

**RESOLUTION #243**  
**Brevator Township**  
**St. Louis County, Minnesota**

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**RESOLUTION OUTLINING THE TOWN OF BREVATOR'S RESPONSE TO THE CONDITIONAL USE  
PERMIT REQUEST BY JMF CONSTRUCTION**

**WHEREAS:** JMF Construction has requested a conditional use permit for Primary Property Identification Number 275-0010-00120.

**WHEREAS:** The CUP application was received by the township on February 16, 2024;

**WHEREAS:** This property is located within Brevator Township's boundaries;

**WHEREAS:** The conditional use permit is for an expansion of an existing general purpose borrow pit; CUP # 47893 as an Extractive Use – Class II to include recycling of asphalt and concrete for complete operations of hauling, crushing, washing, screening, stockpiling of landscape materials and recycling of concrete and asphalt.

**WHEREAS:** The Borrow Pit size is thirty-five acres and will be forty feet deep;

**WHEREAS:** The pit depth will come within thirty feet of the water table;

**WHEREAS:** There will be approximately thirty trucks coming from the pit daily;

**WHEREAS:** There is no wetland delineation on file.

**WHEREAS:** The conditions of the existing CUP #47893 are followed plus any new conditions if approved.

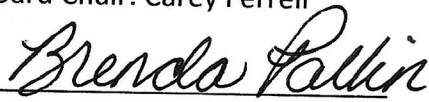
**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of Brevator has no objections to the conditional use permit as applied.

The motion for the adoption of the foregoing resolution was proposed by Supervisor Carey Ferrell and duly seconded by Supervisor Keith Oswald and upon vote being taken thereon, the following voted  
3 in favor: 0 against:

Adopted this 12th day of March 2024.

**BY THE TOWNBOARD**

  
Town Board Chair: Carey Ferrell

Attest:   
Town Board Clerk: Brenda Pallin

## Ada Tse

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**From:** Chris Starr <cmstarr27@yahoo.com>  
**Sent:** Sunday, April 7, 2024 9:23 AM  
**To:** Ada Tse  
**Subject:** 7211 HWY 2, Saginaw, MN 55779 - Conditional Use Permit

**Follow Up Flag:** Follow up  
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To Whom it May Concern:

We are the owners and residents of 4654 Vibert Road in Saginaw, MN. This correspondence is to contest the proposed conditional use permit for the expansion of the existing general purpose burrow pit as an Extractive Use – Class II to include recycling of asphalt and concrete.

“Both asphalt and concrete consist of materials that require massive amounts of energy to drill and mine. The process of cultivating these raw materials results in massive environmental degradation, polluting the atmosphere and nearby streams while depleting energy resources.”<sup>1</sup> Air pollutants released by asphalt processing facilities “include particulate matter, carbon monoxide, sulfur dioxide, nitrogen dioxide, volatile organic compounds, asphalt (bitumen) fumes and hazardous air pollutants.”<sup>2</sup>

Exposure to asphalt fumes “can irritate the nose, throat and lungs causing coughing, wheezing and/or shortness of breath,”<sup>3a</sup> headaches, dizziness, nausea, and vomiting. Direct contact with asphalt and its particulates can irritate and “cause severe burns of the skin and may cause dermatitis and acne-like lesions.”<sup>3b</sup>

These are just some of the concerns relating to this issue. There are many families in this immediate area that rely on well water. We are concerned about the water table and the amount of water this business would need to consume but also the contamination this business may produce within the water supply. There is also a trout stream located in adjacent properties (275-0010-00090 and 275-0010-00035), allowing airborne chemicals to easily leach into the water table. Please take this into consideration.

Wright County was in the same position in 2019 and ultimately approved the Valley Paving plant.<sup>4</sup> After one season the business was relocated because the surrounding community continued to be affected by the increased traffic and associated noise and pollution. The business was relocated into an industrial-zoned area of Shakopee.

I am a disabled veteran. One of my issues is a chronic cough caused by serving in Afghanistan and being exposed to the burn pits. Concrete and asphalt air particles will only compound my condition. We recently purchased this property in June of 2022 with the hopes of living a quiet and secluded life. Since we’ve moved in, a portable bathroom business opened right next door and now we are facing an additional business that will produce noise and possibly contamination issues in this area, not to mention a possible threat to the water table. Additionally, how is this going to impact resale value of neighboring homes?

