Fischer Sand & Aggregate, LLP.

JANET MARIE MULHOLLAND
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2025

Notary Public

CITY OF EMPIRE
DAKOTA COUNTY, MINNESOTA

Fischer Mining, LLC.

Mineral Extraction – Interim Use Permit
May 12, 2026

This Agreement, dated May 12, 2026, is by and between Fischer Mining, LLC., a Minnesota corporation (hereafter "Fischer") and the City of Empire, a Minnesota municipal corporation, (hereafter the "City").

The parties agree as follows:

1. The City of Empire, a Minnesota municipal corporation (hereafter "Empire"), received an application from Fischer Mining, LLC., a Minnesota corporation ("Fischer"), on March 16, 2026, for the expansions of an Interim Use Permit (hereafter "IUP").
2. The application was deemed incomplete on March 30, 2026, so Staff could coordinate with the Department of Natural Resources (DNR) about the potential the site included a trout stream. After further research and discussion with the DNR, it was determined the site was not considered a trout stream. The application was deemed complete on March 16, 2026. The 60-day review ends on May 15, 2026. The City extended the application an additional 60 days to accommodate the review and meeting dates, until June 16, 2026.
3. Fischer Sand & Aggregate, LLP. own property, legally described as:
   The Northwest Quarter and the Southwest Quarter of Section 8, Township 114, Range 19,
   And
   The West Half of the Northwest Quarter of the Southeast Quarter and the South Half of the Southeast Quarter of Section 5, Township 114, Range 19, all in Dakota County, Minnesota.
   Also
   The South 323 feet of the East 674.3 feet of the East ¾ of the North ½ of the Southeast ¼ in Section 5, Township 114, Range 19, according to the United States Government Survey thereof and situated in Dakota County, Minnesota (hereafter "Property").
4. The Property is zoned within the Mineral Extraction Overlay area of the AG Agricultural Preservation District, and allows mineral extraction with an interim use permit.
5. Empire originally approved an IUP to operate a mineral extraction business on the Property on December 27, 2010, which was amended on January 31, 2011.
6. On March 20, 2015, Empire approved a five-year expansion and renewal of the IUP, which was then amended on July 10, 2017.
7. On August 23, 2022, Empire approved a five-year renewal of the IUP, which terminates on December 31, 2027.
8. The Applicant is requesting an amendment to the IUP to expand the previous approved mining limits.
9. The Empire Planning Commission held a public hearing on May 5, 2026, to consider expanding the IUP.
10. On May 12, 2026, the City Council considered the IUP as shown on attached Plan A, and by the recommendation of the Planning Commission.

FINDINGS OF FACT

1. The proposed use is temporary in nature. The term of the IUP is valid for approximately one and a half (1 ½) years, until December 31, 2027. The applicant is not currently pursuing an extension at this time.
2. The proposed use is in conformance to applicable ordinances and will not negatively impact the public health, safety or welfare.
3. The proposed use is consistent with the Comprehensive Plan and this Ordinance. This property is identified for Agricultural uses on the Comprehensive Plan. The AG district permits Mineral Extraction within the Mineral Extraction Overlay as an IUP.
4. Public utilities are not hindered from serving this facility. The use will not increase the need for fire and police protection.
5. The proposed use will be harmonious with surrounding uses. The use has existed for over a decade as a Mineral Extraction operation, and neighbors many other mining operations. There have been no recorded complaints about noise or odor. The facilities are located in a farming and rural area and as such are harmonious with the surrounding uses.
6. The proposed use can be adequately served by the existing transportation system or mitigated effectively by the applicant. Ingress and egress to the mining operation is limited to TH 3, CSAH 46, TH 50, and 170th (between the facility entrance and TH 3). This does not cause any issue to the existing transportation system.
7. The proposed use will be consistent with the standards of the Zoning Ordinance, the Mineral Extraction Ordinance, and the applicable sections of the Floodplain and Water Management Ordinance standards related to floodplain management.
8. The potential for any impacts on adjacent properties or the environment can be fully mitigated by conditions of the permit. Conditions of approval include requirements for nuisance mitigation, and limits on hours and days for work, road access, and reclamation plans. These conditions will effectively mitigate any potential negative impacts.
9. The use, and activities within the proposed use, will not create a public nuisance.
10. The applicant agrees to the conditions the City deems appropriate for issuance of the interim use permit.

CONDITIONS

Based upon the above **Findings of Fact**, the Planning Commission recommends the issuance of an IUP, subject to the following Conditions which incorporate relevant prior IUP Conditions:

1. Mineral extraction and accessory uses authorized in the IUP are limited to those activities identified in Plan A and located within the Property.
2. The IUP renewal is valid upon approval by the City of Empire City Council and shall remain in effect until December 31, 2027, except the IUP shall terminate upon failure to remedy default in any of the conditions of the IUP, provided Empire first served reasonable notice of the default and reasonable opportunity to remedy the default.
3. Fischer shall operate the mineral extraction facility in full compliance with Plan A submitted by Fischer as part of its Permit Renewal Application, as amended by the review and issuance of the IUP.

4. Fischer shall operate the mineral extraction facility in full compliance with all federal, state, and local laws, rules, ordinances, and regulations, including the "Groundwater and Surface Water Monitoring Plan," prepared by Barr Engineering, dated February 2007.
5. Fischer shall operate the mineral extraction facility consistent with all future federal and state laws, rules, and ordinances, pertaining specifically to environmental conditions, including but not limited to air quality, surface water quality, groundwater quality, noise, and particulate matter.
6. The IUP is conditioned upon Dakota County, DNR, FEMA, or other local, state, or federal agencies, review and approval of any floodplain disturbances and mitigation, that may otherwise impact the floodplain and floodway on the Property.
7. The use of explosives is not authorized in the IUP.
8. Fencing on the Property is not proposed in Plan A. The City reserves the right to require fencing upon reasonable notice and upon reasonable findings that fencing is necessary to protect the public health, safety, and welfare. Fischer may add fencing to the Property upon notice to the City and upon any necessary permitting.
9. Fischer shall allow access to the mineral extraction facility by the City's representatives, or other local, state or federal officials and agents, upon reasonable notice and in the company of a competent site representative, to inspect permitted facilities and site conditions, at intervals chosen by the City.
10. Mineral extraction processing on the Property shall be consistent with Plan A and shall include excavation and stockpiling of topsoil, construction of earthen berms on the perimeter of the Property, and a portable ready mix plant as shown on Plan A. Detailed plan review and approval by the City, applicable building permits, and applicable driveway or right-of-way permits, are required before the commencement of any of the following activities:
    a. Washplant location (approved)
    b. Crushing equipment location (approved)
    c. Portable or permanent ready-mix plant
    d. Truck wash facility
    e. Material reclamation system
    f. 170th Street facility access (approved)
    g. 170th Street conveyor culvert
    h. Other new buildings and structures
    i. Demolition of existing buildings and structures
    j. Wells, groundwater appropriations, and Subsurface Sewage Treatment Systems (SSTS)
11. Screening berms, as identified on Plan A, shall be constructed adjacent to extraction areas, according to the phasing plans, at the time of extraction. The sequencing priority for construction of the berms shall be (1) areas adjacent to neighboring residences, (2) areas providing screening to other area residences, and (3) areas adjacent to roadways. Berms on the Property shall be constructed and maintained according to Plan A and shall be completed within one year in which extraction is initiated in each individual phase of operations.
12. Dust generated during excavation and processing shall be minimized by watering. Fischer shall remove dust and mud on 170th Street caused by it leaving the Property, as necessary and as requested by the City. Dust generated on City roads used by Fischer shall be mitigated as necessary and as requested by the City.

