

LICENSE HEARING MINUTES
Rift Valley Transportation, 45 Empire Drive
Thursday, 4-29-2021, 2:00 p.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

In light of the COVID-19 health pandemic, a remote hearing was held by telephone or other electronic means. It was called to order at 2:03 p.m. A roll call was made to confirm attendees.

Staff Present: DSI Staff, Department of Safety and Inspections (DSI) – Ross Haddow, Farhan Omar

Licensee: Ebisso Uka, Applicant/Owner

License Application: Add an Auto Body Repair/Painting Shop License and allow the repair of vehicles owned by the general public for a business with an existing Auto Repair Garage license.

Others Present: Gene Gelgelu (in support) President and CEO at African Economic Development Solutions.

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 to take an adverse action on the application, which could involve review by an administrative law judge.

Department of Safety and Inspections (DSI) Staff - Ross Haddow gave a staff report for Rift Valley Transportation for their Auto Body Repair/Painting Shop License at 45 Empire Drive, Owner – Ebisso Uka.

Recommended licensing conditions – there are technically no additional licensing conditions, but I will go through the existing licensing conditions from the previous license. They are as follows:

1. Repair of vehicles on the site shall be limited to those vehicles used exclusively for or by the business.
2. All business, customer and/or employee vehicles must be parked in accordance with the approved site plan on file with the Department of Safety and Inspections (DSI) and the number of vehicles in the parking lot must not exceed the number of parking spaces shown on the site plan.
3. All parking spaces must be striped in accordance with the approved site plan on file with DSI and any site improvements such as fencing, landscaping, etc. must be maintained in accordance with the plan.
4. At no time shall company/business vehicles be parked in the driveway or in the public right-of-way (e.g., street, alley, boulevard, sidewalk, etc.).
5. There shall be no exterior storage. This includes no exterior storage of vehicle parts, tires, oil, or any other similar materials associated with the business. Storage of vehicle fluids, batteries, etc., shall be in accordance with the Ramsey County Hazardous Waste regulations.
6. The storage of vehicles for the purpose of salvaging parts is expressly forbidden. All vehicles parked outdoors must appear to be completely assembled with no major body parts missing. Vehicle salvage is not permitted.
7. Auto sales is not permitted.
8. Auto body repair and/or painting of vehicles or vehicle parts is not permitted.
9. Provide maneuvering space on the property to allow vehicles entering and exiting the site to proceed forward. Backing from the street or on to the street is prohibited.
10. Licensee must comply with all federal, state, and local laws.

For the renewal of this license, the Department of Safety and Inspections (DSI) is proposing to drop two conditions with the understanding that Mr. Uka wants to do repairs for the public. Item #1 which states repair of vehicles on the site shall be limited to those vehicles used exclusively for or by the business. Staff recommendation is to delete that to make that in compliance with the business of repairing vehicles for the general public. Staff also recommends deleting Item #8 auto body repair and/or painting of vehicles or vehicle parts is not permitted. Overall, staff recommends that Conditions #1 and #8 be removed from the existing conditions to comply with the uses that Mr. Uka intends to operate. Therefore, with no questions from the owner, DSI recommends approval with modifications to the existing licenses.

Ms. Vang asked zoning for a staff report of their review and to identify issues pertinent to the proposed use. Mr. Omar from zoning stated that the use is permitted for an auto body shop, and that the parking requirement has been met with the site plan that was submitted. Zoning is recommending approval.

Ms. Vang followed up on parking per the approved site plan on file as referenced for condition and inquired why it was not attached to the record, specifically when the site plan was approved

and by whom? She asked if there was an updated plan and how many parking spaces were deemed to meet the requirements for the use.

Mr. Omar said that the previous owner had 20 spaces, but the auto body shop requires 13 additional spaces to be added on for a total of 33 parking spaces. Now, parking is at 41 plus 1 for ADA parking for a total of 42 so parking more than meets the 33 required spaces.

Ms. Vang asked whether the 13 spaces were interior spaces to meet the parking requirements. Mr. Omar stated that they have exterior open parking spaces outside for 2 spaces for employees. Ms. Vang shared her screen for clarification, but Mr. Omar was on his phone and could not access the screen. She would like Mr. Omar to send her an updated site plan to show the date when it's been approved since the new plan meets all requirements. Mr. Omar said he would send it.