Works Cited:

<sup>1</sup>– “What’s More Sustainable: Asphalt or Concrete?” Published 12 May 2017, accessed 5 April 2024 - <https://www.aexcelcorp.com/blog/whats-more-sustainable-asphalt-or-concrete/>

<sup>2</sup> - New Hampshire Department of Environmental Services. "Hot Mix Asphalt Plants: Health Effects and Standards." Published January 2024, accessed 5 April 2024

– <https://www.des.nh.gov/sites/g/files/ehbemt341/files/documents/ard-45.pdf>

<sup>3</sup> – Opposition to the Valley Paving plant in Wright County submitted 13 June 2019, accessed 5 April 2024. <sup>3a</sup> Page 1 and <sup>3b</sup> Page 6 -

<https://www.co.wright.mn.us/AgendaCenter/ViewFile/Item/6844?fileID=14104>.

<sup>4</sup> - Minutes from the Wright Co. determination meeting of 18 July 2019 (pages 10-16), accessed 5 April 2024

- [https://www.co.wright.mn.us/AgendaCenter/ViewFile/Minutes/\\_07182019-1067](https://www.co.wright.mn.us/AgendaCenter/ViewFile/Minutes/_07182019-1067).

Chris and Jennifer Starr

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## Ada Tse

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**From:** Judy Prouty <henjud55@gmail.com>  
**Sent:** Friday, April 5, 2024 7:22 PM  
**To:** Ada Tse  
**Subject:** Permit for JMF Construction, Inc in the Saginaw area.

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We live very close to the area in the permit. Due to hazardous recycled materials being dumped on said property, we fear for the ground water contamination that could result. We have a dug well that runs perfect water at this point, but is not overly deep. Asphalt and concrete is much more toxic to ground water than anything they have been doing to date. We hope the permit will not be issued to JMF Construction, Inc.

Henry and Judy Prouty  
4665 Vibert Rd, Saginaw, MN 55779

## Ada Tse

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**From:** jfwilleck@aol.com  
**Sent:** Monday, April 8, 2024 1:24 AM  
**To:** Ada Tse  
**Cc:** Donald Rigney  
**Subject:** April 11th planning commission meeting - JMF Construction, Inc.

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I am writing in regards to the new business agenda item for April 11th, the expansion of a borrow pit that includes recycling of asphalt and concrete by JMF Construction, Inc.

I am a joint owner of property near the existing borrow pit. I am opposed to any expansion of activity on this site.

My concerns include the following:

- Noise pollution that negatively impacts homeowners.
- Air pollution that may occur with recycling activity.
- Potential issues with water pollution to existing natural springs and nearby bogs/marshes that could negatively impact drinking water and wildlife.
- Dangerous highway conditions. There is not a turn lane to the existing borrow pit entrance. Also, traveling west to east the entrance is just past a significant hill. Vehicles coming over the top of that hill could face large construction vehicles stopped waiting to turn into the borrow pit. This has the potential to be a very dangerous situation.
- Reduction in home/property values. Recycling activity with expanded traffic into and out of the area would likely lead to a reduction in home and property values.

I appreciate the opportunity to express my opposition to this proposal.

Jamie Willeck  
7206 Highway 2  
Saginaw, MN 55779

(612)619-5926

## Ada Tse

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**From:** Matt Kohne <mjkohne@gmail.com>  
**Sent:** Friday, April 5, 2024 6:11 PM  
**To:** Ada Tse  
**Subject:** JMF Contruction, Inc application at 7211 HWY 2, Saginaw, MN, 55779

**Follow Up Flag:** Follow up  
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To whom it may concern,

I write this email in response to a letter I have received about an application placed by JMF Construction, Inc. for the property at 7211 HWY 2, Saginaw, MN, 55779. My family and I live across the road from the gravel pit in question. We strongly oppose the use of this property by the JMF company for an expansion of the existing general purpose borrow pit and as a recycling site for asphalt and concrete. The process of recycling asphalt and concrete is a great concern for my family. It will use water that we cannot spare from the water table seeing as we already have a low water table level. It will also produce extreme levels of noise and dust that are not healthy or endusive of raising a family with young children. The pit being there has never been a problem and we knew about it being there before we purchased our home but to restructure the zoning to include these new things would make this area undesirable for living. I know for a fact that if the recycling center had been there when this house was on the market, we would not have purchased it. So it would stand to reason that if you were to approve the recycling plant to be put in there, it would not only hurt the health of the area but it would also harm the value of all the homes in the area. I have discussed this issue with my neighbors and not one person has been in favor of this being approved. I ask this with all my being, please deny the application put forth by JMF Construction, Inc at 7211 HWY 2, Saginaw, MN, 55779 for the expansion of the gravel pit. My family and I, in no way, shape, or form, support this application being approved in any manner. Please look out for all the families in the area that have chosen this beautiful area as our home and keep the area quiet and dust free and let us raise our children in the peace that the country life is supposed to offer.

Very respectfully,

Matt