13. Mineral extraction processing on the Property shall be permitted from 6:00 a.m. through 6:00 p.m., Monday through Saturday. The facility may be opened one-half hour before and one hour after operational hours for the staging and loading of vehicles used for material hauling. Exceptions to the hours of operation shall be consistent with Ordinance No. 450, as amended.
14. No mineral extraction operations shall occur on Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, or Christmas Day.
15. Except for local deliveries of aggregate and concrete, truck haul routes in the City shall be limited to be limited to TH 3, CSAH 46, TH 50, and 170th Street between the facility entrance and TH 3.
16. No removal of topsoil from the Property is authorized in the IUP.
17. Backhauling to the Property of topsoil for reclamation and clean concrete for recycling and reuse is permitted. Concrete shall be primarily devoid of reinforcement bar and limited to 30,000 unprocessed cubic yards at any time.
18. A turn lane into the Property on eastbound 170th Street shall be constructed by Fischer, upon reasonable notice by the City and according to plans and specifications approved by the City, when the Average Daily Traffic (ADT) on 170th Street is determined by the City to warrant said turn lane. Fischer shall provide average daily a.m. and p.m. peak hour truck traffic trip data on 170th Street to the City annually at annual permit renewal. The City may also require the access road into the Property to be paved, upon reasonable notice, a minimum distance of 200 feet to minimize dust and dirt carried onto 170th Street.
19. The Property shall be reclaimed according to City Ordinances and Plan A prior to the end of the permit term, unless the IUP is amended by the City, the term of the IUP is extended by the City, or a new IUP is approved by the City. The maximum area of excavation, extraction, processing, stockpiling, or other graded and un-reclaimed acreage shall not exceed 133 acres. Final reclamation shall include a minimum of eighteen (18) inches of loamy material and a minimum of six (6) inches of topsoil on compacted subgrade.
20. Existing buildings, structures, water wells, and SSTS facilities located on the Property shall be removed or closed, according to requirements of Dakota County and the City, when excavation or extraction occurs within 50 feet of the buildings, structures, wells, or SSTSs or before the end of the IUP term, whichever is sooner.
21. Mineral extraction facility and operations complaints shall be directed to Fischer at (612) 290-2070. Fischer shall respond to all calls within two business days. Fischer shall furnish the City with records of complaints and resolutions within thirty (30) days of receipt of the complaint.
22. Fischer shall submit a Stormwater Pollution Prevention Plan (SWPPP) to the City for review and approval. The IUP is contingent upon SWPPP approval and issuance of an NPDES II permit. The Permit Application and SWPPP may be subject to review by the Vermillion River Watershed Joint Powers Organization.
23. Mine operators shall obtain all applicable permits concerning the design, drilling, installation, use and abandonment of groundwater production and dewatering wells per MDNR, MDH and Dakota County Ordinance Number 114.
24. If the Applicant deposits unregulated fill (as defined by the MPCA) per the haul back management plan, they shall submit testing results for the material to be approved by city staff before the fill material is transferred within the project boundary.
25. From the 170th Street W right-of-way, the access road to the mineral extraction operation shall be paved a minimum distance of 150-feet by August 30, 2026. The applicant shall, when

creating the access road, relocate the entrance gate further into the site to create adequate holding/parking space for trucks and equipment to prevent parking on 170th Street while waiting to enter.

26. To guarantee compliance with the terms of the IUP and final site restoration, Fischer must furnish the City the following:
    a. A minimum $530,000.00 permit bond in a form and with a surety satisfactory to the City shall be furnished to the City within 30 days of City approval of the IUP RENEWAL or the IUP shall be invalid. At the annual permit review, if it is determined that the disturbed and un-reclaimed acreage exceeds 133 acres, the amount of the bond shall be increased in an amount equal to $4000.00 times the total disturbed and un-reclaimed acreage.
    b. The term of the bond shall be a minimum of one (1) year, automatically renewable for a minimum term of one (1) year. Any termination notice for the surety must be in writing to the City at least thirty (30) days prior to expiration. Any termination notice received prior to the expiration of the IUP shall cause the expiration of the IUP.
27. The Applicant shall pay all permit fees and shall reimburse the City for all out-of-pocket expenses incurred in the review and approval of the IUP. The Applicant shall reimburse the City for all out-of-pocket expenses incurred in the enforcement of the IUP.
28. No other use of the property is allowed without an amendment to this IUP or the written consent of the City. The IUP is not assignable or transferable to any other individual or party.
29. The Applicant shall hold the City harmless against all claims or liability in the conduct of the mineral extraction operation or resulting from the issuance of the IUP.

CITY OF EMPIRE
ATTEST:

_____
Melanie Lee, Mayor

_____
Charles Seipel-Teng, Clerk-Treasurer

STATE OF MINNESOTA)
) SS
COUNTY OF DAKOTA)

This permit agreement was acknowledged before me this _____ day of _____, 2026 by Melanie Lee, on behalf of the City of Empire, a Minnesota municipal corporation, and pursuant to the authority granted by its City Council.

_____
Notary Public

The undersigned user agrees to the conditions set forth in the permit.

FISCHER SAND & AGGREGATE, LLP

_____
By:

STATE OF MINNESOTA)
) SS
COUNTY OF _____)

This permit agreement was executed before me this ____ day of _____, 2026, by _____, an authorized representative of Fischer Sand & Aggregate, LLP.

_____
Notary Public

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Jenni Faulkner, Consulting Planner
RE:	3. 2040 MUSA Comprehensive Plan Amendment Update

Attachment(s): 05-12-2026 CC Packet_MUSA Updates.pdf

Date: May 12, 2025

To: City of Empire City Council

From: Jenni Faulkner, Consultant Planner
Madison Richard, AICP, Consultant Planner

Item: **2040 MUSA Comprehensive Plan Amendment Update – AUAR**

Background

As part of the planning for future development, the City adopted an AUAR (Alternative Urban Area Review) at the regular City Council meeting on January 13, 2026, moving forward with the Sports Complex Scenario.

The city has been approached over the past few years by developers about residential development potential in this area of the City. To align with the adopted AUAR, the future addition of the water tower and sewer connections, and the potential for upcoming development, Staff have reviewed the MUSA Maps in the City's 2040 Comprehensive Plan. In addition to the MUSA, Staff will begin working on amending the City's Zoning Ordinance, Zoning Map, and Future Land Use Map from the 2040 Comprehensive Plan, to create new zoning districts and future land use categories to align with and support the City's potential growth.

Attached are maps detailing the proposed change, including an existing 2040 MUSA Map, a proposed amended 2040 MUSA Map, a proposed amended 2040 MUSA Map with the AUAR Sports Complex underlaid, and a proposed amended 2040 MUSA Map with the ongoing Mining IUPs overlaid.

Planning Commission Discussion

The Planning Commission discussed this item at their May 5, 2026, regular meeting. The Commission requested the parcels south of Deer Creek and the Vermilion River (also referred to as the Siewert Parcel) be included within the MUSA expansion area as 2040+, as there has been developer interest in the site over the past years. Generally, the Commission agreed with the MUSA expansion proposed by Staff, to align with the AUAR and future anticipated development. Staff noted more information would be brought forth surrounding the 2040 Comprehensive Plan Amendments and associated Zoning Ordinance changes.

