

LICENSE HEARING MINUTES
3MC Auto Repair LLC, dba 3MC Auto Repair, 881 Newcomb St
Monday, September 26, 10:00 AM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:00 AM

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI), YaYa Diatta, DSI Zoning Manager (remote participation)

Licensee: Miguel Agama, Applicant/Co-owner

License Application: Auto Repair Garage, and Auto Body Repair/Painting Shop licenses

Other(s) Present: Laura Bateman, property owner at 862, 879, 883, 882, and 892 Atlantic St. (remote participation)

Legislative Hearing Officer Nhia Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. The City received correspondence of concern/objection, which triggered this hearing.

The hearing will proceed as follows: DSI staff will explain their review of the application, and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that the City Council not issue this license but refer it to the city attorney's office to take an adverse action on the application, which could involve review by an administrative law judge.

Minutes:

Jeff Fischbach, Department of Safety and Inspections (DSI) gave a staff report for licensee 3MC Auto Repair LLC (License ID# 20220001315), d/b/a 3MC Auto Repair, located at 881 Newcomb St. The application is for Auto Repair Garage and Auto Body Repair/Painting Shop licenses. DSI is recommending approval with license conditions:

1. All vehicles must be parked according to the current approved site plan on file with the Department of Safety and Inspections (DSI). The total number of vehicles parked on the property

shall not exceed that shown on the plan. (Any changes to the site plan must be approved by the Zoning Administrator)

2. Customer vehicles and business vehicles shall not be parked or stored on the street or alley. This includes cars awaiting repair or which have been repaired and are awaiting pick-up by their owners.
3. There shall be no exterior storage of vehicle parts, tires, oil or any other similar materials associated with the business. Trash will be stored in a covered dumpster.
4. The license holder agrees to maintain the fencing, vehicle location and vehicle barriers in a manner consistent with the approved site plan.
5. Vehicle sales and/or the display of vehicles for sale is not permitted.
6. Vehicle salvage is not permitted.
7. No auto repair, auto body repair, or painting of vehicles may occur on the exterior of the lot or in the public right-of-way. All repair work must occur within an enclosed building.
8. Customer vehicles may not be parked longer than 10 days on the premises. It shall be the responsibility of the licensee to ensure that any vehicle not claimed by its owner is removed from the lot as permitted by law.
9. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward as stipulated on the approved site plan.
10. Licensee must comply with all federal, state, and local laws.
11. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste Regulations.

There has been no correspondence received from any neighborhood organization to recommend or object. Building conditions, N/A; License approved with conditions; and Zoning approved.

Ms. Vang asked Mr. Fischbach if the recommended conditions were the same as under the previous owner. Mr. Fischbach said they were similar to the conditions under the previous license holder.

Ms. Vang and Mr. Fischbach clarified details of the site plan. Ms. Vang asked if the 2007 site plan was still applicable, and Mr. Fischbach stated yes. Fischbach clarified that there are 23 parking spaces as well, including the handicapped parking space.

Ms. Vang asked if the lot was striped. Mr. Agama said it is and also shared that he and his wife also own the property across the street. Mr. Agama then showed pictures of the business, which were accepted and will be emailed following the hearing (added as attachments).

Ms. Vang reviewed the application that was submitted listing two co-owners: Mr. Miguel Castro Huinil and Mr. Miguel Agama Corriolo. She asked if Mr. Agama was also speaking on behalf of Mr. Huinil to which he answered in the affirmative. She asked if he had any questions about the 11 conditions being placed on their licenses. Mr. Agama said he does not have any questions other than to emphasize that vehicles of customers will not be parked so nothing needs to be changed from how it was managed previously. He agreed to the conditions being placed.

Ms. Bateman then joined the meeting remotely and asked about the other store Mr. Agama owned across from 881 Newcomb.

Ms. Vang acknowledged her participation but asked her to hold off on her questions until she opened up the hearing for public input.

Ms. Vang then asked Mr. Agama to explain his and his partner's experience.

Mr. Agama said he and his wife have owned the granite shop across the street for almost 10 years which is their specialty. They are now opening a mechanic shop.

Ms. Vang confirmed that the application is for a change in ownership and whether they were operating using the previous license holder's license and for how long they have been open.

Mr. Agama confirmed that they have been operating under the previous license for about a month.

Ms. Vang asked about staffing to which he responded that, so far, they have only one staffer in addition to the two of them.

