

LICENSE HEARING MINUTES
EPH Auto LLC, DBA EPH Auto, 670 Snelling Avenue N.
Thursday, February 15, 2018, 10:00 a.m.
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 10:00 a.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Licensee: Ephrem Haile, Applicant/Business Owner

License Application: Auto Repair License

Other(s) Present: Sirak Haile, Property Owner; Ermias Mekonnen, Business Advisor

Legislative Hearing Officer Nhia Vang gave the following information about the hearing: 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 a letter 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, Ms. Vang will develop a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda at the City Council meeting.

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. The City Council is the final authority on whether the license is approved or denied.

Ms. Vang confirmed that the applicant understood what would take place at the hearing. Mr. Mekonnen provided interpretation for Mr. Haile. Ms. Vang apologized and said she hadn't known Mr. Haile needed an interpreter. Mr. Mekonnen said Mr. Haile was fine with his help. Ms. Vang said she would have provided an interpreter if she'd known; she said her goal was to make sure the applicant really understood the conditions and what it meant to be in business. Mr. Mekonnen said he was present to help Mr. Haile go through the process.

Jeff Fischbach, Department of Safety and Inspections (DSI), gave a staff report. He said when the initial site plan was submitted there were three parking spaces in the southeast corner of the property fronting the alley. After doing a site inspection, zoning staff determined they could only have two spaces there, so the total parking spots was reduced from nine to eight. Mr. Fischbach said a new signed license condition affidavit would be needed. He read the revised conditions.

Mr. Fischbach said DSI did not receive anything from the district council, Building was not applicable Licensing and Zoning approved with conditions, and DSI was recommending approval with conditions.

Ms. Vang said referred to the three conditions suggested in the email received from neighbors and said the issue

of trash being kept inside until pick-up day would be covered under Condition 3. Mr. Fischbach said that was correct; he read from Condition 3 that trash should be stored in a covered dumpster or within the building as per the approved site plan.

Ms. Vang invited the applicant and his business partner to read and review the conditions. They reviewed the conditions and discussed them among themselves. Ms. Vang asked whether there were questions and whether it was understood that there would be only eight parking spaces. She confirmed that they understood the conditions and the consequences of not complying.

Ms. Vang referred to the site plan and said the work would need to be done by June 1. She asked whether the business was operating yet; they responded that it was not. Ms. Vang asked whether the lot was paved. Mr. Mekonnen said it was paved but there were cracks. Ms. Vang said they couldn't open until it was striped. Mr. Fischbach said that was not correct; he said they had to park per the site plan, but had until June 1 to stripe the lot.

Ms. Vang asked the applicant and his associates to introduce themselves and to provide information about the business. Mr. Mekonnen clarified that he was assisting Mr. Haile in setting up the business but would not be involved in the day-to-day operations.

Mr. Mekonnen said Mr. Haile had been in business in Minneapolis and St. Paul since 2004 and was not new to this kind of requirements. He said the St. Paul location was no longer there. In response to a question from Ms. Vang, Mr. Haile said he had had no problems or violation at his prior locations. Ms. Vang asked how he would manage both locations. Mr. Haile said he would close the location in Minneapolis when the new one opened; he said it was too small. Ms. Vang asked about employees. Mr. Haile said he would not have employees to start with. Ms. Vang asked about employees at the kind of business he had in Minneapolis. Mr. Haile said the Minneapolis location was both a dealer and auto repairing. He said his client was mostly his landlord, who was a dealer and had two locations. Ms. Vang confirmed that the new location was just being used for auto repair. Ms. Vang asked about business hours. Mr. Haile said he would be open Monday through Friday, 9:00 a.m. to 6:00 p.m.; Saturday 9:00 a.m. to 2:00 p.m. or 3:00 p.m.; and closed on Sunday. In response to questions from Ms. Vang, Mr. Haile said trash was picked up once a week and he didn't have special lighting outside. He said windows and doors would be open in the summer but the garage door would be kept mostly closed.

Ms. Vang asked Mr. Haile whether he had received a copy of the letter from neighbors and had had a chance to review it. She asked if he had any comments. Mr. Mekonnen said they had reviewed it, and most of it was covered by the City ordinances already and they didn't see a reason to add anything. Ms. Vang reviewed the letter and read the requested conditions. Ms. Vang said she hoped they would maintain the property and pick up trash around the exterior. She asked if they had a tow truck or contracted with a company. Mr. Mekonnen said customers would have their cars towed in. Ms. Vang said they should do their best to make sure the make sure the tow truck didn't block cars or neighbors. Ms. Vang said the letter raised concerns about noise pollution; she asked Mr. Fischbach whether they ever added conditions to address noise at auto repair garages. Mr. Fischbach said there were no conditions addressing decibel levels but were conditions that doors should be closed. Mr. Mekonnen said that was what they already planned to do. Mr. Fischbach gave a copy of the noise ordinance to Mr. Haile. Mr. Fischbach said the noise ordinance would be covered under condition 12 requiring compliance to compliance with all federal, state, and local laws.

Ms. Vang said she had looked at the STAMP and police incident report. She said the business hadn't been active in a while and there had been no calls for police service. She said the only complaints were graffiti and snow, and she encouraged Mr. Haile and Mr. Mekonnen to stay on top of those requirements. Mr. Mekonnen said those were from the former owners, and graffiti was more likely to happen when the building was vacant. Ms. Vang said graffiti had to be removed within specified time, or they could get a waiver from the City to avoid citations. She encouraged them to remove graffiti as soon as possible or there would be complaints from

neighbors.

Ms. Vang said she had no other questions and stated that based on Mr. Haile's testimony and experience with operating a similar business with no problems, she would recommend approval with the conditions as agreed upon.

Mr. Fischbach provided an updated conditions affidavit for the applicant's signature.

Mr. Mekonnen said they were paying rent on the building and would like to open soon. Ms. Vang said she and her staff would try their best to move forward her recommendation. Mr. Fischbach said they should contact him if they hadn't heard anything in three weeks.

The hearing was adjourned at 10:24 a.m.