City Council Discussion

Based on the above documents, the City Council should discuss the following:

1. Do the attached maps align with the City Council's vision for development?

2. Are there specific areas that the City Council would like to prioritize development sooner than noted on the proposed MUSA Maps?

Staff are looking for feedback on the proposed MUSA Map updates. The City has scheduled a meeting to meet with the Metropolitan Council and see their feedback, as well. There may be implications of adding in parcels/land beyond current MUSA acreages. If so, the city will need to be strategic about what is being asked for and when. We will get confirmation from the Met Council on this and proceed accordingly, which may or may not include the Siewert parcel as suggested by the City Council. Final maps will be created and presented to the City, prior to an official application being submitted to the Met Council.

Attachments

Existing 2040 MUSA Map
Proposed 2040 MUSA Map
Proposed 2040 MUSA Map with AUAR Sports Complex
Proposed 2040 MUSA Map with Mining IUPs

Existing 2040 MUSA

April 2026

BOLTON & MENK

APPLE VALLEY
ROSEMOUNT
ROSEMOUNT
COATES
LAKEVILLE
FARMINGTON
EMPIRE
VERMILLION TWP
EUREKA TWP
CASTLE ROCK TWP
HAMPTON TWP

ROBERT TRL S
CHIPPENDALE AVE
BISCAYNE AVE
ARKANSAS AVE
STATION TRL
AKRON AVE
WHITETAIL WOODS ACCESS RD
ANNETTE AVE
ASHER AVE
BARBARA AVE
BRANDEL DR
BLAINE AVE
AHERN BLVD
CLAREMONT DR
CALGARY TRL
ABRILLA WAY

163RD ST W
164TH ST E
166TH ST E
170TH ST W
170TH ST E
190TH ST W
190TH ST E
197TH ST W
200TH ST W
200TH ST E
210TH ST W
210TH ST E

Unnamed Stream
Vermillion River
Vermillion River, South Branch
Unnamed Stream

MINNESOTA 3
MINNESOTA 46
MINNESOTA 66
COUNTY ROAD 81
COUNTY ROAD 79

1
2
3
4

Legend

- Municipal Boundaries
- National Wetland Inventory
- Lakes and Ponds
- Rivers and Streams
- Railroad

0 3,500 Feet

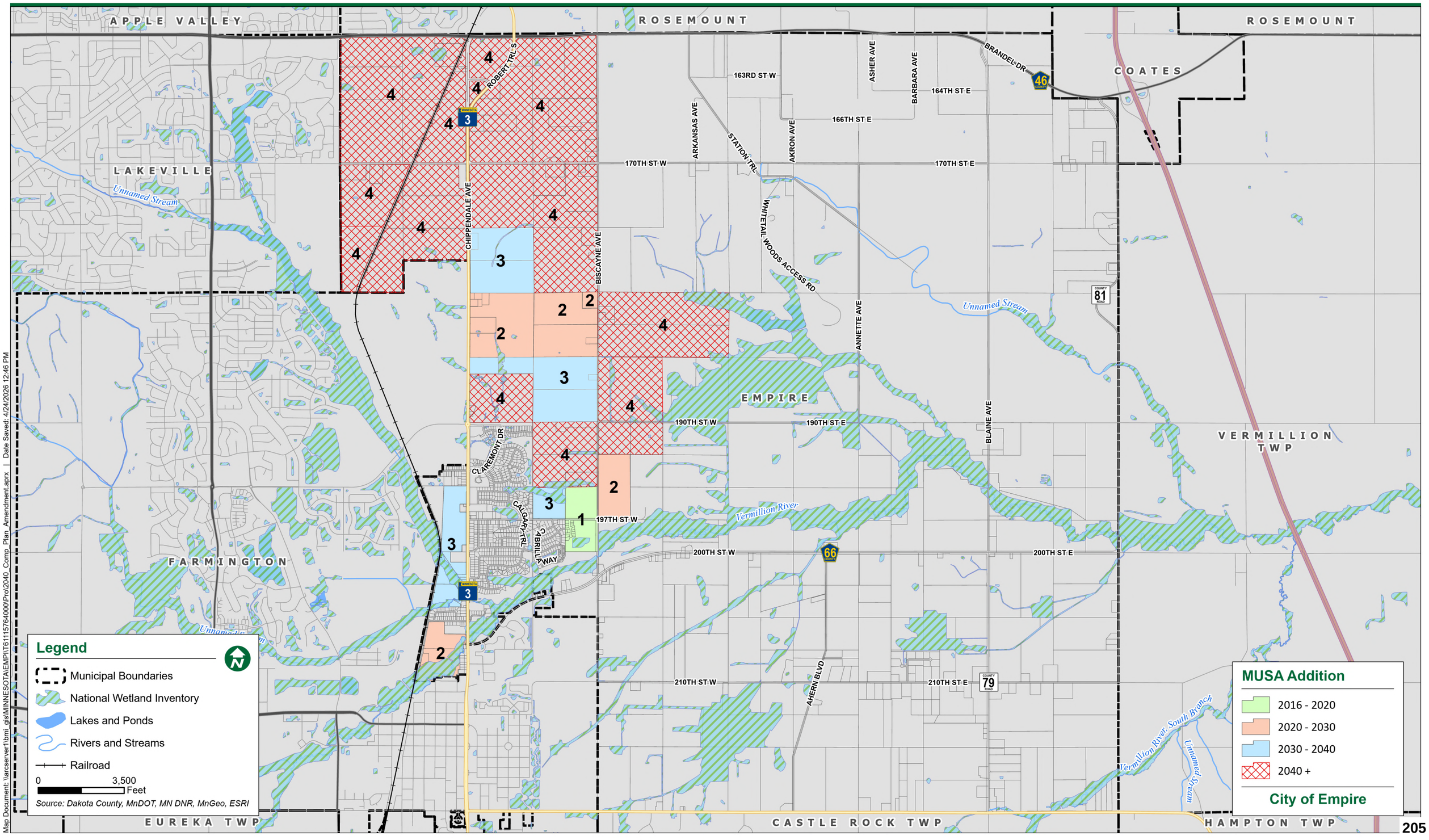
Source: Dakota County, MnDOT, MN DNR, MnGeo, ESRI