Ms. Vang asked Mr. Uka (the owner and manager) if he had any questions about the modifications of the conditions that were discussed. Mr. Uka stated that he is ok with the conditions and has no questions.

Ms. Vang asked Mr. Uka to talk about his past history, main principle use of business and how it will be managed.

Mr. Uka said he has been in the transportation business since 2005, mainly in the St. Paul area and will continue to provide service for St. Paul Public Schools. We had a building on Thomas Ave. 4-5 years ago to provide in-house auto service. This building will provide a bigger space. We wanted to provide more services (since COVID has been in effect) adding an additional business. We are adding auto repair and service to the school system and also to the public.

Ms. Vang stated that this would include the school district and the general public, correct? Mr. Uka replied "Yes" after approval.

Ms. Vang asked about hours of operation. Mr. Uka stated that it has been submitted to the city. Mr. Haddow will look it up and share the plan following the hearing. (Note: After the hearing, the plan was shared, and it states that the business is "open for the public at 8:30 am and close in the evening at 6:30 pm it later.")

Ms. Vang asked how many employees will be hired. Mr. Uka said we have 3 for auto repair. We have about 75 drivers for the public schools. When license is approved, he plans to add 3 more employees for a total of 6 employees to work in the shop.

Ms. Vang asked if those employees will be specialized in their work. Mr. Uka said that his current employees work on auto repair, but the new hires will have knowledge of auto painting and body work.

Ms. Vang asked how long he's been in this business. Mr. Uka stated since 2016.

Ms. Vang asked about past management practices, especially issues that affected his business since 2016. Mr. Uka said that he didn't have any problems in the other neighborhood that would affect how he managed the business.

Ms. Vang asked about storage and parts. Mr. Uka said that in the auto shop area, there are separate areas for auto parts from the office and floor area for repairs. There is no storage outside.

Ms. Vang asked about the status of the Fire Certificate of Occupancy. Mr. Uka said that the Fire Inspector did a walkthrough and requirements were met.

Ms. Vang asked about painting area of the shop and location of the booth(s) and whether they were enclosed. Mr. Uka stated that there were enclosed paint booths located next to the existing repair shop area that has two bays. There is a separate area next to the repair bays and paint booths that will be used only for in-house service (about 4 spaces). The remaining 7,100 square feet area of the space (about 20 spaces) next to the in-house area will be used for work for the general public. The entire work area an open space with no walls separating.

Ms. Vang asked what the 7 other parking stalls are for (by the flammable waste trap). Mr. Uka said it is parking for the public. The building is 3,400 square feet. Ventilation is good. There are 4 garage doors which can open. There is central air for the building so no garage doors or windows would be open in the summer; the windows are glass blocks. Also, noise would not be a problem, including lighting. All the interior lighting has been replaced with LED. Cameras are also installed for security.

Ms. Vang asked about signage and advertising. Mr. Uka said he will rely on word of mouth promotion rather than doing any advertising or putting up signage. Ms. Vang informed him that should he decide to put up advertising signage to consult with DSI staff.

Ms. Vang then asked about garbage pick-up and waste management. Mr. Uka said that he is working with Advanced Disposal for pick up twice a month which will be in located in an enclosed area behind the fence. The fence is about 6 feet high. Mr. Uka went on to indicate that all outside parking spaces are marked by striping. He also noted the two service doors, one on the west and one in the middle.

Ms. Vang asked Mr. Uka if he is leasing the space. Mr. Uka said that he is the property owner.

Ms. Vang asked about SAC fees determination. Mr. Uka didn't recall that he'd paid any SAC fees. Mr. Haddow said the SAC fees would have been determined when he moved in and what the previous use was, which was also storage. Since the use did not change, SAC determination remained the same. If the C of O deemed it differently, then a new review would be necessary.

Ms. Vang addressed Mr. Omar and confirmed that the parking requirement was met. Mr. Omar affirmed that the parking requirement was met.

Ms. Vang then asked whether Mr. Uka had spoken to his district council. Mr. Uka said he had not, but Gene Gelgelu stated that he had reached out to the district council. Ms. Vang encouraged Mr. Uka to do so in the future since the district council may be of assistance as his business evolves.

Ms. Vang withheld additional questions and opened the next phase of the hearing for public input. She would like to start with a testimony from the objector who had expressed interest in attending the virtual hearing but did not see him on the call. She said she will instead hear from Mr. Gene Gelgelu who submitted a letter of support and since he is on the hearing to first provide his testimony before reading the email of objection into the record. Mr. Uka will have an opportunity to respond to both the testimony and email.

