

James and Cindy Westphall
362 Topping St. | St. Paul, MN 55117 | 651-235-0297 | 651-368-4997

Legislative Hearing Officer
310 City Hall
15 West Kellogg Blvd
St. Paul, MN 55102

RECEIVED
OCT 12 2015
CITY CLERK

Dear Legislative Hearing Officer,

We received your letter regarding a License (#20150002431) Application Notification for 363 Atwater St. We do have many concerns and objections regarding this property.

- The paint booth is over 30 years old, has not been properly maintained, and it is a health hazard. We didn't have an issue with it prior to the last ten years.
- There have been complaints made by us and neighbors for ten years regarding paint fumes coming from the paint booth exhaust hood and surrounding roof.
- We, and our neighbors, have contacted the police, the fire dept, Dave Berglund fire inspector, the North End Land Use Committee, and owners of 363 Atwater, asking them to condemn and replace the current paint booth and yet it is still in operation.
- In August we presented the North End Land Use Committee with 25 signatures of neighbors near 363 Atwater asking for the paint booth to be condemned. I have copies of those letters if you would like to see them. The Land Use Committee has the originals.
- We also presented the land use committee with one of several videos taken by us and neighbors showing clouds of paint drifting between houses surrounding the paint booth.
- The current shop owner and prior owners always guarantee they will abide by rules given, and yet consistently break license conditions.
- The current owner has admitted he cannot control his employees and refuses to solve the problem, only makes excuses for the employees ignoring the rules.
- After being emailed by the Land Use Committee, requesting painting to be halted until further investigation is done, 363 Atwater continued to paint daily.

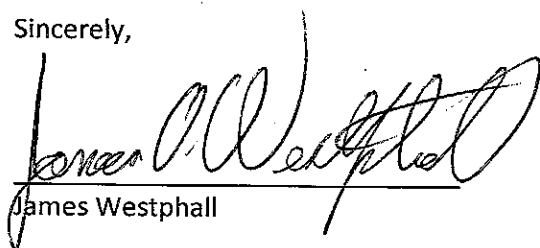
- Since the meeting with the Land Use Committee, the paint booth exterior ventilation has been modified, however there is still a heavy odor of paint in the air.
- By making modifications, did the paint booth lose it's UL listing? Is the paint booth safe to operate with these new modifications?
- This shop is currently not abiding by the recommended license conditions given to them in your notification.
 - a. #4. There are cars with parts missing, in the lot.
 - b. #9. There are currently cars parked longer than ten days inside the lot.
 - c. #13. Spray painting is still being done after 4:30pm on weekdays. On 10/02/15 and 10/05/15 employees were spray painting after 4:30pm. Dave Berglund (city fire code inspector) was called by us at 5pm, and another neighbor at 5:30pm, on 10/05/15, notifying him that there was a heavy paint smell in the air, coming from 363 Atwater,

There needs to be set hours of operation regarding repair work.

- This past summer employees worked in the shop until after midnight on weeknights and weekends, using air tools and making loud noises.
- There needs to be a contact/phone # available to residents after 4:30 that can be used to halt operation when this shop is not abiding by the licensing conditions and hours of operation.

We urge you not to grant a license for a body shop at this location. A repair shop is fine, but without installing a new paint booth you will be enabling 363 Atwater to continue to be a health hazard to all the residents surrounding this shop.

Sincerely,


James Westphall


Cindy Westphall