

## Moermond, Marcia (CI-StPaul)

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**From:** Fischbach, Jeffrey (CI-StPaul)  
**Sent:** Friday, May 22, 2015 4:36 PM  
**To:** Moermond, Marcia (CI-StPaul)  
**Cc:** Schweinler, Kristina (CI-StPaul); Niziolek, Dan (CI-StPaul); Neis, Adrian (CI-StPaul); Owens, Phil (CI-StPaul); Wiese, Angie (CI-StPaul); Imbertson, Mitchell (CI-StPaul); Zangs, Larry (CI-StPaul); Lane, Wendy (CI-StPaul); Tilley, Corinne (CI-StPaul); Karls, Geoffrey (CI-StPaul)  
**Subject:** RE: 2554 Como Ave - Maypop Sales and Service - Review

Marcia,

Results of review with CA in **red**

Activity	Licensing Issue / My Interpretation
" Maypop also buys tires from junked cars that are going to the scrapyard, Metro Metals, which is located a few blocks away. Often, a tow truck stops at Maypop to sell the tires. Maypop removes the tires from the junked car on site and installs "donuts" or cheap spares on the vehicle so that it can be transported to the scrap yard a few blocks away."	This would be a motor vehicle salvaging type operation. Zoning would not permit a motor vehicle salvage operation in an I1 zoning district (which is the zoning designation for this property).  <b>Correct interpretation - Cannot do this hear.</b>
"Occasionally, Maypop installs tires on its own vehicles and vehicles owned by friends and family with its on-site installation equipment."	The activity as described would be considered an auto repair business. An <b>Auto Repair Garage license</b> would be required for this activity. They don't state where on the property the repair is taking place. Repair could not take place outdoors, and could only take place indoors in an approved facility meeting applicable code discipline requirements (e.g., building, fire, ventilation, etc.).  <b>Correct interpretation – Would need a license and repair must take place indoors. Consistent with how other tire installation facilities in the City. Required with they do one vehicle, multiple vehicles, or if they do/do not charge for the installation. License could only be issued for an approved building compliant with applicable code discipline requirements.</b>
"If a customer purchases tires for its car, they come to Maypop and purchase the tires. The tires are loaded into the customer's car and are installed off-site at their local service station."	I thought the issue they had with needing the <b>Second Hand Dealer - Motor Vehicle Parts license</b> was they were only a wholesale operation. This would be retail directly to the customer. It would appear there is no longer a question of a need for this license type.  <b>Second Hand Dealer – Motor Vehicle Parts license required whether sale of tires is</b>

	<p><b>wholesale or retail directly to the public. This license type can cover the sorting (i.e., processing of recyclable material (e.g., tires) if tires are the only recyclable item processed).</b></p>
<p>"When the van or truck arrives at the Como Avenue warehouse, it pulls up to the loading dock and the tires are unloaded and moved into the warehouse and stacked. If they are not good tires, they are stacked inside near the front door for recycling. The bad tires are either brought to Fred's Tires for recycling or First State Tire picks them up within one to two weeks. The bad tires constitute approximately 5% of the inventory and the only reason that they come to the warehouse is because they are part of the bulk sale. The good tires are then marked by size and placed in the proper row according to tire size to wait for an order. Some tires are sold and moved within a day while others stay for several months depending on the demand."</p>	<p>They did describe this type of operation. I told them it sounded similar to a recycling processing center type operation, and that a separate <b>Recycling Processing Center license</b> would be needed for this type of operation. However, it would need to be discussed with the CA in further detail after they provided a detailed description of their operations.</p> <p><b>See above.</b></p>



**Jeff Fischbach**

**DSI Inspector III - Licensing**

Department of Safety and Inspections (DSI)

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**P:** 651-266-9106

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jeffrey.fischbach@ci.stpaul.mn.us



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**From:** Fischbach, Jeffrey (CI-StPaul)

**Sent:** Monday, May 18, 2015 2:23 PM

**To:** Moermond, Marcia (CI-StPaul)

**Cc:** Schweinler, Kristina (CI-StPaul); Niziolek, Dan (CI-StPaul); Karls, Geoffrey (CI-StPaul); Neis, Adrian (CI-StPaul); Owens, Phil (CI-StPaul); Wiese, Angie (CI-StPaul); Imbertson, Mitchell (CI-StPaul); Zangs, Larry (CI-StPaul); Lane, Wendy (CI-StPaul); Tilley, Corinne (CI-StPaul)

**Subject:** RE: 2554 Como Ave - Maypop Sales and Service - Review

With the site and floor plan provided



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**From:** Fischbach, Jeffrey (CI-StPaul)  
**Sent:** Monday, May 18, 2015 2:22 PM  
**To:** Moermond, Marcia (CI-StPaul)  
**Cc:** Schweinler, Kristina (CI-StPaul); Niziolek, Dan (CI-StPaul); Karls, Geoffrey (CI-StPaul); Neis, Adrian (CI-StPaul); Owens, Phil (CI-StPaul); Wiese, Angie (CI-StPaul); Imbertson, Mitchell (CI-StPaul); Zangs, Larry (CI-StPaul); Lane, Wendy (CI-StPaul); Tilley, Corinne (CI-StPaul)  
**Subject:** 2554 Como Ave - Maypop Sales and Service - Review

Marcia,

I just looked at the attached business plan that I received today (since I was out of the office on Thursday and Friday of last week). Due to the fact that this plan contains several activities which were not mentioned during my discussion with them in DSI offices on 4/23/2015 (some I specifically asked about and I recall them stating the opposite of what is mentioned in the attached business plan), I believe this will need to be discussed with the DSI Licensing Division CA, and not involve a simple review of this email.