Mr. Gene Gelgelu, speaking in support, introduced himself as the President and CEO at African Economic Development Solutions, a non-profit organization for African immigrants, which is located in St. Paul at 1821 University Ave. Suite #S145. He has worked with Mr. Uka since 2008 and have saw Mr. Uka's business experienced tremendous growth, his dedication and interest in creating good, local jobs. Mr. Gelgelu stated that small businesses are the backbone of society especially minority-owned businesses who are invested in the community. Despite COVID putting a strain on businesses, Mr. Uka was able to create over 200 jobs and provided those families with an income. Since in-person instruction were resumed for St. Paul Public Schools, Mr. Uka was able to restart his transportation business. Now that schools are resumed, Mr. Uka added 75 jobs to his business which is tremendous for St. Paul. Mr. Uka's business outgrew the space. Everyone is trying to find new revenue streams since COVID, and Mr. Uka has totally sustained his business especially opening the opportunity to open up his business to the public. He commends Mr. Uka for using his existing space, especially in creating so many new jobs, which helps with the tax base for the city. He definitely wants Mr. Uka to keep his business in St. Paul. The role of his nonprofit organization is to give people the support they need and when they do their job well, he wants them to build and grow their business. He hopes to assist Mr. Uka with a grand opening when COVID is resolved. He and his organization are in full support of Mr. Uka's work and will assist with any problems in the community that should arise, and we wish Mr. Uka much success.

Ms. Vang thanked Mr. Gelgelu for his testimony of support and asked if Mr. Uka would like to respond.

Mr. Uka thanked Mr. Gelgelu for his continued support since he has been in business in St. Paul for the past 17 years. He is also encouraged by Mr. Gelgelu's support.

Ms. Vang then read into the record a submitted email in opposition of the license application from Gerald Mellgren, jerry@spsworks.com, CEO of SPS Works & Nameplates. His concern relates to parking and leaving the cars parked on the street overnight as it would reduce the parking for normal daily parking. She noted that Mr. Mellgren was invited to attend the hearing but did not see him in the virtual hearing room. She asked Mr. Uka to respond to the concern raised.

Mr. Uka said that he will definitely not be leaving any cars parked on the street and no overnight parking. His business has enough parking for all of the School business as well as the public inside and outside, including spaces for winter parking. As spaces are needed, he and his staff will move cars and adjust as needed. Because this business is by appointment, if the business gets too busy, they will work to make sure that business will accommodate the numbers of allowable cars. He emphasized again that his business is by appointment and number of parked cars will be managed and controlled.

Ms. Vang confirmed with Mr. Uka that there will not be any parking on the street especially overnight in reference to Mr. Mellgren's objection.

Before closing the hearing, Ms. Vang asked Mr. Haddow to draft a new conditions affidavit for Mr. Uka to sign, noting modifications to the existing conditions to remove conditions #1 and #8 as they are no longer relevant. She will also need an updated site plan for the record and to understand the status of the Fire Certificate of Occupancy.

Mr. Haddow stated that he found the e-mail (and will forward after the hearing) from Fire Inspector Mitch Imbertson regarding their review of the Fire Certificate of Occupancy and noted that building was approved on April 19, 2021. The business has satisfied the requirements for the Fire C of O. The existing spray booth that was reviewed as part of the inspection was serviced and meets the requirements for the addition of auto body work. Mr. Haddow also stated that the SAC determination will not be needed at this time because there was no change of use. He also confirmed that the new affidavit without conditions #1 and #8 will be sent, a business plan will be emailed, and an updated site plan from Mr. Omar will also be emailed.

Ms. Vang stated that after reviewing the records and testimonies from all parties, she does not believe that new conditions are warranted at this time. Since there are still a couple outstanding information that she needs but should not affect her recommendation that is leaning towards approval of the license applications with the modifications to the existing license conditions. After receiving the necessary documentations, she will e-mail Mr. Uka to formally inform him of her recommendation.

The hearing adjourned at 3:02 p.m.

The Conditions Affidavit was signed and submitted on 5/3/2021.
The Fire Certificate of Occupancy was submitted on 5/3/2021.
The Business Operation Summary was submitted on 5/3/2021.
The Approved Site Plan was signed and submitted on 5/4/2021.