MUSA Addition

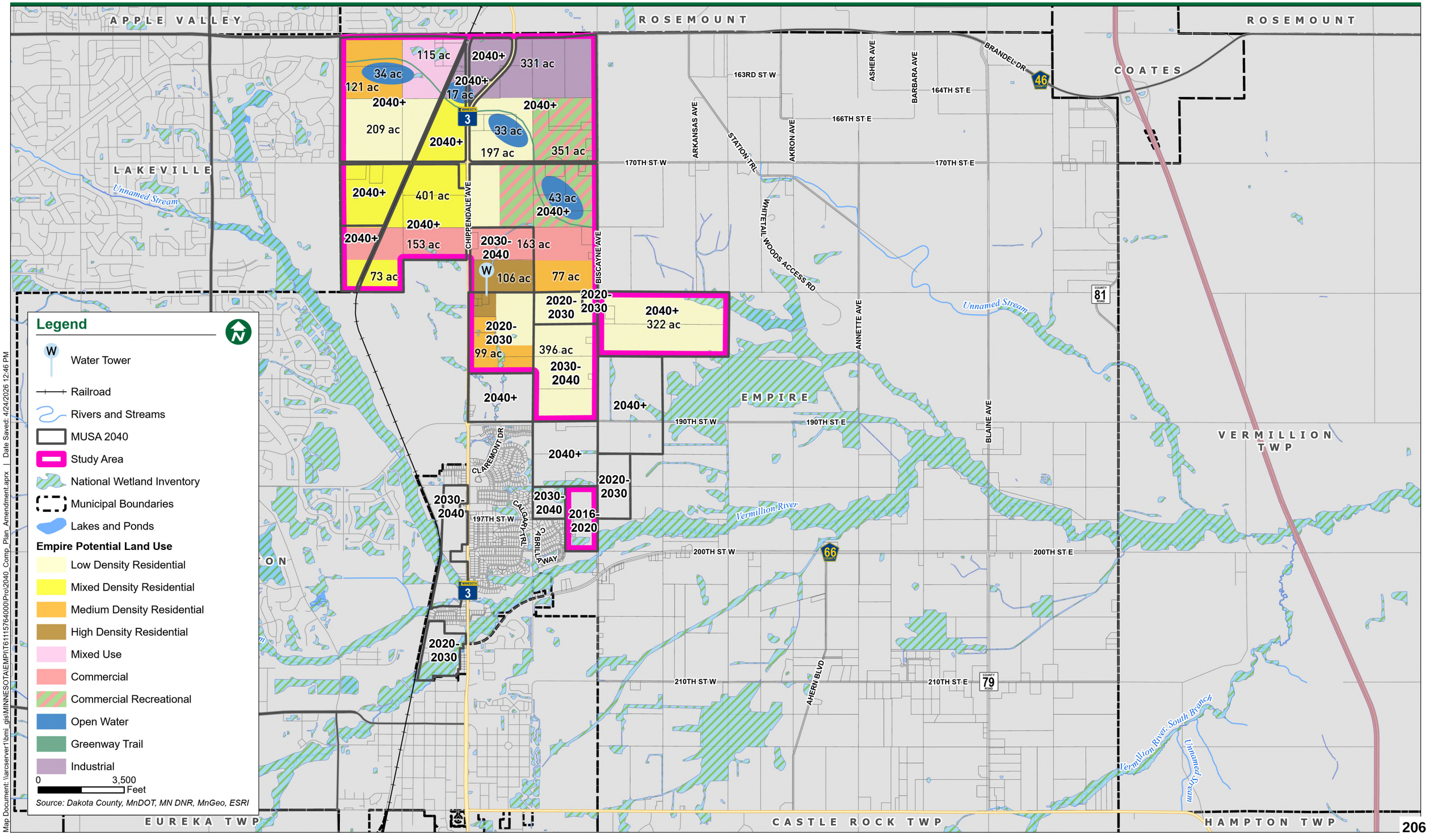
- 2016 - 2020
- 2020 - 2030
- 2030 - 2040
- 2040 +

City of Empire

Map Document: \\arcserver1\bmi_gis\MINNESOTA\EMP\IT\611157640000\Pro\2040_Comp_Plan_Amendment.aprx | Date Saved: 4/24/2026 12:46 PM



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Map Document: \\arcserver1\bmi_gis\MINNESOTA\EMPI\T611\5764000\Pro\2040_Comp_Plan_Amendment.aprx | Date Saved: 4/24/2026 12:46 PM

APPLE VALLEY
ROSEMOUNT
ROSEMOUNT
COATES
LAKEVILLE
EMPIRE
FARMINGTON
EUREKA TWP
CASTLE ROCK TWP
HAMPTON TWP
VERMILLION TWP

Issued: 8/12/2008
Termination: 12/31/2029
Estimated Reclamation: 2050-2060

Issued: 11/12/1998
Termination: No End Date
Estimated Reclamation: TBD

Issued: 5/23/2006
Termination: 12/31/2017
Estimated Reclamation: Complete

Issued: 1/22/2013
Termination: 3/31/2026
Estimated Reclamation: End of 2025

Issued: 11/28/2005
Termination: 11/28/2010
Estimated Reclamation: Complete

Issued: 3/22/2016
Termination: 12/31/2022
Estimated Reclamation: Complete

Issued: 4/8/2014
Termination: 3/31/2029
Estimated Reclamation: 2034-2039

Issued: 12/27/2010
Termination: 12/31/2027
Estimated Reclamation: TBD

Issued: 12/9/1997
Termination: No End Date
Estimated Reclamation: TBD

Issued: 2/13/2018
Termination: 2/28/2028
Estimated Reclamation: 2038-2043

Issued: 8/20/2021
Termination: 12/31/2026
Estimated Reclamation: TBD

Issued: 4/25/2023
Termination: 3/31/2029
Estimated Reclamation: TBD

ROBERT TRL S
CHIPPENDALE AVE
CISCO AVE
163RD ST W
ASHER AVE
BARBARA AVE
BRANDEL DR
164TH ST E
166TH ST E
ARKANSAS AVE
STATION TRL
AKRON AVE
170TH ST W
170TH ST E
WHITETAIL WOODS ACCESS RD
ANNETTE AVE
190TH ST W
190TH ST E
BLAINE AVE
CLAREMONT DR
CALGARY TRL
ABRILLA WAY
197TH ST W
200TH ST W
200TH ST E
AHERN BLVD
210TH ST W
210TH ST E

Unnamed Stream
Unnamed Stream
Vermillion River
Vermillion River, South Branch
Unnamed Stream

46
66
81
79

Legend

- Municipal Boundaries
- National Wetland Inventory
- Lakes and Ponds
- Rivers and Streams
- Railroad

0 3,500 Feet

Source: Dakota County, MnDOT, MN DNR, MnGeo, ESRI

MUSA Addition

- 2016 - 2020
- 2020 - 2030
- 2030 - 2040
- 2040 +

City of Empire

Map Document: \\arcserver1\bmi_gis\MINNESOTA\EMP\IT611157640000\Pro\2040_Comp_Plan_Amendment.aprx | Date Saved: 4/24/2026 12:46 PM

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Charles Seipel-Teng, Clerk-Administrator
RE:	4. Consider Adopting Ordinance No. 170, Establishing A Reasonable Accommodation Process in Accordance with the Fair Housing Act and Summary for Publication

The City's attorney is recommending that the City consider adopting a policy, in the form of an ordinance, that provides a process for considering reasonable accommodations under the Fair Housing Amendment Act. Often, these requests pertain to requirements of the Zoning Ordinance. A memo from the City's attorney is attached as well as a draft ordinance.

Because these requests typically involve zoning regulations this memo has been shared with the Planning Commission for input and discussion. The Commission discussed example instances for which an application for reasonable requests would apply. The Planning Commission recommended that staff check with neighboring cities to see if they have similar ordinances and to consider including language regarding an appeals process for neighboring properties that might be impacted by the approval of a request (Farmington and Rosemount do not).

The Planning Commission also inquired about the process of appeals from neighboring properties if the City were to grant a permit and if the City should consider notifying neighboring properties that an application such as this has been filed with the City. The response from our attorney is:

As written, only the aggrieved applicant who is denied an accommodation has the right to appeal. Having a third-party right to appeal could be complicated and I do not believe I have seen that mechanism included in other cities.

Regarding notice to neighbors, there is not a legal requirement to notify neighbors, but some cities make the political/policy decision to allow public comment on an accommodation request. For example, the City of Hopkins provides notice to properties within 500 ft of the property for which the request is made.

