

04-20-20  
#69005



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

RECEIVED

APR 23 2020

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number \_\_\_\_\_)
  - Copy of the City-issued orders/letter being appealed
  - Attachments you may wish to include
  - This appeal form completed
  - Walk-In OR  Mail-In
- for abatement orders only:  Email OR  Fax

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>April 28, 2020</u>
Time <u>1:30 p.m.</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u>

## Address Being Appealed:

Number & Street: 845 Phalen BLVD City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Richard Thorne Email: richard@nicros.com

Phone Numbers: Business 651-209-0610 Residence - Cell none

Signature: *Richard Thorne* Date: 4/20/20

Name of Owner (if other than Appellant): Nate Postma

Mailing Address if Not Appellant's: same as above

Phone Numbers: Business 651-778-1975 Residence - Cell 612-270-1893

## What Is Being Appealed and Why? *Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Comments:  
See attached two page letter to, "Legislative Hearing Officer". Other attachments include copy of; letter from landlord, Fire Inspection Correction Notice & letter envelope. Thank you for your time.



CITY OF SAINT PAUL

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-8951  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

March 19, 2020

G C SEEGER SQUARE - ATTN: MATT COCHRAN  
500 GRANT ST SUITE 2000  
PITTSBURGH PA 15219-2502

## **FIRE INSPECTION CORRECTION NOTICE**

RE: 845 PHALEN BLVD  
Ref. #100274

Dear Property Representative:

Your building was inspected on March 13, 2020 for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A re-inspection will be made after May 13, 2020.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

**YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.**

### **DEFICIENCY LIST**

1. AT SPRAY BOOTH - RACKING AREAS - MSFC 901.6 - The sprinkler system does not appear to properly protect the hazard. Contact a fire sprinkler contractor to provide calculation and/or remedies to properly protect the hazard. Provide written documentation to this office. All sprinkler work must be done by a licensed contractor under permit. -REMOVE LATEX PAINT SPRAY BOOTH OR INSTALL FOR ADEQUATE SPRINKLER COVERAGE. ALSO SEVERAL RACKING AREAS HAVE STORAGE ON TOP SHELVES THAT BLOCK SPRINKLER FLOW COVERAGE UNDERNEATH STORAGE.

2. GLIMCHER STORAGE - NEC 440.13 - For cord-connected equipment such as: room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.-  
REFRIGERATOR/COOLERS

3. GLIMCHER STORAGE- BATHROOM - MSFC 901.6 - The sprinkler system does not appear to properly protect the hazard. Contact a fire sprinkler contractor to provide calculation and/or remedies to properly protect the hazard. Provide written documentation to this office. All sprinkler work must be done by a licensed contractor under permit.

4. NICROS PAINT BOOTH AREA - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.

5. NICROS SHOP EXIT - MSFC 1104.3, 1011.1 - Provide and maintain approved directional exit signs. -ARROW NEEDS TO BE COVERED, MISLEADING THAT THE EXIT IS TO THE LEFT.

6. NICROS WAREHOUSE DOORS INTO - MSFC 5003.5 - Provide NFPA 704 hazard identification HM-1. Blue = 2 Red = 4 Yellow = 1 White = See handout on DSI website at: [www.stpaul.gov/cofo](http://www.stpaul.gov/cofo) >Special Services. -EXTERIOR PLACARD IS CORRECT.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: [Diane.gavin@ci.stpaul.mn.us](mailto:Diane.gavin@ci.stpaul.mn.us) or call me at 651-266-8942 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Diane Gavin  
Fire Safety Inspector

Reference Number 100274



CITY OF SAINT PAUL

375 Jackson Street, Suite 220  
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-8951  
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MAR 23 2020

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An Equal Opportunity Employer

2.

3.

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Sincerely,

Diane Gavin  
Fire Safety Inspector

Reference Number 100274

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Legislative Hearing Officer

Nicros respectfully seeks to appeal a couple of items, or the details to the Deficiency list item 1 from "Fire Inspection Correction Notice" dated March 19, 2020 and written notification received April 6, 2020. Nicros has two separate issues, both contained within item 1, listed below as 1 and 2.

The first deficiency Nicros seeks to appeal states, "1. AT SPRAY BOOTH – RACKING AREAS – MSFC 901.6 – The sprinkler system does not appear to properly protect the hazard. Contact a fire sprinkler contractor to provide calculation and/or remedies to properly protect the hazard. Provide written documentation to this office. All sprinkler work must be done by a licensed contractor under permit. - REMOVE LATEX PAINT SPRAY BOOTH OR INSTALL FOR ADEQUATE SPRINKLER COVERAGE. ALSO SEVERAL RACKING AREAS HAVE STORAGE ON TOP SHELVES THAT BLOCK SPRINKLER FLOW COVERAGE UNDERNEATH STORAGE."