I will attempt to contact the DSI Licensing CA, but may not have a final answer until later in the afternoon tomorrow (after our regularly scheduled CA meeting, which would be after your hearing time).

Based on the plan submitted, this is no longer simply a question of do they need a Second Hand Dealer – Motor Vehicle Parts license for the sale of used tires because of reasons including the following:

Activity	Licensing Issue / My Interpretation
" Maypop also buys tires from junked cars that are going to the scrapyard, Metro Metals, which is located a few blocks away. Often, a tow truck stops at Maypop to sell the tires. Maypop removes the tires from the junked car on site and installs "donuts" or cheap spares on the vehicle so that it can be transported to the scrap yard a few blocks away."	This would be a motor vehicle salvaging type operation. Zoning would not permit a motor vehicle salvage operation in an I1 zoning district (which is the zoning designation for this property).
"Occasionally, Maypop installs tires on its own vehicles and vehicles owned by friends and family with its on-site installation equipment."	The activity as described would be considered an auto repair business. An <b>Auto Repair Garage license</b> would be required for this activity. They don't state where on the property the repair is taking place. Repair could not take place outdoors, and could only take place indoors in an approved facility meeting applicable code discipline requirements (e.g., building, fire, ventilation, etc.).
"If a customer purchases tires for its car, they come to Maypop and purchase the tires. The tires are loaded into the customer's car and are installed off-site at their local service station."	I thought the issue they had with needing the <b>Second Hand Dealer - Motor Vehicle Parts license</b> was they were only a wholesale operation. This would be retail directly to the customer. It would appear there is no longer a question of a need for this license type.
"When the van or truck arrives at the Como Avenue warehouse, it pulls up to the loading dock and the tires are unloaded and moved into the warehouse and stacked. If they are not good tires, they are stacked inside near the front door for	They did describe this type of operation. I told them it sounded similar to a recycling processing center type operation, and that a separate <b>Recycling Processing Center license</b> would be needed for this type of operation. However, it

recycling. The bad tires are either brought to Fred's Tires for recycling or First State Tire picks them up within one to two weeks. The bad tires constitute approximately 5% of the inventory and the only reason that they come to the warehouse is because they are part of the bulk sale. The good tires are then marked by size and placed in the proper row according to tire size to wait for an order. Some tires are sold and moved within a day while others stay for several months depending on the demand."

would need to be discussed with the CA in further detail after they provided a detailed description of their operations.

I have copied the DSI Licensing Division CA, Geoff Karls, on this email in case you would prefer to speak with him directly on this matter.

Of course, this should go without saying and I'm sure you're aware of it but I'll add it in an abundance of caution regarding this matter, there may be building and/or fire code issues with their described method of operation.

It's a shame they didn't get this to me much earlier to provide a little more lead time for a proper review with the CA.

**Did you need me to attend the hearing?**



**Jeff Fischbach**

**DSI Inspector III - Licensing**

Department of Safety and Inspections (DSI)

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**From:** Roseanne Hope [<mailto:roseanne@hopelawoffice.com>]

**Sent:** Wednesday, May 13, 2015 4:12 PM

**To:** Fischbach, Jeffrey (CI-StPaul); \*CI-StPaul\_LegislativeHearings

**Cc:** [bender\\_ahc@live.com](mailto:bender_ahc@live.com); Tara

**Subject:** Maypop Sales and Service

Dear Jeffrey, Marcia and Mai

In follow up to the legislative hearing on May 5, 2015, attached please find the Business Plan for Maypop Sales and Service and the Class N License Application including the site plan and related documents. After the hearing, Tara Schweiger and I met with Jeffrey Fischbach and delivered to him all of the application requirements except the Application, Fee, Business Plan and Site Plan. As Officer Moermond required, please send this Business Plan to the City Attorney to determine what license is required, if any, for the wholesale sale of used tire business. We did not officially file an application with Mr. Fischbach as we need to determine which license application is required, if any. As you know, the review process will take 1-2 weeks and then there is a 30 day notice period once we have filed the complete application. We are committed to working with the city to get this completed as quickly as possible. Please let us know if you have any comments.

Thank you,  
Roseanne Hope

Attorney for Mapop Sales and Service



Roseanne Hope  
Hope Law PLLC  
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612-669-7017  
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