Note: The City of Hopkins notice requirement applies only to applications that require "land use approval". If Empire desires to include a notice requirement, it can be tailored to apply to departures from certain regulations, but doing so could increase the chance that someone claims that the policy discriminates against a certain disability over another.

The City could include this language in Section 3 of the draft ordinance.

At the April 14 City Council Meeting, Council inquired about having applications come to the City

Council instead of directly to staff. I indicated that it would be nice to have the backing of the City Council when making a decision on an application, however the information on the request would then be included in the public City Council packet.

Our attorney's response:

My strong recommendation is that staff make the initial decision that can then be appealed to the council. This is because of the legal process that could unfold should an aggrieved applicant appeal the city's decision. Having staff make the initial decision allows the city to establish a cleaner and clearer record on why they decision was made following the required criteria. It also means that if there is a lawsuit, the initial decision was made by a single person who has made one set of comments and not a group of people who have made a series of comments. One approach litigants take taking comments from councilmembers that may be benign or made with good intentions that could be considered discriminatory (e.g., linking stereotypes associated with alcoholism such as violent behavior as a reason a sober home should not be allowed).

Having staff make the decision does not announce to the public information regarding the accommodation, you are correct, but some if not all of the information related to the request would be classified as "public data". This is not what you asked, but I wanted to flag.

Since the April 28th meeting, staff have put together a draft application for requests pertaining to this ordinance (attached) and reached out to our peer cities as well as some larger cities to see if they have similar ordinances and how staff processes the requests.
We did not find any other cities (other than Hopkins) that has a similar ordinance. Several cities indicated that they have adopted a Fair Housing Policy (example attached). The City of Newport noted that if a request for reasonable accommodation were to come in, the City administrator would consult with consulting planners and legal counsel as needed. The City of Bloomington referenced their Fair Housing Policy and directs those with complaints to other organizations such as the MN Attorney General's Office.

Here is what the City of Excelsior's policy states about the staff person to handle complaints:
While not expected to be an "expert" in fair housing laws, at a minimum the Officer will be familiar with state and federal fair housing laws, the state and federal agencies that handle complaints, and the process for filing housing discrimination complaints. The Fair Housing Officer will document all fair housing complaints received (including the date and nature of the complaint, referrals and information provided, and any follow-up action).

Rachel Tierney, the City's attorney notes that one of her ligation colleagues handles many ADA cases filed against cities and believes that having an accommodation ordinance is a best practice and allows the City protections against ADA challenges. The litigation attorney has drafted this template ordinance based on ordinances that the federal courts have upheld.

The City Council should discuss this recommendation and determine if they have any additional questions or if the draft ordinance should be considered for adoption.

Attachment(s): *Reasonable_Accomodation_Memo.docx*
Draft Ordinance 170 (Reasonable Accomodations).docx
Draft Ordinance 170 Summary.docx

Empire Reasonable Accommodation Application.pdf
Fair Housing Policy_2023.pdf

Kennedy & Graven
CHARTERED

Fifth Street Towers
150 South Fifth Street, Suite 700
Minneapolis MN 55402-1299

(612) 337-9300 telephone
(612) 337-9310 fax
http://www.kennedy-graven.com
Affirmative Action, Equal Opportunity Employer

MEMORANDUM

DATE: April 2, 2026

FROM: Joseph L. Sathe

RE: Reasonable Accommodation Process

This memorandum provides a general overview of the applicability of the federal Fair Housing Amendment Act to situations involving congregate housing in violation of a local zoning ordinance. It is not intended to address or evaluate any specific situation.

I. The Fair Housing Amendment Act Generally

The Fair Housing Amendment Act (the "Act") was passed by Congress in 1988 in an effort to revamp and refocus the Fair Housing Act of 1968. The Act prohibits discrimination against people with disabilities in housing matters.

The Act has a fairly extensive definition of "disability," which has adopted the range of items generally used in other civil rights matters.[1] Among the things that qualify as a disability under the Act are alcoholism and drug addiction, except that current users of illegal controlled substances or makers of those substances are not considered "disabled" within the meaning of the Act.[2]

The Act has two prongs. First, it prohibits discriminatory conduct in housing. This can include local land use or zoning laws that prohibit certain activities which affect disabled persons. Under the Act, a person may be able to show that a law is discriminatory on its face (under all circumstances) and therefore invalid. However, if the law is not facially discriminatory, the disabled person may request a "reasonable accommodation" from the zoning regulations.

II. Applicability of Local Law

The first prong of the Act prohibits facially discriminatory laws. Included in this is any law that unfairly treats those with disabilities differently than other groups of people. An example provided by the United States Department of Justice ("DOJ"), which has authority to investigate and sue on behalf of aggrieved parties, deals directly with laws on occupancy limits. According to the DOJ, a law is not discriminatory if it applies identically to all groups, regardless of disability. For

[1] While the Act uses the term "handicap," modern sources have substituted the term "disability" which carries an identical legal meaning.
[2] *See* Department of Justice FAQ on the Act, available at http://www.justice.gov/crt/about/hce/final8_1.php and last accessed on April 7, 2015.

instance, a local ordinance that limits the number of unrelated persons living together to X or fewer will not be facially discriminatory so long as it makes no mention of disability. In contrast, a law that allows X or more unrelated persons to live together unless it is for the purpose of alcoholism treatment would likely be facially discriminatory and invalid under the Act.

Most local laws are not facially discriminatory and are permitted under the Act. In these cases, a person claiming the rights and benefits afforded by the Act must request a "reasonable accommodation" from the local government.

III. Reasonable Accommodation

"Reasonable accommodation" under the Act is a two-part issue. First, there is a requirement that the disabled person or representative make a request for an accommodation. Additionally, the local government must consider the request and either approve or deny it.

a. Procedure

Accommodations are generally requests for specific departures from established regulations (e.g., occupancy limits, side-yard setback requirements, etc).If a city has not adopted a reasonable accommodation ordinance or policy it should do so to ensure requested follow applicable rules and best practices. Additionally, a best practice is consider an approved accommodation as a "limited license" and not as a conditional use permit or variance.

b. Consideration

The protections and benefits of the Act are not all-inclusive. Local governments have not been denied their ability to apply local land use and zoning laws simply by virtue of a person's disability. Instead, local governments should review the requested accommodation to determine whether it is reasonable.

The DOJ has developed a two-prong test to be used to determine if an accommodation is "reasonable" under the act. First, the local government should determine if the request would impose an undue burden or expense on the local government. That can be financial or administrative.

The DOJ has pointed out that what is "reasonable" in one instance may not be "reasonable" in another, so these decisions must be made on a case-by-case basis following a careful review. The DOJ has also noted that cities can, and should, engage in a dialogue with individuals requesting a variance. If there is a legitimate question about the possible consequences of granting a variance, the city should ask that the requesting party address those concerns. For instance, if there is a concern about parking, the city may require the requestor to develop a plan addressing the parking issues. Failure to address a legitimate question by the council may provide a legal basis for the city to deny the request.

The second prong of the test requires the city to determine if the proposed accommodation creates a fundamental alteration in the zoning scheme. While "fundamental alteration" is not defined in

the law, these decisions will look again to what the accommodation calls for, and how that fits into the overall zoning scheme or comprehensive plan. The city should take care to carefully consider the request and provide a clear, factual basis for an approval or denial.