Ms. Vang asked about hours of operation.

Mr. Agama stated that they are open Monday – Friday 8am – 5pm, Saturday 8am – 1pm, and closed Sunday.

Ms. Vang asked about waste disposal.

Mr. Agama stated that they place everything in separately labelled barrels and containers. They get picked up when the barrels or containers are full, and they will use the same waste disposal company from the previous owner. They don't have a lot of work yet, so it is not picked up very often.

Ms. Vang asked about the painting booth and cleanup.

Mr. Agama stated that they haven't needed to use it yet, so no cleanup is necessary.

Ms. Vang asked about the interior, regarding office space and the space to fix cars.

Mr. Agama said that there is a waiting room, office, and two garage doors facing the enclosed parking lot. The garage doors are for staff use only. There are four reserved spaces for working on cars. There is another garage door for staff use only located in front of the shop.

Ms. Vang asked about signage and advertising.

Mr. Agama stated that they kept the same phone number as the previous owner and will likely be past customers of the previous owner. They do post some ads on Facebook which generate some business but does not intend to do any big advertisements or signage.

Ms. Vang encouraged Mr. Agama to talk to DSI before putting a sign up. Mr. Agama agreed.

Mr. Agama added that regarding advertising, they will model theirs after the previous license holder.

Ms. Vang asked if heavy machinery be used? Will there be noise concerns?

Mr. Agama stated that no heavy machinery will be use nor will there be machines that cause major noise. He believes the railroad is noisier.

Ms. Vang asked about lighting.

Mr. Agama said they do have lights outdoors but are located on the side of the building.

Ms. Vang asked about cameras, its placement and whether the Police Department was consulted.

Mr. Agama stated that there are 3 cameras outside place by the previous owner. He is unaware whether the police department was consulted about camera placement.

Mr. Fischbach confirmed that it was unknown if the police department was consulted about camera placement.

Mr. Vang asked about other businesses the co-owners manage and whether they own the building at 881 Newcomb.

Mr. Agama says he own a furniture store which is located nearby. He and his wife own the 3MC Furniture and now they will also own the mechanic shop with he and his partners bought the property . His wife will manage the granite shop across the street, his partner's wife will operate the furniture store to free up the mechanic shop for him and his partner. In total, he owns 3 businesses: the auto shop, granite shop, and furniture shop.

Ms. Vang next invited other attendees to testify.

Ms. Laura Bateman, property owner at 862, 879, 883, 882, and 892 Atlantic St.

Ms. Bateman introduced herself and stated that her tenants have experienced problems with another mechanic shop parking their cars on the street and taking up spots away from her renters. She has no issues with the proposed site plan or this business itself. The plan sounds good.

Mr. Agama was provided an opportunity to respond. He stated that those cars were not from their business, and that the cars were likely from a business across the railroad tracks.

Ms. Vang asked that Mr. Agama be mindful and encouraged him to monitor those vehicles and to let neighbors know that the cars do not belong to his customers. Mr. Agama agreed.

Ms. Vang asked about abandoned vehicle calls noted in the police incident report.

Mr. Agama again stated that those were cars from the other shop. He has no issues with those cars being towed.

Ms. Vang asked Mr. Fischbach if there was ever any adverse action taken against the previous license holder.

Mr. Fischbach stated that none was taken.

Ms. Vang asked about plans for handling overflow and vehicles in the winter.

Mr. Agama shared that they will hire friends to plow snow to keep the parking in their lot. They will get cars needing repairs by appointment to avoid the overflow of vehicles.

Ms. Vang stated that after reviewing the records and testimonies from all parties, she will recommend to the City Council that they approve the license with the following agreed-upon conditions:

1. All vehicles must be parked according to the current approved site plan on file with the Department of Safety and Inspections (DSI). The total number of vehicles parked on the property shall not exceed that shown on the plan. (Any changes to the site plan must be approved by the Zoning Administrator)
2. Customer vehicles and business vehicles shall not be parked or stored on the street or alley. This includes cars awaiting repair or which have been repaired and are awaiting pick-up by their owners.
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9. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward as stipulated on the approved site plan.
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11. Storage of vehicle fluids, batteries, etc. shall be in accordance with Ramsey County Hazardous Waste Regulations.

The hearing adjourned at 10:31 AM.

The Conditions Affidavit was signed and submitted on September 26, 2022