1. The "spray booth" is a light duty (ad hoc) area that uses Reinforced Fire-Retardant Poly Sheeting put in place at the request of St. Paul Fire Inspector / Fire Fighter Jonathan Gaulke around a pallet bay in 2017. The Poly Sheeting was only put in place to stop "Water based" overspray from drifting onto adjacent surfaces/walls and racking when spraying a non-flammable Latex paint. Spraying this latex material is done at infrequent intervals and is basically a "latex" paint. Something we believe should not require this level of scrutiny or even the use of the poly that was previously requested by Jonathan Gaulke. Further, the use of the "spray booth" is very infrequent and only occurs approximately four times annually. This spray area has been in place for some time now and throughout several intervening years, St. Paul annual inspections have found no fault with the use or safety of this situation as it was, except for when St. Paul Fire Safety Inspector Diane Gavin suddenly imposed a prohibitively expensive solution to a problem that does not have any historical precedence, as confirmed by Diane Gavin's predecessor(s). Modifying the building to add sprinkler heads to a latex process seems excessive and unnecessary. We will simply remove the poly as an alternative to expensive alterations to the building.
2. Deficiency list item 1 also states, "ALSO SEVERAL RACKING AREAS HAVE STORAGE ON TOP SHELVES THAT BLOCK SPRINKLER FLOW COVERAGE UNDERNEATH STORAGE." To the best of Nicros' knowledge this issue was not discussed with us during the inspection visitation. Nicros staff has no direction as to what specific storage is at issue and how to correct for such a vague description. This comment came up "after the fact" or after the inspection and was a surprise to us when it showed up in the report. Nicros' storage is well below the ceiling and sprinkler system threshold for compliance, as also observed by many inspectors for more than a decade of previous St. Paul Safety Inspections. The last part of item 1 seems inconsistent and provides no details or direction as to what areas need attention. Many of the items that are claimed to be "blocking" are in the same position they have been in for many previous inspections.

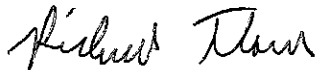
Please strike Deficiency item 1 from the list and allow Nicros to continue the responsible use of the "spray booth" with the fire-retardant poly without the addition of an expensive sprinkler system modification. We would like to maintain the poly in place in order to keep things cleaner, reduce the

overspray/mess. If not, please advise and we will remove the poly. Please also advise if we are not allowed to spray latex (nonflammable), water-based material onto plywood.

In addition, please strike the additional written topic at the end of item 1 (bullet point 2 above) as this has never been a violation for years and no direction/information was given. If this cannot be removed, then we will need more specific details on what areas are in violation. We assume we can store things on our pallet racking as we have many years.

We look forward to your response and are happy to comply with your department. This was simply a surprise for us as there is a significant history of these items being allowed for some time now.

Sincerely,



Richard Thorne  
Nicros Shop Manager  
General 651-778-1975  
Direct 651-209-0610  
845 Phalen Blvd.  
St. Paul, MN 55106

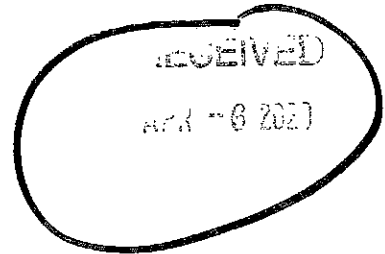
G.G. SEEGER SQUARE 1996 LIMITED PARTNERSHIP

Richard  
4-10-20

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

March 27, 2020

MR. NATE POSTMA  
C/O NICROS  
845 PHALEN BLVD.  
ST. PAUL, MN 55106



RE: FIRE INSPECTION CORRECTION NOTICE – Ref #100274

Dear Tenant:

Enclosed for your use and action is a Fire Inspection Correction Notice from the City of Saint Paul. **Your location is scheduled for reinspection some time after May 13, 2020.** While we have not heard otherwise from the City of Saint Paul, this date may be subject to change due to the recent coronavirus events.

Please work directly with Diane Gavin, Fire Safety Inspector, to resolve the deficiency items and to ensure that all work meets the City requirements. Failure to correct these deficiencies may result in the revocation of the Fire Certificate of Occupancy.

Thank you for your attention to this matter.

Sincerely,

*Jerry Crites*

Jerry Crites CSM  
Vice President Property Management

Enclosure

MANAGED BY GLIMCHER GROUP INCORPORATED  
BNY MELLON CENTER · 500 GRANT STREET · SUITE 2000  
PITTSBURGH, PENNSYLVANIA 15219

T 412.765.3333 · F 412.765.1903 · [www.GLIMCHERGROUP.com](http://www.GLIMCHERGROUP.com)

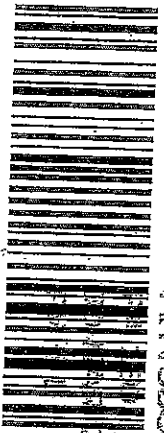


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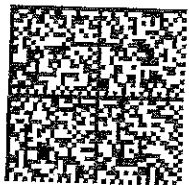


**CERTIFIED MAIL**

**GLIMCHER GROUP**  
BNY MELLON CENTER  
500 GRANT STREET SUITE 2000  
PITTSBURGH, PENNSYLVANIA 15219



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*Mr. Mark Postma*  
*c/o Mrs*  
*845 Charles Blvd*  
*St. Paul, MN 55106*

9505 105 333 145