IV. Conclusion

Local governments should be cognizant of their responsibilities under the Act. While zoning laws that are facially discriminatory are prohibited, universally applicable rules require that the person covered by the Act request a reasonable accommodation. In doing so, the local government should consider not only whether the accommodation would create an undue burden or expense but also whether granting the accommodation would fundamentally alter the zoning scheme. If the answer to either of these questions is yes, as supported by legitimate evidence, the local government is within its right under the Act to deny the accommodation.

ORDINANCE NO. 170

AN ORDINANCE
ESTABLISHING A REASONABLE ACCOMMODATION PROCESS IN ACCORDANCE WITH THE FAIR HOUSING ACT

THE CITY COUNCIL OF THE CITY OF EMPIRE, MINNESOTA, ORDAINS:

Section 1. Purpose. It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988 to provide reasonable accommodation in the application of zoning and other regulations for qualified persons with disabilities seeking fair and equal access to housing. Reasonable accommodation means providing a qualified person with flexibility in the application of land use, zoning and other regulations or policies (including the modification or waiver of certain requirements), when it is necessary to eliminate barriers to fair housing opportunities. The purpose of this article is to establish a process for making and acting upon requests for reasonable accommodation.

Section 2. Definitions.

Subdivision 1. "Accommodation specialist" means the city staff person appointed by the city administrator or their designee to coordinate and administer the reasonable accommodation process outlined in this section.

Subd. 2. "Qualified person" means any individual with a disability, their representative, or a developer or provider of housing for an individual with a disability.

Subd. 3. "Disability" means those disabilities which are recognized under applicable federal law.

Subd. 4. "Reasonable accommodation" means the process by which the city may provide a qualified person flexibility in the application of land use, zoning, or other regulations.

Section 3. Initiation of reasonable accommodation request. Any qualified person who requests a reasonable accommodation in the form of modification in the application of a zoning or other regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents, may do so on an application form provided by the city's accommodation specialist. The application shall include a detailed explanation of why the accommodation is reasonably necessary to make the specific housing available to the person(s), including information establishing that the applicant is disabled under applicable laws, as well as other information required by the accommodation specialist to make the determination. If the project for which the request is being made also requires an additional land use review or approval, the applicant shall file the request concurrently with the land use review.

Section 4. Accommodation specialist: Required findings.

Subd. 1. The accommodation specialist, in consultation with other appropriate city staff, shall have the authority to consider and act on requests for reasonable accommodation. The accommodation

specialist shall issue a written decision in which the request is approved, approved subject to conditions, or denied. In making the decision as to whether an accommodation is reasonable, the following factors shall be considered:

a) Special need created by the disability;

b) Potential benefit that can be accomplished by the requested accommodation;

c) Need for the requested accommodation, including alternatives that may provide an equivalent level of benefit;

d) Physical attributes of and any proposed changes to the subject property and structures;

e) Potential impact on surrounding uses;

f) Whether the requested accommodation would constitute a fundamental alteration of the zoning regulations, policies, or procedures of the city, and/or nature of the area in which the accommodation is being requested;

g) Whether the requested accommodation would impose an undue financial or administrative burden on the city;

h) Whether the requested accommodation is likely to have any negative impacts on the health, safety, or general welfare of members of the community, and

i) Any other factor that may be determined to have a bearing on the request.

Subd. 2. Conditions. Any approval issued under this section may include such reasonable conditions that the accommodation specialist deems necessary to mitigate any adverse impacts that the granting of such reasonable accommodation may produce or amplify.

Section 5. Notice of decision. The written decision of the accommodation specialist shall be mailed to the applicant within five business days of such decision being made. All written decisions shall give notice of the right to appeal a decision of the accommodation specialist pursuant to subsection 8. The decision of the accommodation specialist shall constitute the final decision of the city, unless appealed according to the procedures and within the time limits provided in subsection 8. Only the aggrieved applicant of the written reasonable accommodation determination has a right to appeal the decision. A reasonable accommodation approved under this section shall become effective on the first calendar day following expiration of the right to appeal.

Section 6. Applicability. Any approved request shall constitute a limited license which shall allow the property owner or occupant to continue to rely upon such accommodation only so long as they own or occupy the property. Approval of a reasonable accommodation does not constitute a property right, does not run with the land, and does not provide future owners or occupants any

rights to rely upon such accommodation approvals. Only the person who applied for such reasonable accommodation, and who is specifically named in the city's approval of such accommodation, shall be entitled to the benefits and protections thereof. The holder of an approved reasonable accommodation license hereunder shall, on or before January 1st of each year, provide the city with an updated affirmation that the reasonable accommodation is still necessary. In the event that the accommodations specialist has reasonable cause to believe that the factors supporting the original approval of a reasonable accommodation have changed, the accommodation specialist may request additional information from the license holder. Failure to annually reaffirm the need for the reasonable accommodation, or failure to provide information reasonably requested by the accommodation specialist shall result in automatic termination of the reasonable accommodation upon written notice by the accommodation specialist.

Section 7. Conditions and guarantees. Prior to the issuance of any permits relative to an approved reasonable accommodation request, the accommodation specialist may require the applicant to record a covenant acknowledging and agreeing to comply with the terms and conditions established in the determination.

Section 8. Appeals. Any decision reached by the accommodation specialist pursuant to this section 8 shall be subject to appeal to the city council by those persons with a right to appeal as provided herein. All appeals shall be initiated by submitting a notice of appeal, in writing, to the accommodation specialist within 30 days of the date upon which the decision was made. Upon notice of appeal, the city administrator or their designee shall present such appeal to the city council for action within 30 days. Following a hearing on such appeal, the city council shall issue its findings, in writing, within 30 days.

Section 9. Effective Date. This ordinance shall be in full force and effect upon its passage and publication.

Passed by the City Council of the City of Empire, Minnesota, this __ day of ____, 2026.

ATTEST: _____
Melanie Lee, Mayor

_____
Charles Seipel-Teng, City Clerk-Administrator

Summary published in the _____ edition of the Dakota County Tribune.

City of Empire Ordinance 170, Summary for Publication

The City Council of Empire adopted *Ordinance No. 170 An Ordinance Establishing a Reasonable Accommodation Process in Accordance with the Fair Housing Act* on May 12, 2026, and approved this summary for publication. Ordinance No. 170 contains several sections, which are summarized as follows:

Section 1. Purpose. It is the policy of the city, pursuant to the Federal Fair Housing Amendments Act of 1988 to provide reasonable accommodation in the application of zoning and other regulations for qualified persons with disabilities seeking fair and equal access to housing.

Section 2. Definitions.

Section 3. Initiation of reasonable accommodation request. Any qualified person who requests a reasonable accommodation in the form of modification in the application of a zoning or other regulation which may act as a barrier to fair housing opportunities due to the disability of existing or proposed residents, may do so on an application form provided by the city's accommodation specialist.

Section 4. Accommodation specialist: Required findings.

Subd 1. The accommodation specialist, in consultation with other appropriate city staff, shall have the authority to consider and act on requests for reasonable accommodation.

Subd. 2. Conditions. Any approval issued under this section may include such reasonable conditions that the accommodation specialist deems necessary to mitigate any adverse impacts that the granting of such reasonable accommodation may produce or amplify.

Section 5. Notice of decision. The written decision of the accommodation specialist shall be mailed to the applicant within five business days of such decision being made.

Section 6. Applicability. Any approved request shall constitute a limited license which shall allow the property owner or occupant to continue to rely upon such accommodation only so long as they own or occupy the property.

Section 7. Conditions and guarantees.

Section 8. Appeals.

Section 9. Effective Date.

A full copy of this ordinance can be found at www.empiremn.gov/ordinances

Reasonable Accommodation Request Application

The City of Empire, in accordance with the Fair Housing Amendments Act of 1988 and applicable state laws, is committed to providing individuals with disabilities reasonable accommodations in zoning and land use regulations to ensure equal access to housing. Applicants may request flexibility or waivers from standard zoning or building requirements when necessary to remove barriers to housing opportunities. Each request is reviewed on a case-by-case basis to determine whether the accommodation is reasonable, does not impose an undue financial or administrative burden, and does not fundamentally alter the Empire's zoning structure.

APPLICANT INFORMATION

Applicant Name: _____

Applicant Address: _____

Applicant Email: _____ Phone: _____

Are you making this request on someone else's behalf? ____ Yes ____No

If yes, please answer the following:

Name: _____

Address: _____

Reason: _____

_____

PROPERTY OWNER INFORMATION

Owner Name: _____

Owner Address: _____

Owner Email: _____ Phone: _____

SITE INFORMATION

Site Address: _____

Zoning District: _____

Legal Description: _____

ACCOMODATION INFORMATION

Description of the type of disability: _____

_____

_____

Description of the type of accommodation being requested: _____

_____

_____

_____

REQUIRED ATTACHMENTS

1. Completed Application Request Form
2. Completed Doctor's Form
3. Site Plan with all applicable information

Applicant Name: _____ Date: _____

Applicant Signature: _____

Property Owner Name: _____ Date: _____

Property Owner Signature: _____

Reasonable Accommodation Request - Doctor's Form

The City of Empire, in accordance with the Fair Housing Amendments Act of 1988 and applicable state laws, is committed to providing individuals with disabilities reasonable accommodations in zoning and land use regulations to ensure equal access to housing. Applicants may request flexibility or waivers from standard zoning or building requirements when necessary to remove barriers to housing opportunities. Each request is reviewed on a case-by-case basis to determine whether the accommodation is reasonable, does not impose an undue financial or administrative burden, and does not fundamentally alter the Empire's zoning structure.

Patient Name: _____

Accommodation Information

1. Requested Accommodation:
   _____
   _____
   _____
2. How will the requested accommodation affirmatively enhance the patient's health, safety, or general welfare?
   _____
   _____
   _____
3. Is the patient's disability permanent? If not, please provide a projected time to explain how long the accommodation will be needed:
   _____
   _____
   _____
4. Any additional information relevant to this request:
   _____
   _____
   _____

Doctor's or Health Care Provider's Signature:

_____ Date: _____

Please attach Doctor or Health Care Provider's contact information.

OFFICE USE ONLY

RESPONSE TO REQUEST FOR ACCOMMODATION

Date request received: _____

The request for accommodation is GRANTED. Below is a description of the accommodation and required conditions:

The request for accommodation is DENIED because:

___ The requester does not meet the essential eligibility requirements or qualifications.

___ The requested accommodation would impose an undue financial or administrative burden on the City.

___ The requested accommodation will constitute a fundamental alteration of the zoning regulations, polices, or procedures of the City, and /or the nature of the area in which the accommodation is being requested.

___ The requested accommodation is likely to have negative impacts on the health, safety, or general welfare of members of the community

City of Excelsior

Resolution No. 2023-55
A Resolution Adopting a Fair Housing Policy for the City of Excelsior

---

WHEREAS, the purpose of a Fair Housing Policy is to demonstrate a community's commitment to ensure that fair and equal housing opportunities are granted to all persons in all housing opportunities and development activities funded by the city regardless of race, color, religion, gender, sexual orientation, marital status, status with regard to public assistance, familial status, national origin, or disability; and

WHEREAS, Title VIII of the federal Civil Rights Act establishes federal policy for providing fair housing throughout the United States and the intent is to ensure equal housing opportunities for all citizens; and

WHEREAS, the City of Excelsior received a Metropolitan Council Livable Communities Act Tax Base Revitalization Account (TBRA) grant in July 2023 to be used in the redevelopment of 339 Third Street and the Metropolitan Council requires that recipients of Livable Communities Act grants affirm their commitment to further fair housing and adopt a Fair Housing Policy; and

WHEREAS, the City of Excelsior is adopting a Fair Housing Policy to demonstrate its commitment to ensure fair and equal housing opportunities are granted to all persons in all housing opportunities and development activities funded by the City; and

WHEREAS, the City of Excelsior is committed to the implementation of the Fair Housing Policy, and shall review, revise if necessary, and adopt it annually; and

NOW, THEREFORE, IT IS RESOLVED that the City of Excelsior adopts the Fair Housing Policy (attached as Exhibit A).

Adopted by the City Council of the City of Excelsior, Minnesota this 7th day of August 2023.

Approved:

Todd R. Carlson, Mayor

Attest:

Nalisha Williams, City Clerk

Kristi Luger, City Manager

Exhibit A

City of Excelsior, Minnesota
Fair Housing Policy
August 7, 2023

1. Purpose/Vision

Title VIII of the Civil Rights Act establishes federal policy for providing fair housing throughout the United States. The intent of Title VIII is to ensure equal housing opportunities for all citizens. The Metropolitan Council in the State of Minnesota requires that recipients of Livable Community Act grants affirm their commitment to further fair housing and adopt a Fair Housing Policy. The City of Excelsior has developed this Fair Housing Policy to demonstrate that commitment.

2. Fair Housing Policy Statement

It is the policy and commitment of the City of Excelsior to ensure that fair and equal housing opportunities are granted to all persons in all housing opportunities and development activities funded by the city regardless of race, color, religion, gender, sexual orientation, marital status, status with regard to public assistance, familial status, national origin, or disability. This shall be done through strong external policies that provide meaningful access to fair housing information and referral services, and internal practices and procedures that do not discriminate and that affirmatively further fair housing.

3. External Practices

a. Fair Housing Officer

The City of Excelsior has designated the following person as the Fair Housing Officer for the City: Daniel Van Holland, City Planner, dvanholland@excelsiormn.org.

The Fair Housing Officer will be responsible for the intake and referral of all fair housing complaints. While not expected to be an "expert" in fair housing laws, at a minimum the Officer will be familiar with state and federal fair housing laws, the state and federal agencies that handle complaints, and the process for filing housing discrimination complaints. The Fair Housing Officer will document all fair housing complaints received (including the date and nature of the complaint, referrals and information provided, and any follow-up action).

b. Meaningful Access

The City of Excelsior will provide information on the city website that prominently displays information about fair housing and the Fair Housing Officer's contact information, as well as links to fair housing resources, including the US Department of Housing and Urban Development, MN Department of Human Rights, Minnesota Legal Aid, and others. A link to state and federal fair housing complaint forms will be provided.

Fair housing information will also be available in-person at the city offices.

4. Internal Practices

The City of Excelsior commits to the following steps to promote awareness and sensitivity to fair housing issues in all of its government functions:

a. Staff Training – Excelsior's Fair Housing Officer will stay up to date on fair housing issues, regulations, and trends, and will provide updates to elected officials annually.

b. City Policy and Goals – The City commits to the support of fair and equal housing opportunities for all people in its Comprehensive Plan and other policy documents.

c. Project Planning and Analysis – The City will consider whether potential projects lead to the displacement of protected classes, unintentionally reduce housing opportunity for protected classes, or perpetuate segregation.

d. Housing Analysis – The City will review its housing inventory every five years to examine the affordability of both rental and owner-occupied housing and whether all reasonable actions have been taken to remove barriers to ensure adequate housing choice for all city residents.

e. Code Analysis – The City will review its municipal code every five years, with specific focus on ordinances related to zoning, building and occupancy standards, and rental housing standards, to identify any potential for disparate impact or disparate treatment.

f. Community Engagement – The City commits to ongoing community engagement around all potential housing projects, zoning changes, and other land use planning decisions.

The City of Excelsior shall annually review, revise if necessary, and adopt its Fair Housing Plan.

Adopted August, 7, 2023

Exhibit A

City of Excelsior, Minnesota
Fair Housing Policy
August 7, 2023

1. Purpose/Vision

Title VIII of the Civil Rights Act establishes federal policy for providing fair housing throughout the United States. The intent of Title VIII is to ensure equal housing opportunities for all citizens. The Metropolitan Council in the State of Minnesota requires that recipients of Livable Community Act grants affirm their commitment to further fair housing and adopt a Fair Housing Policy. The City of Excelsior has developed this Fair Housing Policy to demonstrate that commitment.

2. Fair Housing Policy Statement

It is the policy and commitment of the City of Excelsior to ensure that fair and equal housing opportunities are granted to all persons in all housing opportunities and development activities funded by the city regardless of race, color, religion, gender, sexual orientation, marital status, status with regard to public assistance, familial status, national origin, or disability. This shall be done through strong external policies that provide meaningful access to fair housing information and referral services, and internal practices and procedures that do not discriminate and that affirmatively further fair housing.

3. External Practices

a. Fair Housing Officer

The City of Excelsior has designated the following person as the Fair Housing Officer for the City: Daniel Van Holland, City Planner, dvanholland@excelsiormn.org.

The Fair Housing Officer will be responsible for the intake and referral of all fair housing complaints. While not expected to be an "expert" in fair housing laws, at a minimum the Officer will be familiar with state and federal fair housing laws, the state and federal agencies that handle complaints, and the process for filing housing discrimination complaints. The Fair Housing Officer will document all fair housing complaints received (including the date and nature of the complaint, referrals and information provided, and any follow-up action).

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Adopted August, 7, 2023

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Charles Seipel-Teng, Clerk-Administrator
RE:	Consider Appointing Shannon Coyne as Deputy Clerk

The City has received 49 applications for the Deputy Clerk position and the Personnel Committee has interviewed several candidates. It is the recommendation of the Personnel Committee to appoint Shannon Coyne to the position at a starting wage as noted in Grade 6, Step 2 of the 2026 Compensation and Classification Chart. Tentative start date is June 1, 2026.
More information about Shannon's background is attached.

Attachment(s): Shannon Coyne.pdf

Shannon Coyne

April 20, 2026
Re: Deputy Clerk position

Dear Mr. Seipel-Teng,

I am excited to apply for the Deputy Clerk position with the City of Empire. With a background in public-facing county operations, parks and recreation programming, and administrative support, I offer a strong combination of organization, customer service, and community engagement that aligns directly with this role. I am particularly drawn to this role because it sits at the intersection of daily city operations and meaningful community connection.

In my current role as Program Services Assistant with Dakota County Parks, I serve as a primary point of contact for the public, assisting residents in person, by phone, and via email. I support daily operations by processing campground, park buildings, camper cabin, and equipment reservations. I process program and event registrations, and point-of-sale transactions, while also maintaining reports, spreadsheets, and public-facing materials such as webpage updates and social media support. This experience has strengthened my attention to detail, accuracy in recordkeeping, and ability to manage multiple priorities in a fast-paced environment, which are skills directly applicable to utility billing, elections support, and general City Hall operations.

Previously, as a Senior Information Assistant with Dakota County Libraries, I worked extensively with a diverse public, managed accounts, resolved inquiries, and ensured efficient workflows across multiple departments. This role required professionalism, adaptability, and clear communication, particularly when assisting residents with varying needs and technical abilities.

I also bring a strong background in parks and recreation programming, including experience with Dakota County Parks and the City of Brooklyn Park. I have supported community programs from planning through execution, collaborated with teams to promote events, and worked to create welcoming, inclusive experiences for participants. I would be excited to support Empire's Park & Recreation Commission and contribute to the events and activities that help bring the community together.

I am highly organized, proficient with Microsoft Office and reservation software systems, and experienced in maintaining accurate records and public communications. I am also accustomed to flexible scheduling, including evenings and weekends, and thrive in collaborative, service-oriented environments.

Thank you for your time and consideration. I'm inspired by the City of Empire's vision of balancing its proud agricultural roots with thoughtful, future-focused growth, and I would welcome the opportunity to contribute to its operations.

Sincerely,

Shannon Coyne

Shannon Coyne

EDUCATION AND CERTIFICATION

B.S. Recreation Administration
University of Minnesota, Twin Cities
November 2017

EXPERIENCE

Program Services Assistant
Dakota County Parks – Lebanon Hills Visitor Center, MN
May 2024 – Present

- Welcome and assist park visitors in a professional, friendly, and inclusive manner across in-person, phone, and email communications.
- Provide administrative and programmatic support to the Visitor Services team.
- Process reservations, program registrations, and point-of-sale transactions using *Vermont Systems' RecTrac* software.
- Support internal communications by developing, proofreading, and updating reports, spreadsheets, and public-facing documents.
- Actively engage in Outreach and Special Events to foster a sense of community and belonging.

Sauna Host
Saunable Woodfire Mobile Sauna – Eagan, MN
January 2025 – Present

- Welcome and guide guests through sauna use, offering health and safety briefings and answering questions to enhance user experience.
- Prepare sauna facilities between sessions by cleaning benches, replenishing water and firewood, and ensuring a safe, inviting environment.
- Manage guest flow by coordinating session timings, supervising entry/exit transitions and enforcing usage guidelines.
- Collaborate with the wellness team to share best practices, promote sauna rituals and culture as well as support guest wellbeing.

Senior Information Assistant
Dakota County Government – Libraries, MN
February 2021 – May 2024

- Provided high-quality customer service to a diverse public, assisting with library resources, services, and technologies.
- Managed customer accounts and workflows to ensure efficient operations.
- Processed check-ins and check-outs of materials in accordance with library policy.
- Communicated effectively with staff across multiple branches and departments.

MEMORANDUM

Date:	May 12, 2026
To:	Empire City Council
From:	Charles Seipel-Teng, Clerk-Administrator
RE:	Charter - Cable Lineup Changes

Attachment(s): *Charter Cable Changes.pdf*

April 22, 2026

Mr. Charles Seipel - Teng
City of Empire
3385 197th Street
Farmington, MN 55024

Re: Spectrum Channel Lineup – FanDuel Regional Sports Networks

Dear Mr. Seipel - Teng:

This letter will serve as notice that Spectrum Mid-America, LLC, ("Spectrum") recently learned that FanDuel Sports Networks is discontinuing its service on May 7, 2026, and will no longer be available. Accordingly, on May 7, 2026, Spectrum will include a slate message on FanDuel Sports Network North & North Extra that programming is no longer available and will subsequently drop the channel on or after June 8, 2026. Programming for FanDuel Sports Networks will no longer be available. This change is out of Spectrum's control.

If you have any questions about this change, please feel free to contact me at (952) 367-4263 or via email at david.larson@charter.com.

Sincerely,

David Larson
Director of State Government Affairs Minnesota
Charter Government Affairs

16900 Cedar Avenue, Rosemount, MN 55068 | O (952)-367-4263 | david.larson@charter.com